PLEASE NOTE:

The buffer widths in this presentation were drafted for Task Force Work Group discussion purposes to clearly illustrate the proposed CONCEPT of a flexible buffer option.

While the County has not yet finalized a buffer proposal, draft buffer requirements will be available for public review and comment after further discussion with the Task Force and state agencies.
Kitsap County SMP Task Force Work Group: Buffers and Setbacks

August 30, 2011
Why Buffers?

• WAC 173-26-221(2)(a)(ii):
  [Regulations shall] provide a level of protection to critical areas within the shoreline area that is at least equal to that provided by the [CAO] regulations.

• ...(2)(c)(iii)(B):
  Master Programs shall include policies and regulations to protect critical saltwater habitats...[and] should address establishing adequate buffer zones around [fish and wildlife habitats] to separate incompatible uses from the habitat areas...
  Protect existing and restore degraded upland ecological functions important to critical saltwater habitats, including riparian vegetation...

• WAC 173-26-221 (5)(b):
  Current scientific evidence indicates that the length, width, and species composition of a shoreline vegetation community contribute substantively to the aquatic ecological functions....When shoreline vegetation is removed, the narrower the area of remaining vegetation, the greater risk that the functions will not be performed.
Why Buffers? (continued)

• WAC 173-26-221 (5)(b):
  The intent of vegetation conservation is to:
  o protect and restore the ecological functions and ecosystem-wide processes performed by vegetation along the shorelines
  o protect human safety and property,
  o increase the stability of [slopes],
  o reduce the need for [shoreline armoring],
  o improve the visual and aesthetic qualities of the shoreline,
  o protect plant and animal species and their habitats, and
  o enhance shoreline uses.

• Local governments may implement these objectives through a variety of measures....including...setback and buffer standards.
**Critical Areas Ordinance Integration**

The Kitsap County Critical Areas Ordinance has existing buffers and setbacks. We are required to integrate them into our SMP.

The critical areas within the 200’ jurisdiction that must integrated into the SMP include:

- Wetlands
- Frequently Flooded Areas
- Fish and Wildlife Habitat Conservation Areas
- Geologically Hazardous Areas
- Critical Aquifer Recharge Areas

We must be very clear in how we choose to integrate these elements and make sure there are no conflicts between the CAO and SMP.
The Approaches to Vegetation Conservation through Buffers and Setbacks:

#1 – Adopt Existing Critical Areas Regulations
Adopt by reference the existing buffers in the Critical Areas Ordinance (CAO), MINUS those provisions which do not apply to the Shoreline Management Act, such as certain exemptions, variances, reasonable use provision, and appeal provisions.

This approach would not be feasible without an analysis to determine whether the “most current, accurate, and complete” science still recommends such buffers and setbacks. (see Approach #2).
The Approaches to Vegetation Conservation through Buffers and Setbacks:

#2 Revisit Critical Area Regulations
Revise the buffers and setbacks to meet the science requirement before incorporating them into the SMP, while still adopting those relevant sections of the CAO.

It should be noted that this approach results in a “hard” buffer.
The Approaches to Vegetation Conservation through Buffers and Setbacks:

#3 Flexible Buffers

Adopt a more flexible approach while still meeting the no-net-loss and science requirements. This may look something like the following:

1) Each Designation would have a *minimum starting buffer* intended to protect the primary ecological functions while also recognizing the allowed uses for that particular designation.

<table>
<thead>
<tr>
<th></th>
<th>Minimum Starting Buffer</th>
<th>Minimum Reduced Buffer</th>
</tr>
</thead>
<tbody>
<tr>
<td>Natural</td>
<td>200'</td>
<td>100'</td>
</tr>
<tr>
<td>Rural Conservancy</td>
<td>150'</td>
<td>75'</td>
</tr>
<tr>
<td>Urban Conservancy</td>
<td>130'</td>
<td>65'</td>
</tr>
<tr>
<td>Shoreline Residential</td>
<td>100'</td>
<td>50'</td>
</tr>
<tr>
<td>High-Intensity</td>
<td>50’</td>
<td>35’</td>
</tr>
</tbody>
</table>

2) Buffer reductions could be proposed in 25’ increments, using designation or site-specific mitigation options, DOWN TO a *minimum reduced buffer*, ranging from 100’-35’.
#3 Continued: Additional Options

3) For lots that cannot comply with the minimum reduced buffer, a site-specific analysis, starting with the Inventory and Characterization, would be required and would be reviewed through the Conditional Use Permit process.

