

**August 30, 2011**  
**SMP Task Force Work Group**  
**Shoreline Buffers and Setbacks**  
**Meeting Summary**

Present: Dave Greetham, Kathlene Barnhart, Tom Nevins, Jennifer Forbes, Bob Benze, Jim Aho, Jessica Coyle, Dave Nelson, Alan Banks, Joe Burcar, Don Flora, Carl Shipley

The focus of our August 30, 2011 SMP Task Force Work Group meeting was shoreline buffers and building setbacks. We discussed the WAC guidelines for Vegetation Conservation [WAC 173-26-221(5)], and how those guidelines might translate into specific shoreline buffer standards in the updated SMP. We also had a discussion on the portions of Kitsap County's existing Critical Areas Ordinance that must be integrated into the Shoreline Master Program, including *Wetlands, Flood Hazard Areas, Fish and Wildlife Habitat Conservation Areas, Geologically Hazardous Areas, and Aquifer Recharge Areas*. We spent the majority of the meeting discussing a draft approach to vegetation conservation and shoreline buffers for each shoreline environment designation.

Current Shoreline Buffers:

Kitsap County's current shoreline buffers (Table 19.300.315 KCC) range from 50-100 feet for saltwater shorelines, and 200 feet for our seven stream segments that qualify as Shorelines of the State (those with 20 cubic feet per second or greater flow).

Draft Buffer Approach:

Several options to integrating shoreline buffer requirements into the SMP were discussed, generally as laid out in the agenda sent prior to the meeting. In general, the approaches can be summarized as:

1. A "hard" shoreline buffer similar to that currently in the CAO, but re-visited for consistency with the most "current, accurate and complete" scientific and technical information; or
2. A "flexible" shoreline buffer that would have a *starting* buffer and *minimum* buffer for each shoreline designation. The starting buffer would be most restrictive in the Natural designation and least restrictive in the High Intensity designation.

With specific mitigation options available to offset project impacts, the buffer could be reduced, generally in 25 foot increments. If the minimum buffer did not allow for a reasonable building footprint, a site-specific report could be submitted which would come up with a project-specific recommendation based on the existing ecological functions and opportunities available to demonstrate “no net loss” to such functions while still accommodating site development.

Key comments, questions, and discussion points raised:

- With regard to integrating the existing CAO language for *Wetlands, Flood Hazard Areas, Geologically Hazardous Areas, and Critical Aquifer Recharge Areas*, no major concerns were raised. Those sections were last updated during the 2005 CAO update process.
- Aquifer quality and quantity issues in various areas of Kitsap County were discussed. The CAO only regulates for water *quality* at this time. Most of our shoreline activities will not fall within the list of “activities with a potential threat to groundwater” (CAO Table 19.600.620 KCC).
- With regard to *shoreline buffers*, we discussed integrating the current CAO “hard” buffers into the updated SMP (option 1, above), but acknowledged that further review would be necessary due to various factors, including the fact that we have proposed replacing our current shoreline designations with the WAC recommended new designations, as discussed at our Task Force meetings. For example, the old *Conservancy, Rural* and *Semi-Rural* designations would generally be replaced with *Rural Conservancy* and *Shoreline Residential* under the new program. A review for consistency between the old and new designations, as well as “the most current, accurate and complete” science for each would be required.
- The majority of the discussion involved the “flexible” buffer approach, as described under option 2 above. Key elements of that discussion follow:
  - The SMP cannot have “Reasonable Use Exceptions” for difficult lots as currently exists in the CAO, but similar provisions can be developed for the SMP so long as “no net loss” can be demonstrated.
  - How do we determine when someone “cannot comply” with the minimum buffer, and therefore should go to the next step of conducting a site-specific analysis to determine the appropriate buffer? Should clarify what we mean by a reasonably sized footprint or reasonable clearing envelope to accommodate development on severely constrained lots.
  - Nexus and proportionality: how do you know if a building expansion is causing an impact? Need to show cause and effect before requiring mitigation.

- “In-lieu-fee” option: off-site mitigation options should be available when no feasible on-site option exists. Question: can in-lieu-fee cost be rolled into home loan for remodels or expansions?
- Should have site-specific analysis option available for all lots, not just for shallow or constrained lots. Ecology pointed out that there would be very little predictability for “no net loss”; site-by-site approach may not be supportable.
- Question: if west Gamble Bay is draft mapped as Rural Conservancy and not Natural due to recent subdivision activity, why are similar parcels on Hood Canal mapped as Natural? Review draft designation map for consistency.
- Some existing critical area chapters such as Geologically Hazardous Areas are reasonably straightforward with regard to the science and how they are written. Issues with regard to critical saltwater habitats and shoreline vegetation conservation are not as straightforward.
- Buffer averaging should be considered as a flexible on-site option.
- Constrained lot options: other jurisdictions have different approaches. Whatcom County proposed limiting total clearing envelope to 2500 square to accommodate development when minimum buffer cannot be met. Bremerton proposed retaining the first 20% of the lot adjacent to the shoreline in native vegetation, as a minimum buffer. Ecology reminded us that whatever system is proposed to accommodate constrained lots should be based on Kitsap County’s shoreline characteristics, and take no net loss into consideration.
- The comment was offered that some lots just shouldn’t be built on due to critical area constraints (“buyer beware”).
- Provision may be made to accommodate clearing water-dependent uses in the buffer, such as trails, boat launches, boat houses, etc. (Bainbridge example).
- Would such activities within the buffer require a permit? Just a review by staff? Or simply be assumed as part of the building permit approval process?
- Still not showing how SFRs are having an impact or why current buffers aren’t adequate. Cumulative impact review doesn’t work without knowing what the impacts are. Homeowners would be happy to work for things they understand; should provide links to applicable science.
- Buffer discussion options should be made available for property owners to review. County to post work group presentations on website; and work on how to best present applicable science behind buffers.