

Attachment 1:

City of Poulsbo - Ecology Required and Recommended Changes

The changes in **red are required** for consistency with the SMA (RCW 90.58) and the SMP Guidelines (WAC 173-26, Part III). Changes in **blue are recommended** and consistent with SMA (RCW 90.58) policy and the SMP Guidelines (WAC 173-26, Part III)

ITEM	SMP Submittal PROVISION	BILL FORMAT CHANGES (underline = additions; strikethrough = deletions)	RATIONALE
Rec-1	16.08.040 Definitions	45. "Height" for the purposes of this chapter is measured from average grade level to the highest point of a structure: Provided, that television antennas, chimneys, and similar appurtenances shall not be used in calculating height, except where such appurtenances obstruct the view of the shoreline of a substantial number of residences on areas adjoining shorelines, or the applicable master program specifically requires that such appurtenances be included: Provided further, that temporary construction equipment is excluded in this calculation.	Recommended Change 1: Delete phrase This phrase is not necessary in the definition for height and may be confusing.
Req-1		84. "Shoreline buffer" means an area immediately adjacent to the shoreline as measured from the OHWM, which under optimal conditions, is are composed of intact native vegetation, and where new development is not allowed unless necessary to accommodate water-oriented uses or other developments specifically allowed in the shoreline buffer by this SMP, and only if but may only be modified and/or reduced to accommodate allowed uses when consistent with the Shoreline Management Act and this chapter such that no net loss of critical area or shoreline ecological functions is assured occurs. Shoreline buffers and setbacks extend both above and below ground.	Required Change 1: Revise definition for "shoreline buffer" A change is necessary to ensure consistency with the no net loss requirement of the SMA [WAC 173-26-186(8)(b)] and the use preferences [WAC 173-26-201(2)(d)]. The amendment would change the definition of shoreline buffer in a way that might allow any of the permitted uses from the use table in 16.08.170 in the shoreline buffer. Not all of these uses are water-dependent uses and so should not be allowed in the shoreline buffer. New development in the buffer will impact shoreline ecological functions and should only be allowed when necessary to support water-dependent uses and when impacts can be mitigated. This change is also necessary to ensure internal consistency with 16.08.200.A.4, which limits uses and development in shoreline buffers. The Suquamish Tribe provided comments on this definition to the City – Ecology has shared this revision with the Tribe and received their concurrence.
Req-2 & Req-3	16.08.06070 Relationship to other policies and regulations	F. The following sections of the Critical Areas Ordinance (Ordinance 2017-10, codified in Chapter 16.20 PMC) are incorporated herein as regulations of this master program. within the shoreline jurisdiction shall be protected according to the requirements of the critical areas ordinance, Chapter 16.20. If there are any conflicts between the critical areas ordinance and this chapter, the more stringent requirement shall apply. <u>1. Section 200 Wetlands</u> <u>2. Section 300 Fish and Wildlife Habitat Conservation Critical Areas</u> <u>3. Section 400 Geologically Hazardous Areas</u>	Required change 2: Incorporate CAO by reference. A change is necessary for consistency with RCW 36.70A.480 & RCW 90.58.610, which govern the relationship between CAOs and SMPs. CAOs do not apply in shoreline jurisdiction. As such, WAC 173-26-221(2)(a) requires that SMPs provide for management of critical areas. Local governments may accomplish this by incorporating the CAO into the SMP. The proposed amendment would strike the incorporation of the 2007 CAO, but not replace it with an updated incorporation. City staff have indicated that the preference would be to incorporate the 2017 CAO. Ecology's revisions to this section