4) Other alternatives for shallow lots may include:
   • retaining a buffer that is a certain % of the lot depth, OR
   • limiting total site clearing to a maximum square footage with the structure set back, as far as is feasible, from the shoreline.

5) In order to accommodate water-oriented uses, such as beach stairs and boat launches, the area within the minimum specified buffer could have allowances for clearing of up to a certain % of the buffer area.

**Lakes and Streams**

1) The flexible buffer approach could also apply to lakes.

2) Streams subject to SMP jurisdiction (only those with 20 cubic feet per second of flow or greater) currently have a 200’ buffer. Buffer reductions could be considered similar to the above options.
Stepped Approach to Buffer Reductions and Redevelopment

Renton Example:
“Partial Compliance” Options for remodels and redevelopment

Proposed Example:
Same concept, but use same options for buffer reductions. For instance, in order for:

- Expansion of building footprint by up to 500 sq. ft. outside of the required setback, OR
- Expansion of impervious surface by up to 1000 sq.ft. outside of the required setback; OR
- A buffer reduction by up to 25’, or x% of the parcel depth, whichever is greater.

....a variety of mitigation or protection options would be available, including those from the Inventory and Characterization, Chapter 4.
Stepped Approach to Buffer Reductions and Redevelopment

Examples of mitigation options, in no particular order, may include:

• Small structure / perpendicular orientation to shoreline
• Vegetation Conservation Plan
  - Removal of Noxious weeds
  - Planting of location appropriate native vegetation
  - Monitoring and maintenance agreement
  - Conservation easement
• LID options
  - Stormwater retrofit projects: soil supplements, ground swales, rain-gardens
• Correct fish passage barriers on private driveways or roads
• Reduce existing impervious surfaces (decommission roads, walkways)
• Move/Restrict livestock access to waterways
• 1:1 replacement / repair
  - Replanting of previously cleared site
  - Dock repairs under new regulations / removal
  - Bulkhead removal / beach nourishment agreement, where appropriate
• In-Lieu fee (off-site mitigation)
Pioneer (N. Hood Canal): Rural Conservancy.
Under Approach #3, the Rural Conservancy buffer range is from 150’-75’.

- Parcel 1(red box)- shed is approximately 105’ away from OHWM.
- Parcel 2(blue box)- home is approximately 140’ away from OHWM.
- Parcel 3 (yellow box)- home is approximately 150’ away from OHMW.
West Dyes Inlet/Chico: Shoreline Residential.

Under Approach #3 buffer
Range for Shoreline Residential is from 100’-50’
(Current CAO is already at 100’, so this is actually more flexible).

• Parcel 1 (red box): At around 90’ with patio.

• Parcel 2 (blue box): At around 140’.

• Parcel 3 (yellow box): Just shy of 50’ from the OHWM. The decks, however, are around 30’ from the OHWM.
Carpenter Bay-Natural Designation.

- Structure located approximately 125’ from OHWM in the Natural Designation.

- This home is between the maximum and minimum buffer range, as proposed in Approach #3.

- Redevelopment requests with expansions over a certain threshold, would need to meet some of the options to provide for “no net loss”.
Vacant Lots - Infill or Undersized

Indianola – Miller Bay Spit: Shoreline Residential.
• Lot is 120’ deep
• Minimum starting buffer would be 100’ (landward line)
• Reduction allowed down to 50’ (center line).
• If this is not feasible (view blockage, health permits, etc.), buffer could be reduced through site-specific analysis and the CUP process.