

**Kitsap County**

Shoreline Master Program Update

SMP Taskforce

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# **SMA SHORELINE JURISDICTION**

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# What are the “Shorelines of the State”

## **RCW 90.58.030 (c)**

*"Shorelines of the state" are the total of all "shorelines" and "shorelines of statewide significance" within the state;*



# What are “Shorelines” ?

RCW 90.58.030 (d)

*"Shorelines" means all of the water areas of the state, including reservoirs, and their associated shorelands, together with the lands underlying them; except*

- (i) shorelines of statewide significance;*
- (ii) shorelines on segments of streams upstream of a point where the mean annual flow is twenty cubic feet per second or less and the wetlands associated with such upstream segments; and*
- (iii) shorelines on lakes less than twenty acres in size and wetlands associated with such small lakes;*



# What are “Shorelines of Statewide Significance”?

The Act also states that *"the interests of all the people shall be paramount in the management of shorelines of statewide significance."* (RCW 90.58.020)

**For Kitsap County those include** (RCW.58.030(e)) :

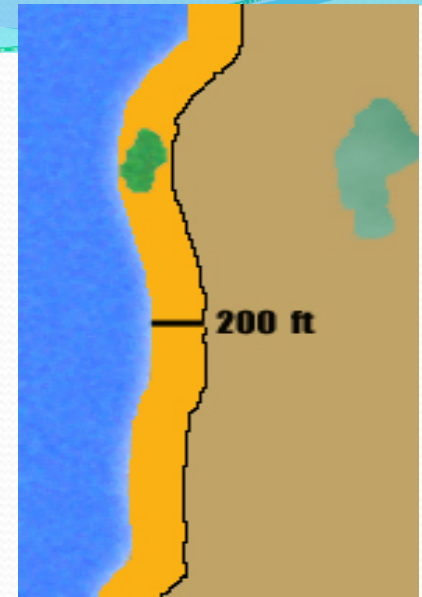
- Hood Canal, from Tala Point to Foulweather Bluff
- Those areas of Puget Sound...and adjacent salt waters...lying seaward from the line of extreme low tide (-4.5)



# What is "Shoreland" ?

RCW.58.030 (f)

- *"Shorelands" or "shoreland areas" means those lands extending landward for two hundred feet in all directions as measured on a horizontal plane from the ordinary high water mark;*
- *floodways and contiguous floodplain areas landward two hundred feet from such floodways;*
- *and all wetlands and river deltas associated with the streams, lakes, and tidal waters which are subject to the provisions of this chapter; the same to be designated as to location by the department of ecology.*



# The Minimum Shoreline Jurisdictional Areas”

- All marine shorelines
- Lakes greater than 20 acres
- Stream segments with mean annual flow of 20 c.f.s. or greater
- Associated wetlands and river deltas
- Shorelands, typically lands 200’ from ordinary high water mark



# Existing vs. New Freshwater Kitsap Jurisdictional Areas

*(Bold font = new jurisdiction)*

## North Puget Sound

Buck Lake, ***Doe-Kag-Wats, Point No Point***

## Central Puget Sound

Island Lake, Wildcat Lake, Kitsap Lake, Chico Creek (***extended***),  
***Chico Creek Wetland***

## South Puget Sound

Blackjack Creek, Long Lake, Horseshoe Lake, Carney Lake, Wye  
Lake, Curley Creek (***extended***), ***Gorst Creek, Big Lake, Mace Lake,***  
***Square Lake, Upper Olalla Creek, Fern Lake, Rocky Wetland,***  
***Sunnyslope Wetland, Wicks Lake***



# Existing vs. New Freshwater Kitsap Jurisdictional Areas

*(Bold font = new jurisdiction)*

## North Hood Canal

Miller Lake, Foulweather Bluff Preserve, North Spit

## Central Hood Canal

Lake Wm. Symington, Lower Big Beef Creek (***extended***)

## South Hood Canal

Union River, Panther Lake, Tiger Lake, Mission Lake, Tahuya Lake, Morgan Marsh, Hintzville Marsh, ***Lider Lake, Mission River, Tahuya River, Tin Mine Lake, Dewatto Wetland, Coulter Creek***



# What are the Options?

## **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 therefrom.*

## **Kitsap County has 2 Floodplain Options:**

- Big Beef Creek
- Curley Creek



# What are the Options?

**QUESTION: Should the outer limits of these 100 year floodplains be added to the Shoreline Jurisdiction?**

## **Pros:**

- Possible added protection of the natural function of the shoreline in dynamic marine and freshwater systems.
- Possible added protection for human safety and health

## **Cons:**

- Added regulation: CAO covers floodplain area through the Frequently Flooded Area designation (KCC 19.500). These two specific floodplain areas would then be regulated under the SMA, all others under the CAO.



# What are the Critical Area Options?

Optional expanded SMA jurisdiction (to include buffer), regulated by SMP only. If Jurisdiction is not expanded to include buffer, then buffer remains regulated exclusively by CAO (no dual coverage)

Minimum SMP jurisdiction for:  
adjacent wetland ---  
other critical areas ---

Critical Area

Existing SMA jurisdiction  
(100 year floodplain)

200 ft

If SMP update does not opt to expand coverage, then dual SMP/CAO coverage results for both the critical area and the buffer.

Water



# What are the Options (continued)?

**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;*



# What are the Options (continued)?

**QUESTION:** Should the Shoreline Jurisdiction be extended to include lands necessary for buffers for Critical Areas.?

**Critical Area Buffer in SMP OPTION 1 – YES:** Extend shoreline jurisdiction to all critical areas that lay partly in and partly out of shoreline jurisdiction. The shoreline jurisdiction may be expanded to include the entire critical area and all lands necessary for buffers.

Example: Bluffs and buffers (min. 25') extending beyond the 200 ft. shoreline jurisdictions to include the entire bluff and its buffer area – All regulated under the SMP

## **Pros:**

- Simplify permitting process. CAO does not apply within the shoreline jurisdiction. The entire shoreline vicinity would be regulated under SMP. Provides regulatory adjustment for shoreline uses.

## **Cons:**

- Expanding regulated Shoreline area.



# What are the Options (continued)?

**Critical Area in SMP OPTION 2 –NO:** No extended shoreline jurisdiction to all critical areas that are partly within the shoreline jurisdiction. The CAO will then protect the entire critical area and its buffers (including the area within the shoreline jurisdiction). The SMP will also apply to the portion of the critical area and its buffers that lie within shoreline jurisdiction.

**Pros: ?**

**Cons:**

Critical area and some or all of its buffers will have dual coverage of regulation by both the SMP and the CAO. Overlapping regulations, lengthy and confusing permitting process.



# What are the Critical Areas and Buffers?

## Critical Areas are:

- Wetlands
- Critical Aquifer Recharge Areas
- Fish and Wildlife Conservation Areas (including streams, lakes, saltwater shorelines and wildlife habitat conservation areas)
- Frequently Flooded Areas
- Geologically Hazardous Areas

*(RCW 36.70A.030(5)) and KCC Title 19)*

## Buffers:

Are an area of non-clearing native vegetation with is intended to protect the functions and values of critical areas [KCC 19.150.170]

## Buffers are required to protect:

- Wetlands (30-200')
- Fish and Wildlife Habitat Conservation Areas (50-200')
- Geologically Hazardous Areas (primarily slopes over 30% in grade) (25'+)

