



# KITSAP COUNTY SHORELINE MASTER PROGRAM

PERIODIC REVIEW 2020-2021



## **Planning Commission Briefing**

January 19, 2021 | 5:30 – 6:30 PM

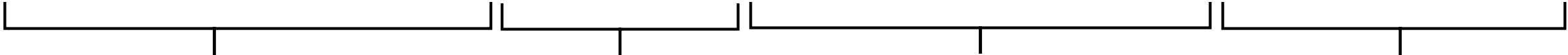
Zoom Webinar

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 21** – January monthly project update
- **January 25** – Kitsap County Board of Commissioners briefing

# 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

# Consistency Analysis Report

- Ecology Checklist (*External consistency*)
- Critical Areas Ordinance, Comprehensive Plan and Development Regulations (*Internal consistency*)
- Other Issues for Considerations (*Discretionary to improve clarity, functionality, and reduce burden on applicants and reviewers*)

## Scoping Matrix

### Kitsap County Shoreline Master Program Consistency Analysis Report

Prepared on behalf of:



Kitsap County Department of Community Development  
619 Division St. MS-36  
Port Orchard, WA 98366

Prepared by:



750 Sixth Street South  
Kirkland . WA 98033  
p 425.822.5242  
f 425.827.8136  
watershedco.com

November 25, 2020

The Watershed Company Reference Number:  
190347

#	Topic	Action	Originator
3	Consistency with DOE Wetland Guidance	<ul style="list-style-type: none"> <li>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.</li> </ul>	State
4	Definitions	<ul style="list-style-type: none"> <li>Clarify 'View Blockage' and 'Building Line' definitions in Section 22.150</li> </ul>	DCD
6	Existing Development	<ul style="list-style-type: none"> <li>Increase the timeline to rebuild development after accidental destruction or damage from six-months to twelve-months for reasonable timing for permit preparation.</li> </ul>	DCD
7	Vegetation Conservation Buffers	<ul style="list-style-type: none"> <li>Apply buffer reduction review criteria consistently across all designations</li> <li>Establish beach trams as a use in shoreline buffers and draft development regulations consistent with 'no net loss'.</li> <li>Establish standards for stair platforms and deck landings in geologically hazardous areas.</li> <li>Clarify which multi-use trail materials are pervious and those that are not.</li> <li>Clearly indicate that allowed uses <i>may</i> require a shoreline exemption.</li> <li>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.</li> </ul>	DCD

3	Consistency with DOE Wetland Guidance	<ul style="list-style-type: none"> <li>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.</li> </ul>	State
---	---------------------------------------	--	-------

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**

- |   |             |   |
|---|-------------|---|
| 4 | Definitions | <ul style="list-style-type: none"><li>• Clarify ‘View Blockage’ and ‘Building Line’ definitions in Section 22.150</li></ul> |
|---|-------------|---|

#### ~~22.150.100 Accessory structure – View blockage~~

~~As it relates to view blockage, buildings and other structures encompassing less than two hundred square feet and less than ten feet in height from grade level, and fences which are less than six feet in height from grade level.~~

#### **22.150.495 Principal building.**

That building on a lot closest to the ordinary high water mark excluding other accessory structures, including but not limited to, boathouses, converted boathouses, and accessory dwelling units (see Section 22.150.190).

#### **22.400.135 View Blockage**

~~(A) 5. Consideration of Existing Mitigating Circumstances. The shoreline structure setback line may be administratively waived where an elevation survey demonstrates that due to a difference in topography or a vegetation survey demonstrates that due to the presence of significant view blocking vegetation on or adjacent to the common border of the two parcels, the proposed principal building will not result in any view blockage to adjacent principal buildings. In such cases, the buffer and setback specified elsewhere in this program shall apply.~~

(A) 5. Setback line for Additions, Remodels or Rebuilds. Where there will be additions or rebuilt structures on a subject parcel with existing primary structures on adjacent parcel(s), the shoreline structure setback line(s) shall be based on the waterward-most building edge of the existing/previously existing primary structure(s) on the subject parcel and to that of the adjacent primary structure(s) or the buffer and setback specified elsewhere in this program, whichever is greater. If there are primary structures on each adjacent parcel, there will be two intersecting shoreline structure setback lines representing the existing view lines that must be maintained for the addition/rebuild.

