

City of Poulsbo

Planning & Economic Development



SHORELINE MASTER PROGRAM UPDATE STAFF REPORT AND RECOMMENDATION

To: Mayor Erickson and City Council
From: Nikole Coleman, Senior Planner
Subject: 2021 Shoreline Master Program Update
Date: July 15, 2021

Planning Commission and Staff respectfully recommends approval of the Shoreline Master Program Update as set forth in Exhibits B-E to this staff report.

PROPOSED MOTION:

MOVE to (approve) (approval with modifications) the 2021 Shoreline Master Program Update as identified in Exhibits B-E; and direct the Planning and Economic Development Director to prepare an adopting ordinance in support of this decision.

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1.0 Introduction

The Shoreline Management Act (SMA) was enacted in 1971 for the purpose of ensuring responsible shoreline use and development, environmental protection, and public access with the goal being “to prevent the inherent harm in an uncoordinated and piecemeal development of the state’s shorelines.” Under the SMA, cities and counties are required to prepare and adopt a Shoreline Master Program (SMP), which is used to jointly administer the SMA with the Washington State Department of Ecology (Ecology). This planning and regulatory document establishes goals, policies, and regulations to achieve three general goals of the Act:

- Encourage reasonable and appropriate utilization and development of shorelines with an emphasis on water-dependent and related uses that control pollution and prevent damage to the natural environment.
- Protect and restore the ecological function and natural character of Washington shorelines, including the land, vegetation, wildlife, and shoreline environment.
- Promote public access and provide recreational opportunities for the public to enjoy the physical and aesthetic qualities of the natural shorelines.

The SMA requires that the SMP be reviewed and revised, if needed, on an eight-year schedule established by the Legislature. The periodic review ensures the SMP stays current with changes in laws and rules, remains consistent with other city plans and development regulations, and is responsive to changed circumstances, new information, and improved data. The update process follows the rules established by Ecology.

This periodic review did 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.

The last SMP update, in 2012, was a lengthy and intensive comprehensive update that resulted in a complete overhaul of the SMP, while the scope of this periodic review is narrower and designed to ensure the SMP stays current and adaptable. The City was awarded a grant from the state of \$17,000 to complete this planning process by June 30, 2021 (note: due to the covid-19 pandemic and staff workload, the delivery of the final amended SMP to the Department of Ecology has been delayed until July 2021.)

2.0 Shoreline Master Program Documents

The following documents are considered part of the Poulsbo Shoreline Master Program and are under review with this update:

- Poulsbo Municipal Code Chapter 16.08, Shoreline Master Program (Exhibit B),
- Poulsbo Municipal Code Chapter 16.09, Shoreline Administration and Procedures (Exhibit C),
- Comprehensive Plan Chapter 5, Natural Environment (Exhibit D), and
- Official Shoreline Maps (Exhibit E).

In addition, WAC 173-26 requires the City to prepare several supporting documents upon which the SMP is based.

- Inventory and Characterization (available upon request),
- Restoration Plan (available upon request), and
- Cumulative Impacts Analysis and No Net Loss Report (available upon request),.

Staff and Planning Commission are not proposing any updates to the Inventory and Characterization. Grette Associates, the City’s Shoreline/Environmental Consultant, conducted a review of the Restoration Plan and Cumulative Impacts Analysis and No Net Loss Report. The

Restoration Plan was updated to reflect completed restoration projects, in addition to any changes in state requirements. An addendum to the Cumulative Impacts Analysis and No Net Loss Report was prepared to address the proposed land use changes associated with the SMP update and to demonstrate that no net loss of shoreline ecological functions will occur as a result of the proposed land use changes for conformance with WAC 173-26-186. *Please note that the City Council is not approving the supporting documents. They are being provided for informational purposes.*

3.0 Overview of Proposed Amendments

Ecology provides a Periodic Review checklist which summarizes amendments to state law, rules and applicable updated guidance that may trigger the need for local SMP amendments during periodic reviews (Exhibit J). Staff followed the review procedures outlined in WAC 173-26-090(3)(b), using the checklist to document SMP review considerations and to determine if local amendments are needed to maintain compliance.

In addition, the update also considers changes to local plans and regulations, and changes to address local circumstances, new information or improved data. Planning Commission and staff also considered comments from stakeholders and the public, as well as Ecology and other reviewers (being mindful of the limited scope required during a periodic review).

A summary of amendments, with staff commentary, is included as Exhibit A.

4.0 Review Process to Date

Poulsbo Municipal Code (PMC) 19.40.050 sets forth the process for Type IV text amendments. The City Council is the review authority, with a recommendation from the Planning Commission.