		<p>4. Section 500 Critical Aquifer Recharge Areas</p> <p>5. Section 600 Frequently Flooded Areas</p> <p>6. Section 700 Special Reports</p> <p>G. The Poulsbo Shoreline Master Program consists of the following components:</p> <p>1. Chapter 16.08 PMC</p> <p>2. Chapter 16.09 PMC</p> <p>3. Shoreline Goals and Policies found in Chapter 5 of the Comprehensive Plan</p> <p>4. Shoreline Map, Figure NE-6 in Chapter 5 of the Comprehensive Plan</p>	<p>incorporate the 2017 CAO in a manner consistent with WAC 173-26-191(2)(b), which authorizes incorporation of other regulations into the SMP.</p> <p>Required Change 3: List components of the SMP.</p> <p>A change is necessary for consistency with WAC 173-26-191(2)(b), which authorizes the incorporation of other regulations and code sections into the SMP. Because the Poulsbo SMP is not a standalone document, it's necessary to have a list of what components of the municipal code and other City documents comprise the SMP. An alternative location for this list could be in 16.08.020.</p>																																			
Req-4, & Req-5	16.08.170189 Shoreline use table	<table border="1"> <thead> <tr> <th></th> <th>SR-1</th> <th>SR-2</th> <th>HI</th> <th>UC</th> <th>N</th> <th>A</th> </tr> </thead> <tbody> <tr> <td>I. Residential</td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>Single-family residential</td> <td>P⁹</td> <td>P</td> <td>X</td> <td>X</td> <td>X</td> <td>X</td> </tr> <tr> <td>Normal Residential appurtenances</td> <td>P⁹</td> <td>P</td> <td>X</td> <td>X</td> <td>X</td> <td>X</td> </tr> <tr> <td>Accessory dwelling unit</td> <td>V^P</td> <td>P</td> <td>P</td> <td>X</td> <td>X</td> <td>X</td> </tr> </tbody> </table> <p>9 Single-family development, including appurtenances, may be allowed in the SR-1 without a variance if it is consistent with Section 16.08.230.D. footprint shall not exceed 2,500 square feet, including appurtenances.</p>		SR-1	SR-2	HI	UC	N	A	I. Residential							Single-family residential	P ⁹	P	X	X	X	X	Normal Residential appurtenances	P ⁹	P	X	X	X	X	Accessory dwelling unit	V ^P	P	P	X	X	X	<p>Required Change 4: Add limitations to footnote 9 for internal consistency.</p> <p>This change is necessary for internal consistency with Section 16.08.230.D, which provides criteria for when single family residential uses may be allowed in the shoreline buffer.</p> <p>Required Change 5: Do not allow ADUs in SR-1</p> <p>A change is necessary for consistency with the use preferences of the SMA in RCW 90.58.020 and WAC 173-26-201(2)(d). While single family residences are a preferred use, accessory dwelling units are not. SR-1 coincides with the shoreline buffer area, where ecological protection and restoration should be prioritized over non-preferred uses such as ADUs. Allowances for ADUs should be similar to those for duplexes and triplexes.</p>
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Req-6	16.08.190200.A Shoreline Buffers and Setbacks	<p>1. For the shorelines of Liberty Bay, the shoreline buffer extends one hundred feet from the OHWM. For the Dogfish Creek estuary, the buffer shall be one hundred fifty feet (tidewater/estuarine stream buffer). In general, activities and structures that are not for a water-dependent, water-related, public recreation or public access use are not permitted within a shoreline buffer.</p>	<p>Required Change 6: Retain existing 150-foot shoreline buffer for Dogfish Creek Estuary</p> <p>A change is necessary to ensure consistency with the requirement in WAC 173-26-186(8)(b) that the SMP regulations assure no net loss of ecological function and WAC 173-26-201(2)(a) that SMP regulations be based in "the most current, accurate, and complete scientific and technical information available." The City proposes to reduce the shoreline buffer for Dogfish Creek estuary from 150 feet to 100 feet. It appears this may be for consistency with the CAO, which lists a 100 foot buffer for the "tidewater/estuarine" reach of Dogfish Creek. However, the estuary is a shoreline of the state, not a critical area. Further, the Cumulative Impact Analysis identified the need for additional protection of the estuary reach by requiring a 150-foot buffer. The City has not provided updated data or information to indicate that a smaller buffer would still maintain no net loss of ecological function. As such, the required buffer should be kept at 150 feet.</p>																																			
Req-7	16.08.230 Residential Land Uses	<p>D. <u>Where a property that existed prior to the comprehensive SMP update is zoned residential-low and does not have a buildable area of 2,500 square feet or more located outside of the shoreline buffer and buffer setback, a shoreline substantial development permit to reduce the size of the buffer or buffer setback without a shoreline variance may be submitted pursuant to the requirements of Section 16.09.130. The proposal must be consistent with the following:</u></p>	<p>Required Change 7: Provide clearer limits on single family development in SR-1</p> <p>A change is necessary to ensure consistency with the requirement in WAC 173-26-186(8)(b) that the SMP regulations assure no net loss of ecological function. The City proposes to allow new and expanded single family residential development in SR-1. The City submitted an addendum to the Cumulative Impacts Analysis, which concluded that no net loss can be assured if limits are placed on the location and quantity of new single family residential development in SR-1. The proposed amendment is missing limitations</p>																																			

		<p><u>1. The buffer reduction shall be the minimum necessary to accommodate a total development area of 2,500 square feet, including existing structures, appurtenances and landscaping. Development shall be located outside the buffer as much as possible.</u></p> <p><u>2. New single-family residences utilizing this provision shall be designed, configured, and developed to:</u></p> <p><u>a. Avoid significant impacts to sensitive natural systems and shall result in no net loss of ecological functions.</u></p> <p><u>b. Prevent the need for new shoreline stabilization or flood hazard reduction measures.</u></p>	<p>on development in SR-1. City staff have proposed adding a new section, 16.08.230.D to include these limitations on new single family residential development in SR-1 and adding a reference to that new section in footnote 9.</p>
Req-8	16.08.450 Fill	<p>C. Fill shall not be permitted in regulated wetlands or streams without adhering to the standards defined in Article II of the SMP <u>and the critical area regulations in 16.08.060.F.</u></p>	<p>Required Change 8: Include reference to critical area regulations This change is necessary for internal consistency with the SMP's critical area regulations incorporated in 16.08.060.F. These regulations prohibit most fill in wetlands and streams and so should be referenced here.</p>

Initial Determination