4	Definitions	• Clarify ‘View Blockage’ and ‘Building Line’ definitions in Section 22.150
---	-------------	---

B. Accessory Structures. Accessory structures, for the purpose of this Section, include but may not be limited to accessory dwelling units, boat houses, sheds, decks, and fences. ~~as defined for the purposes of view blockage may be sited within the shoreline structure setback area; provided, that they do not substantially obstruct the view of adjacent principal buildings and comply with applicable buffer provisions.~~

1. Siting of Accessory Structures. Accessory structures, as noted above, may be sited within the shoreline structure setback area; provided, that they do not substantially obstruct the view of adjacent principal buildings and comply with applicable buffer provisions. Fences 6-feet or less, unenclosed decks 18-inches or less from average grade, and structures less than ten feet in height from grade level and under 200 square feet do not constitute view blockage but are still subject to the other provisions of this Program including vegetation conservation buffers. Water oriented-storage structures that meet the requirements in KCC 22.400.120(D)(1)(e) also do not constitute a view blockage.
2. Use of Accessory Structures in determining view line. Accessory structures, as noted above, shall not be used to determine a view line for a new or replacement structure on the same or adjacent parcels.



6	Existing Development	<ul style="list-style-type: none"><li>• Increase the timeline to rebuild development after accidental destruction or damage from six-months to twelve-months for reasonable timing for permit preparation.</li></ul>
---	----------------------	--

**22.400.100.B.1.d**

- d. In the event that a legally existing structure is damaged or destroyed by fire, explosion or other casualty, it may be reconstructed to configurations existing immediately prior to the time the structure was damaged or destroyed, provided the application is made for the necessary permits within ~~six~~ twelve months of the date the damage or destruction occurred consistent with Title 17 or as revised, and the restoration is completed within two years of permit issuance or the conclusion of any appeal on the permit.

7	Vegetation Conservation Buffers	<ul style="list-style-type: none"><li>Establish beach trams as a use in shoreline buffers and draft development regulations consistent with 'no net loss'.</li></ul>
---	---------------------------------	--

**22.150.625 Tram.**

A power-assisted shoreline access device or vehicle that runs on rails or overhead cables and includes a car or gondola or similar structure to move passengers and goods up and down a hillside. The access device may be supported by a series of towers or poles.

**22.400.120 (D)(1)(d)**

d. Trams . Trams are permitted, subject to the exemption provisions in Section 22.500.100(C)(3) and are considered accessory or appurtenances to the upland use. Trams utilizing towers require an SDP where exemption provisions are not met. They are prohibited in the Aquatic and Natural Shoreline Environment Designations. The following development standards apply:

i. Tram landings may not exceed 100-square feet each.

ii. The width of a clearing for a tram shall be a maximum of five feet on either sides of the tram, with a maximum corridor clearing of fifteen feet.

iii. The installation of a tram shall be limited only to geologically hazardous areas as defined in KCC 19.400 and subject to 'Special Studies' as outlined in KCC 22.700.120.

iv. Mitigation sequencing must be used to avoid, minimize, and compensate for any impacts; enhancement of shoreline buffer vegetation will be required. See KCC 22.700.140, Shoreline Mitigation Plan, for guidance on minimum submittal requirements.

7	Vegetation Conservation Buffers	<ul style="list-style-type: none"> <li>Establish standards for stair platforms and deck landings in geologically hazardous areas.</li> <li>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</li> </ul>
---	---------------------------------	---

#### **22.400.120(D)(1)(b)**

b. Decks and Viewing Platforms. Decks and viewing platforms may be permitted, but shall be limited to one hundred square feet in size, ~~unless demonstrated that a larger structure~~ in order to provide opportunities for small viewing decks or platforms that will not result in a net loss of shoreline ecological function. Applicants shall demonstrate no net loss by ~~through~~ submittal of a shoreline mitigation plan prepared by a qualified professional (Section 22.700.140). Viewing platforms shall not have roofs, except where otherwise permitted through the view blockage standards (Section 22.400.135). Creosote and pentachlorophenol should not be utilized in construction materials for decks, viewing platforms or boardwalks.

#### **22.400.120 (D)(1)(c)**

c. Beach Stairs. Beach stairs are permitted, subject to the exemption provisions in Section 22.500.100(C)(3). Beach stairs placed below the OHWM will normally require a shoreline exemption from Kitsap County, and a hydraulic project approval (HPA) from WDFW. Beach stairs with stair towers shall require an SDP where exemption provisions are not met.

i. Stair landings in the vegetation conservation buffer or below OHWM must be composed of grating or other materials that allows a minimum of 40 percent light to transmit through.

ii. Viewing platforms associated with beach stairs shall comply with Section 22.400.120.D.1.b.

Kitsap County  
Shoreline Master Program Periodic Review  
Scoping Matrix

# Timeframe for Public Hearing and Comment Period

Date	Activity
<b>February 2</b>	Release of draft code amendments and 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 with Kitsap County Planning Commission and Washington State Department of Ecology
<b>March 3</b>	Public comment period closes
March 16	Planning Commission Deliberation
April 6	Planning Commissioner Deliberation and Findings of Fact

# QUESTIONS

## Kitsap County Shoreline Master Program Periodic Review

Contact:

Kirvie Mesebeluu-Yobech, DCD Planner

[ReviewSMP@co.Kitsap.wa.us](mailto:ReviewSMP@co.Kitsap.wa.us)

360-337-5777