

# SHORELINE MASTER PROGRAM UPDATE *INTRODUCTION*

City Council  
June 9, 2021





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# PURPOSE OF THE SMA

Passed in 1971, the Shoreline Management Act (SMA), RCW 90.58, provides a statewide framework for managing, accessing and protecting shorelines. The overarching goal of the SMA is *“to prevent the inherent harm in an uncoordinated and piecemeal development of the state’s shorelines.”*

The SMA has three broad policies (RCW 90.58.020):

- Protect the environmental resources of state shorelines.
- Promote public access and enjoyment opportunities.
- Give priority to uses that require a shoreline location.

All SMP comprehensive updates and other SMP amendments must be consistent with these three basic policies.

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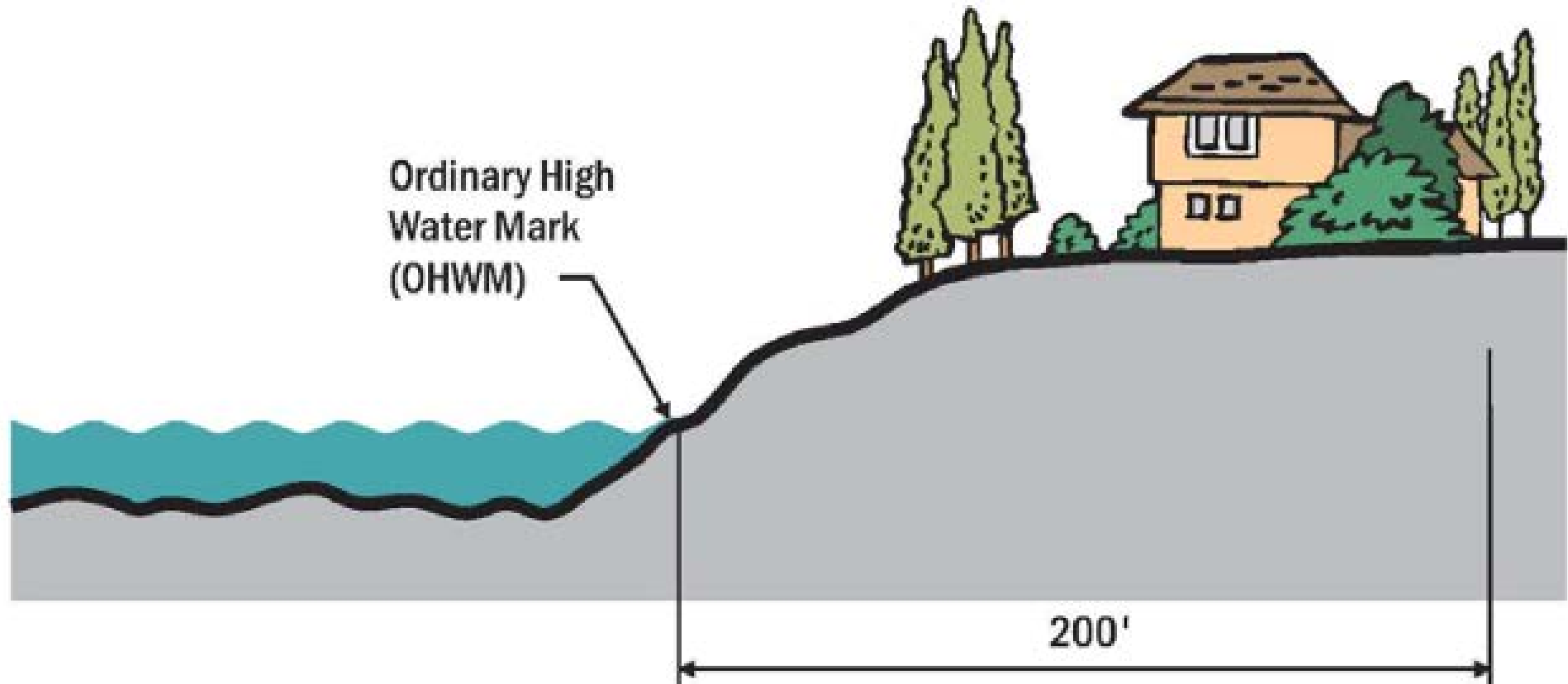
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# WHAT IS THE SMP?

- The Shoreline Master Program is a comprehensive shoreline land-use plan that includes policies and regulations for the use and development of the shoreline.
  - The SMP is both a planning and regulatory “document”, designed to carry out the policies of the Shoreline Management Act at the local level.
  - “Shorelines of the state” include Liberty Bay and the portion of Dogfish Creek from the mouth of Liberty Bay to the extent of saltwater influence.
  - The SMP was originally approved and adopted in 1976 and underwent a comprehensive update and overhaul in 2012.
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# SHORELINE JURISDICTION



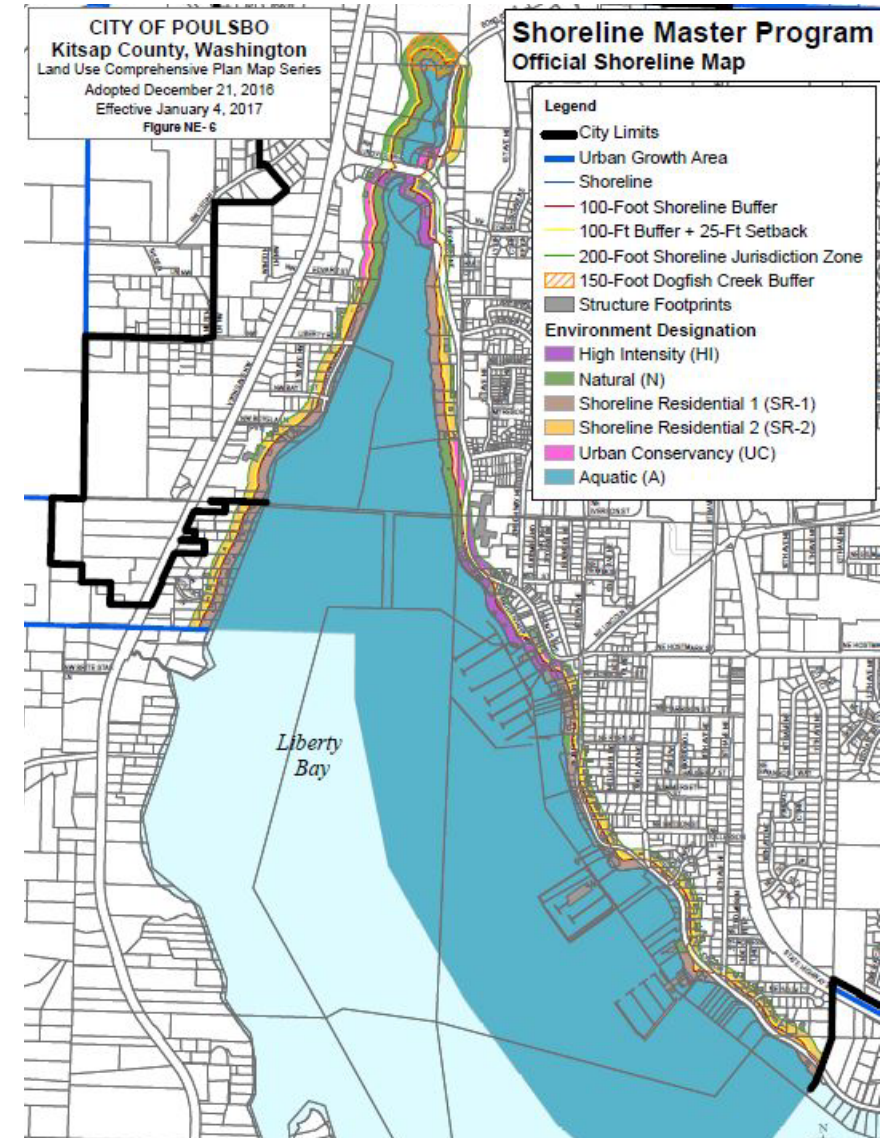
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## The SMP includes:

- Goals and polices in Chapter 5 (Natural Environment) of the Comprehensive Plan
- Regulations in PMC 16.08;
- Administration and procedures in PMC 16.09;
- The official shoreline maps.

Other supporting documents include the Inventory and Characterization Report, Cumulative Impacts and No Net Loss Report, and Restoration Plan.

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# SMP GUIDELINES

- **WAC 173-26:** State master program approval/amendment procedures and master program guidelines.
- **WAC 173-27:** Shoreline management permit and enforcement procedures.



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## **GUIDELINES:**

# **NO NET LOSS OF ECOLOGICAL FUNCTIONS**

- The Guidelines are based on the concept of “no net loss of ecological functions” necessary to sustain shoreline natural resources.
  - Since even degraded shorelines retain ecological functions, the requirements to protect and restore ecological functions apply to all shoreline areas, not only those that are still ecologically intact.
  - SMPs must contain policies to promote restoration of ecological functions along with other regulatory and non-regulatory programs. The goal in protecting ecological functions is “to improve the overall condition of habitat and resources within the shoreline area of each city and county”
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## **GUIDELINES: PREFERRED USES**

When determining allowable uses and resolving use conflicts, the following order of preference must be observed:

- Priority -- protect the environment.
  - Water-dependent and associated water-related uses.
  - Mixed-use developments “that include and support water-dependent uses...”
  - Water-related and water-enjoyment uses.
  - Single-family residential uses, where appropriate.
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## GUIDELINES: PREFERRED USES

- **“Water-dependent use”** means a use which cannot exist in a location that is not adjacent to the water and which is dependent on the water by reason of the intrinsic nature of its operation.
  - **“Water-enjoyment use”** means a recreational use or other use that facilitates public access to the shoreline as a primary characteristic of the use; or a use that provides recreational use or aesthetic enjoyment of the shoreline for many people.
  - **“Water-related use”** means a use that is not intrinsically dependent on a shoreline location but whose economic viability is dependent upon a shoreline location because of a functional requirement for a shoreline location.
  - **“Water-oriented use”** means a use that is water-dependent, water-related or water-enjoyment, or a combination of such uses.
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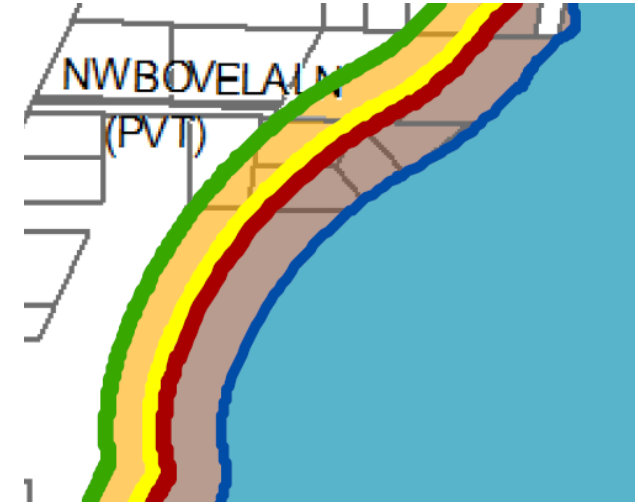
# ENVIRONMENTAL DESIGNATIONS

Shoreline environment designations are classifications of shoreline areas that reflect local shoreline conditions, including ecological functions and shoreline development. Environment designations provide “the framework for implementing shoreline policies and regulatory measures specific to the environment designation” [WAC 173-26-191(1)(d)].