The Draft SMP documents were publicly released February 23, 2021. This release and all associated documents were posted on the City's "SMP Update" website, distributed to Washington State Department of Commerce and local, regional and state agencies, and emailed to the City's SMP Update, Development Regulations Update, and Comprehensive Plan Update interested parties e-notice lists.

On March 17, 2021, a combined Notice of Application (NOA) with Optional DNS and Notice of Planning Commission Public Hearing was published in the Seattle Times, emailed to applicable email notice lists, and posted at the Poulsbo Post Office and City Hall (Exhibit G). On April 19, 2021, the SEPA Threshold Determination was issued (Exhibit H). Two public comments have been received to date (Exhibit I).

On April 27, 2021, the Planning Commission held a duly noticed public hearing and voted to recommend approval to the Poulsbo City Council and adopted findings of fact in support of their decision (Exhibit K).

On June 30, 2021, a notice announcing the City Council Public Hearing was published in the Seattle Times and posted at the Poulsbo Post Office, Library, City Hall and the City's website; and emailed to the SMP update, public hearing and development regulations e-notice lists (Exhibit L).

5.0 City Council Amended Shoreline Master Program

The Planning Commission, in its role as the City's primary land use advisory committee, reviewed the staff proposed initial release drafts at workshops on March 9 and April 13, 2021, and identified several amendments. Amendments were also recommended via public comment by Washington Department of Fish and Wildlife and Suquamish Tribe (Exhibit I). The Washington Department of Ecology provided recommended and required amendments with their initial determination (Exhibit M). Lastly, the City Council reviewed the proposed amendments at workshops on July 7 and 14, 2021, and identified several additional modifications.

6.0 Attorney General's Unconstitutional Takings Memo

Pursuant to Comprehensive Plan Policy PI-2.4, City staff members are familiar with Washington State Attorney General's "warning signals" for unconstitutional takings of private property. Staff has reviewed the Attorney General's Advisory Memorandum: Avoiding Unconstitutional Takings in the context of the draft ordinance update and has consulted with the City Attorney regarding the warning signals. Staff and the City Attorney are comfortable that the draft ordinance does not result in any unconstitutional taking.

7.0 Planning Commission and Staff Conclusion and Recommendation

The regulatory framework that guides local SMP policies includes the Revised Code of Washington (RCW) Chapter 90.58 and Washington Administrative Code (WAC) Chapter 173-26. The amendments being proposed are consistent with state law and rules governing the SMP. In addition, the Growth Management Act allows exceptions to an annual docket timeline for the adoption of SMP amendments, under the procedures set forth in RCW 36.70A.130(2)(a).

Therefore, the Poulsbo Planning Commission and Planning and Economic Development staff respectfully recommends the City Council approve the proposed Shoreline Master Program Update documents (Exhibits B-E).

8.0 City and Ecology Joint Review

The City of Poulsbo has elected to use an optional joint review process (WAC 173-26-104) that combines the local and state public comment periods required by RCW 90.58.090. This review includes a joint City and Ecology public hearing and a combined public comment period. The combined public comment period ran from March 17, 2021 to April 16, 2021. The Poulsbo Planning Commission and Ecology held a joint public hearing on April 27, 2021. The city submitted the Planning Commission recommended draft SMP to Ecology for an initial determination on April 28, 2021. The city received Ecology's initial determination on June 17, 2021 (Exhibit M). The City Council approved SMP update documents will be forwarded to Ecology for final review and action consistent with WAC 173-26-120.

9.0 City Council Public Hearing July 21, 2021

The City Council public hearing is scheduled for July 21, 2021 @ 7pm. Public meetings continue to be held virtually. This call-in number: 1-253-215-8782 and meeting id: 813 9550 9649 are provided for attendance. You may also attend the public hearing via zoom here: <https://us02web.zoom.us/j/81395509649>.

If you wish to provide verbal citizen comment during the virtual meeting, please call in 10 minutes prior to the meeting and to be added to the sign-in sheet to speak during citizen comments or the public hearing. Alternatively, please submit written comments requesting your comments be read during the meeting to cityclerks@cityofpoulsbo.com, mail to City Hall, call and leave a message with the Clerk's Office, or drop comments off at the 3rd & Moe drop box **before 4:30 p.m.** to be read by the City Clerk during the virtual meeting.

PROPOSED MOTION:

MOVE to (approve) (approval with modifications) the 2021 Shoreline Master Program Update as identified in Exhibits B-E; and direct the Planning and Economic Development Director to prepare an adopting ordinance in support of this decision.

