Existing Shoreline Development
Proposal for Legally Established Uses, Structures and Lots

Terminology
Under the proposed Shoreline Master Program (SMP) update, with limited exceptions, legally established existing development within the 200-foot shoreline jurisdiction would be considered “conforming” with regard to setbacks and buffers. This means that if an existing home is closer to the shoreline than would be allowed under new standards, the home would be considered “conforming” so long as it was lawfully constructed.

The developments that may continue to be nonconforming are 1) over-water residences and 2) non-water-oriented commercial or industrial uses.

Nevertheless, all existing uses, conforming and non-conforming, may continue and be repaired and maintained, but changes would need to comply with new regulations.

Regulations
All existing uses, structures and lots would be allowed to continue. However, all proposed expansions or remodels would need to meet the standards of the updated SMP, including the “no net loss of existing shoreline ecological functions” standard. A flexible buffer approach is proposed to provide landowners with various options to meet the no net loss standard.

Existing Structures
- Existing structures, including over-water residences, may continue to be repaired and maintained. If a home is damaged, it may be replaced on the same footprint if permits are applied for within a specific timeframe (although over-water residences will have more restrictive requirements). Extensions may be granted if progress is being made toward project completion. Permit applications submitted after that time period would need to conform to current standards.

- Expansions may be permitted for existing structures, provided that mitigation standards are utilized to demonstrate no net loss of shoreline ecological functions.

- Existing appurtenances normal to single family residences that were legally established, such as garages and sheds, would also be considered conforming. The vegetative buffers of the SMP would NOT apply retroactively. This means that legally existing lawns or gardens would not be required to be removed. If expansion of an existing structure
would require mitigation, additional native plant installation may be an option to offset impacts.

**Existing Uses**

- Some existing uses may continue to occur in a Shoreline Designation that no longer allows for such use. If the existing use was lawfully established and is water-oriented, it may be considered “conforming” under this SMP.

- If a use is changed (for example, from Commercial to Residential), the new use must be consistent with the SMP for that designation, or at least be as compatible with other uses in the area as the pre-existing use.

- If a non water-oriented use is discontinued for a certain amount of time, the subsequent use will need to become, at a minimum, water-oriented. It should be noted that single-family residential development is considered a preferred shoreline use and may continue to the extent that it is consistent with local zoning.

**Existing Lots**

- An undeveloped lot, parcel or division which was lawfully established prior to this SMP would also be considered “conforming,” as long as development would be permitted under other land use regulations of the Kitsap County Code. Such development, including undersized or constrained lots, would still be required to meet the standards of this SMP.

*For more information on the SMP update, please visit*  
www.kitsapshoreline.org