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## ENVIRONMENT DESIGNATIONS: SHORELINE RESIDENTIAL



The Shoreline Residential (SR) environment is intended to accommodate residential development consistent with the city's shoreline management standards; protect ecological functions and natural habitat, and restoration when feasible; and provide public access and recreational uses, where appropriate.

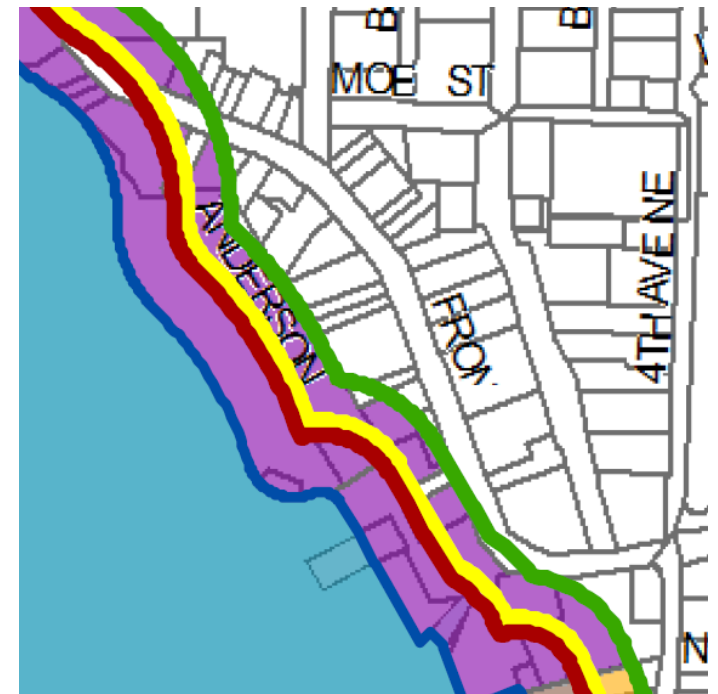
- The SR-1 environment primarily includes those areas of the shorelands waterward of the established shoreline buffer, and/or on the water side of “buffer interruptions” such as major roads.
- The SR-2 environment primarily includes those areas of the shorelands outside of the established shoreline buffer, and/or on the upland side of “buffer interruptions,” such as major roads.



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## ENVIRONMENT DESIGNATIONS: HIGH INTENSITY

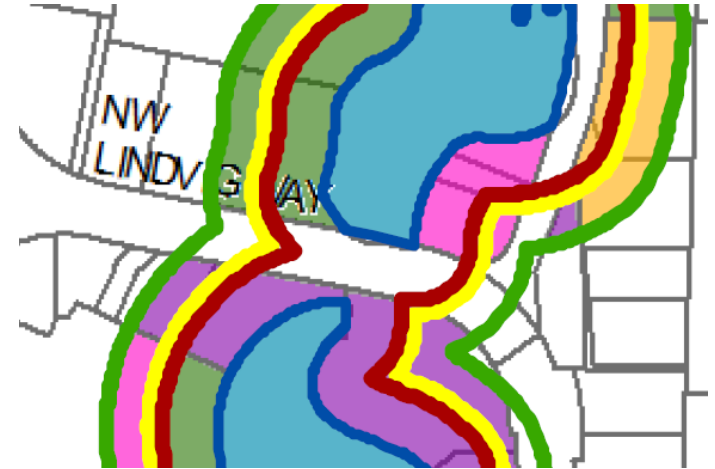
The High Intensity (HI) shoreline environment provides for those areas of existing moderate commercial and mixed commercial/residential development. This environment allows for optimum use of shoreline areas that are presently developed with commercial uses, while seeking opportunities to protect habitat and ecological functions from further degradation. The identified HI areas include the downtown waterfront and an area near the head of Liberty Bay.