10.0 Exhibits

- A. Summary of Proposed Amendments
- B. City Council Proposed PMC Chapter 16.08
- C. City Council Proposed PMC Chapter 16.09
- D. City Council Proposed Comprehensive Plan Chapter 5, Natural Environment
- E. City Council Proposed Shoreline Maps
- F. SMP Update Public Participation Plan
- G. Notice of Application with Optional DNS and Notice of Joint Public Hearing
- H. SEPA Threshold Determination DNS with commented checklist
- I. Public Comments Received to Date
- J. Ecology Periodic Review Checklist
- K. Planning Commission Findings of Fact and Recommendation
- L. Notice of City Council Public Hearing
- M. Department of Ecology Initial Determination

EXHIBIT F

SMP Update Public Participation Plan



PUBLIC PARTICIPATION PLAN AND PROJECT TIMELINE SHORELINE MASTER PROGRAM PERIODIC REVIEW

Planning and Economic Development
200 NE Moe Street | Poulsbo, Washington 98370
(360) 394-9748 | plan&econ@cityofpoulsbo.com

INTRODUCTION

The City of Poulsbo is undertaking a periodic review of its Shoreline Master Program (SMP), as required by the Washington State Shoreline Management Act (SMA), RCW 90.58.080(4). The SMA requires each SMP be reviewed and revised, if needed, on an eight-year schedule established by the Legislature. The review ensures the SMP stays current with changes in laws and rules, remains consistent with other Poulsbo plans and regulations, and is responsive to changed circumstances, new information and improved data. A Public Participation Plan is required to describe how the Poulsbo will encourage early and continuous public participation throughout the process of reviewing the SMP. This Public Participation Plan describes the steps that Poulsbo will take to provide opportunities for public engagement and public comment, as well as contact information and web addresses. This plan is in addition to any other minimum requirements for public participation required by Poulsbo Municipal Code 19.40.050. This plan is a working document and will be adjusted as needed to provide for the greatest and broadest public participation.

Shoreline Management

The SMPs 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 public waters and shores, and plan for water-dependent uses.

The Shoreline Management Act (SMA) was passed by the Washington Legislature in 1971 and adopted by voters in 1972 "to prevent the inherent harm in an uncoordinated and piecemeal development of the state's shorelines." The Act requires all counties and most towns and cities with shorelines to develop and implement Shoreline Master Programs.

There are three basic SMA policy areas: shoreline use, environmental protection, and public access.

- Shoreline Use | to control pollution and prevent damage to the natural environment.
- Environmental Protection | to protect shoreline natural resources including the land, vegetation, wildlife, and aquatic habitats against adverse environmental effects. All allowed uses are required to offset these impacts as much as possible and preserve the natural character and aesthetics of the shoreline.
- Public Access | SMPs include a public access element, including provisions for public access to publicly owned areas. The SMA also implements the common law Public Trust Doctrine. This doctrine conveys that the waters of the state are a public resource for the purposes of navigation, conducting commerce, fishing, recreation, and similar uses. The Public Trust Doctrine is not invalidated by private ownership of the underlying land.

Shoreline Master Program Periodic Review

The City of Poulsbo Shoreline Master Program (SMP) was originally approved and adopted in 1976 and comprehensively updated in 2012. Periodic reviews of SMPs are required by the State to be conducted every 8 years. Poulsbo's deadline for a periodic review of the SMP is June of 2021.

The periodic review is distinct from the comprehensive updates required by RCW 90.58.080(2). The purpose and scope of the periodic review as established by the act 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.

PUBLIC PARTICIPATION PLAN

Public Participation Goals

1. Provide interested parties with timely information, an understanding of the process, and multiple opportunities to review and comment on proposed amendments to the SMP.
2. Actively solicit information from citizens, property owners, businesses and other stakeholders about their concerns, questions, and priorities for the Periodic Review process.
3. Encourage interested parties to informally review and comment on proposed changes to the SMP throughout the process and provide those comments to decision makers.
4. Provide forums for formal public input at project milestones prior to decision-making by local officials.
5. Consult and consider recommendations from neighboring jurisdictions, federal and state agencies, and the Suquamish Tribe.

Roles and Responsibilities

The SMA establishes a balance of authority and partnership between local and state government. While the City of Poulsbo is the primary regulator for its shorelines, Washington State Department of Ecology (Ecology) provides support, technical assistance and conducts final review for approval and adoption into the state program to meet federal requirements for a Coastal Zone Management Program. The City of Poulsbo is responsible for the updating its SMP in compliance with Washington State rules and guidelines. This responsibility includes inviting public comment and coordinating with adjacent jurisdictions, affected tribes, and state agencies. The primary contact for the City of Poulsbo Shoreline Master Program update is:

Nikole Coleman, Senior Planner
Planning and Economic Development Department
200 NE Moe Street | Poulsbo, WA 98370
360.394.9730 | ncoleman@cityofpoulsbo.com

The Washington State Department of Ecology is responsible for providing technical assistance to the City and must approve the City's updated SMP. The primary contact person at Ecology is:

Maria Sandercock, