Kitsap County

Shoreline Master Program Update
SMP Taskforce
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SMA SHORELINE JURISDICTION and CRITICAL AREAS

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What are the Options?
Continued Discussion from 7/1/2010

RCW 98.58.030(2)(f)(i)

Any county or city may determine that portion of a one-hundred-year-flood plain to be included in its master program as long as such portion includes, as a minimum, the floodway and the adjacent land extending landward two hundred feet there from.

Kitsap County has 2 Streams Impacted by the Floodplain Option:

- Big Beef Creek
- Curley Creek
Floodplain Option - Locations where floodplain is outside of SMP 200 feet:

• Big Beef Optional 100 yr. Floodplain:
  • Impacts 1 property owner, University of Washington. Includes the structures currently part of the research station. No mapped Priority Habitats and Species.

• Curley Creek Optional 100 yr. Floodplain:
  • Impacts 4 property owners. No structures currently appear to be in the optional area. No mapped Priority Habitats and Species.
Floodplain Recommendation

Include in the Shoreline Jurisdiction, the 100-year floodplain area for consistency in floodplain protection for these 20cfs segments of Big Beef and Curley Creek.

Note: All other 20cfs streams have 100-year floodplains within the SMP jurisdiction.
What are the Options?
Continued Discussion from 7/1/2010

Shoreline Jurisdiction may be extended to include lands necessary for buffers for Critical Areas.

RCW 90.58.030 (2)(f)(ii)
Any city or county may also include in its master program land necessary for buffers for critical areas, as defined in chapter 36.70A RCW, that occur within shorelines of the state, provided that forest practices regulated under chapter 76.09 RCW, except conversions to nonforest land use, on lands subject to the provisions of this subsection (2)(f)(ii) are not subject to additional regulations under this chapter;
RECOMMENDATION:
For buffers of wetlands that are partially out of the 200 ft, include the out-lying wetland buffer for consistent regulation applying to the whole wetland system.
Today’s Meeting

- Discuss strategy for meeting CAO and SMP guideline requirements.
- **DCD** will provide a more detailed proposal requiring a future analysis where we will review:
  1) Consistency with Guidelines
  2) Recommendations from the Inventory and Characterization
  3) Concurrence with the Goals of the SMP Update
SMP and CAO

SMP Standards Differ From CAO standards

The SMP is based on a comprehensive assessment of:

- Shoreline ecological process and functions
- Existing shoreline development patterns (i.e. land cover/use)
- Future demand for SMP “preferred uses” and public access

The CAO is derived from the Growth Management Act to identify and protect critical areas.
SMP and CAO

Consistent provisions in the CAO can be integrated into the SMP.

For Example, there are Inconsistencies in:

• Reasonable Use provisions in CAO = Propose Shoreline Variance in SMP
• CAO Permits, Process, Appeals, Penalties & Enforcement – must be consistent with SMP
• Conflicting Definitions
The level of protection for critical areas is now

No Net Loss of Ecological Functions

• For Clarification: No net loss = mitigating anticipated impacts of future development allowed through the SMP.
SMP-CAO Integration

• Avoid vagueness

• Use criteria to limit applicability

• Provide for consistency and predictability

• Check for conflicts and inconsistencies

• Strive for a balance between clear, efficient language and legal language.
Critical Areas List:
- Wetlands
- Frequently Flooded Areas
- Aquifer Recharge Areas
- Geologically Hazardous Areas
- Fish and Wildlife Habitat Conservation Areas

CAO Integration:
*For critical areas which lie within the minimum shoreline jurisdiction, apply buffers and/or protective measures for the critical areas and to attain no net loss.*
Wetlands

Frequently Flooded Areas

Note: The CAO includes Building Limitations and Construction Requirements (Title 12 and 15) – No buffers
Geologically Hazardous Areas

**NOTE:** The CAO continues to apply to all geo-hazardous critical areas outside the 200 ‘shoreline zone.

Aquifer Recharge Areas

**NOTE:** There are no buffers applied to the Critical Recharge Areas. Refer to Table 19.600.620 for “Activities with a Potential Threat to Groundwater”.

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See image for visual representation of Geologically Hazardous Areas and Aquifer Recharge Areas.
Fish and Wildlife Habitat Conservation Areas:

Class 1 & 2 Wildlife Habitat Conservation Area

**NOTE:** The CAO requires a Habitat Management Plan

Saltwater, Streams, Lakes

**NOTE:** Review the Conservancy shoreline buffer currently at 50 ft. and modify definitions for critical saltwater habitat WAC 173-26-221(2)(iii).
What is Restoration?

Restoration means to restore or improve impacted natural functions within a landscape, which may include habitat improvement or mitigation for new development.

Restoration does not necessarily mean removing all human impacts.

Restoration, more broadly defined, may also refer to protection of natural functions.