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## ENVIRONMENT DESIGNATIONS: URBAN CONSERVANCY

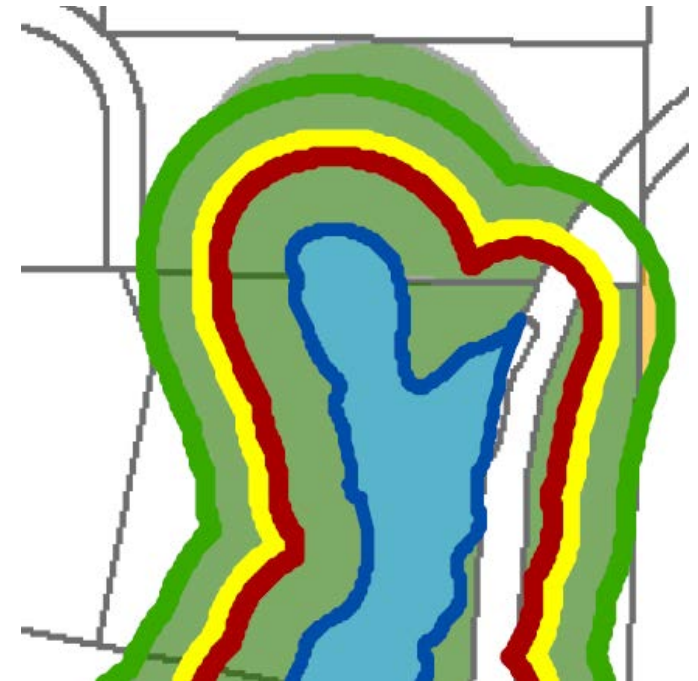
The Urban Conservancy (UC) shoreline environment preserves existing natural landforms and native shoreline vegetation as much as possible, while promoting public shoreline access, views and recreation along with continuance of existing developed uses. The UC designation applies to several shoreline properties located at the west side of the intersection of Lindvig Way and Bond Rd, adjacent to the Dogfish Creek estuary.



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## ENVIRONMENT DESIGNATIONS: NATURAL

The natural (N) shoreline environment is established to protect and restore shoreline areas that are relatively free from human influence, undeveloped, and/or include intact or minimally degraded shoreline functions that are sensitive to proposed impacts from development. N areas within the city include the majority of Fish Park, and areas of Muriel Iverson Waterfront Park, Net Shed Park, American Legion Park and Nelson Park, that are within zero to one hundred feet of the ordinary high-water mark of Liberty Bay and/or the estuarine portion of Dogfish Creek.





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## **ENVIRONMENT DESIGNATIONS:**

# **AQUATIC**

The aquatic (A) shoreline environment includes the water and lands waterward of the ordinary high-water mark within the city's jurisdiction, including public and private tidelands, state submerged lands, and areas designated as critical saltwater habitat, and the estuarine portion of Dogfish Creek.

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# SMP PERIODIC REVIEW AND UPDATE



- The Shoreline Management Act requires cities to review/update their SMPs every 8 years.
  - The purpose of this 8-year review is to assure that the SMP complies with applicable laws and guidelines and is consistent with the City's comprehensive plan, development regulations and other local regulations.
  - Although, the 2012 comprehensive update was a lengthy and intensive planning process that resulted in a complete overhaul of the SMP, the scope of this periodic review is narrower and designed to ensure the SMP stays current and adaptable.
  - Poulsbo SMP update due to Ecology by June 30, 2021.
  - Received \$17,000 grant from Ecology to complete the update.
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# SMP PERIODIC REVIEW AND UPDATE

## The purpose and scope of this periodic is to:

- assure that the SMP complies with applicable law and guidelines in effect at the time of the review;
- assure consistency with the local government's comprehensive plan and development regulations;
- incorporate amendments that reflect changed circumstances, new information, or improved data.

## This periodic review will not:

- re-evaluate the ecological baseline that was established as part of the 2012 SMP update;
  - extensively assess no net loss criteria other than to ensure that proposed amendments do not result in degradation of the baseline condition; or
  - change shoreline jurisdiction, environment designations, or shoreline buffers for private shoreline property owners.
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# ROLE OF WA STATE DEPARTMENT OF ECOLOGY

- Acting in supportive and review capacity.
  - Assists with SMPs and permit review.
  - Provides written guidance for SMP updates.
  - Offers quarterly shoreline planners coordination meetings.
  - Provides grant funds for SMP updates.
- Ensuring compliance with the SMA.
  - Must approve SMPs before they take become effective.
  - Must review and approve conditional use permits and variances.

	SUMMARY OF CHANGE	REVIEW	ACTION
2017			
a.	OFM adjusted the cost threshold for substantial development to \$7,047.	16.09.040: All shoreline development, except as specified in WAC 173-27-040 and RCW 98.58.030(3)(e), 90.58.140(9), 90.58.147, 90.58.355 and 90.58.515, must obtain a permit prior to commencement.	None.
b.	Ecology amended rules to clarify that the definition of "development" does not include dismantling or removing structures.	16.08.040: "Development" means an action consisting of one or more of the following: (a) the construction or exterior alteration of structures; (b) dredging; (c) drilling; (d) dumping; (e) filling; (f) removal of any sand, gravel or minerals; (g) bulkheading; (h) driving of piling; (i) placing of obstructions; (j) any project of a permanent or temporary nature which interferes with the normal public use of the surface of the waters overlying lands subject to Chapter 90.58 RCW at any state of water level; or (k) creation of new lots. <u>Development does not include dismantling or removing structures if there is no other associated development or re-development.</u>	Added " <u>Development does not include dismantling or removing structures if there is no other associated development or re-development.</u> " to 16.08.040 Definitions
c.	Ecology adopted rules that clarify exceptions to local review under the SMA.	16.09.040: All shoreline development, except as specified in WAC 173-27-040, <u>WAC 173-27-044</u> , and RCW 98.58.030(3)(e), 90.58.140(9), 90.58.147, 90.58.355 and 90.58.515, must obtain a permit prior to commencement. Chapter 16.08 and this chapter indicate which permit is required for specific development types that do not meet the exemption criteria.	Added <u>WAC 173-27-044</u> to 16.09.040
d.	Ecology amended rules that clarify permit filing procedures consistent with a 2011 statute.	16.09.190: WAC <u>173-27-130</u> establishes the requirements and procedures for filing decisions on permits with the Department of Ecology.	None.
e.	Ecology amended forestry use regulations to clarify that forest practices that only involves timber cutting are not SMA "developments" and do not require SDPs.	Per 16.08.190 forest practices are prohibited in all environments.	None.
f.	Ecology clarified the SMA does not apply to lands under exclusive federal jurisdiction	Poulsbo does not have land under exclusive federal jurisdiction.	None.
g.	Ecology clarified "default" provisions for nonconforming uses and development.	Tailored provisions for nonconforming use and development in 16.08.480	None.
h.	Ecology adopted rule amendments to clarify the scope and process for conducting periodic reviews.	Poulsbo SMP does not describe the periodic review scope and procedures.	None.
i.	Ecology adopted a new rule creating an optional SMP amendment process that allows for a shared local/state public comment period.	Poulsbo SMP does not include a description of the SMP submittal process	None.
j.	Submittal to Ecology of proposed SMP amendments.	Poulsbo SMP does not include a description of the SMP submittal process	None.
2016			
a.	The Legislature created a new shoreline permit exemption for retrofitting existing structures to comply with the Americans with Disabilities Act.	16.09.040: All shoreline development, except as specified in WAC 173-27-040 and RCW 98.58.030(3)(e), 90.58.140(9), 90.58.147, 90.58.355 and 90.58.515, must obtain a permit prior to commencement.	None.

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# REVIEW SCHEDULE

- Initial Release: February 22
  - 30 Day Joint Ecology Public Comment Period: March 17 to April 19
  - PC Workshops: March 9 and April 13
  - PC Public Hearing: April 27 (Joint Hearing with Ecology)
  - Submit to Ecology for initial determination: April 28
  - CC Workshops: June 9, June 16, July 7 (if needed)
  - CC Public Hearing: July 13
  - Submit Adoption Package to Ecology
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# SMP UPDATE WEBSITE

## PLANNING & ECONOMIC DEVELOPMENT > 2021 SHORELINE MASTER PROGRAM UPDATE

State law requires jurisdictions to review and update their SMPs every eight years in accordance with the Shoreline Management Act, RCW 90.58.080 (4) and its current guidelines and legislative rules. The City of Poulsbo is undertaking a periodic review of our SMP. The City is aiming to complete the update in the spring 2021 for submittal to the Washington State Department of Ecology by end of June 2021.

### This periodic update will focus on:

- Reviewing relevant legislative updates since the 2012 SMP update and incorporating any applicable amendments;
- Reviewing a list of SMP code amendments compiled since adoption in 2012 and incorporating clarifications, interpretations, and changes to address issues that have come up with shoreline projects.

### This periodic update will not:

- Re-evaluate the ecological baseline that was established as part of the the 2012 SMP update;
- Extensively assess no net loss criteria other than to ensure that proposed amendments do not result in degradation of the baseline condition; or
- Change shoreline jurisdiction, environment designations, or shoreline buffers.

## WHAT IS THE SHORELINE MASTER PROGRAM?

Shoreline Master Programs are local land use policies and regulations that guide the use of Washington shorelines. SMPs apply to both public and private uses. They protect natural resources for future generations, provide for public access to the shorelines, and plan for water-dependent uses. SMPs implement the 1971 Washington State Shoreline Management Act. Every local SMP is updated at regular intervals through either the Comprehensive or Periodic Update Process. Each update process follows the update rules established by the Washington State Department of Ecology. The current SMP received final periodic update approval from Ecology in 2012, which was a comprehensive update/rewrite of the SMP. For more information about Shoreline Management, including helpful tips for shoreline property owners, see the [Shorelines Page](#).

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## PROJECT DOCUMENTS

## QUICK LINKS

- Planning & Economic Development
- Poulsbo Event and Recreation Center (PERC)
- Schedule an Appointment with Staff
- Fees, Forms & Handouts
  - Accessory Dwelling Units
- Pre-Application Conference
- Codes, Plans & Maps
- Current Applications & Public Notices
  - Online Permit Center
  - Oslo Bay Apartments
  - Poulsbo Place Division 8
  - Haugen Short Plat
- Comprehensive Plan
  - 2024 Comprehensive Plan Update
  - Housing Assessment/Action Plan
  - Comprehensive Plan Amendments
- Shorelines
  - 2021 SMP Update
- Development Regulation Amendments
- Hearing Examiner
- Planning Commission



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# SMP UPDATE WEBSITE

Initial Release

Planning Commission Review

Ecology Review

## April 28, 2021 Submittal for Ecology Initial Determination

- Cover Letter
- Staff Report and Exhibits:
  - Exhibit A: Summary of Amendments
  - Exhibit B: PC Recommended PMC 16.08
  - Exhibit C: PC Recommended PMC 16.09
  - Exhibit D: PC Recommended Natural Environment Chapter
  - Exhibit E: PC Recommended Shoreline Maps
  - Exhibit F: Public Participation Plan
  - Exhibit G: NOA/ODNS and PCPH Documents
  - Exhibit H: SEPA Documents
  - Exhibit I: Public Comments Received to Date
  - Exhibit J: Ecology Periodic Review Checklist
- Public Comments and City Response
- Updated Restoration Plan
- Updated CIA and NNL Report





QUESTIONS?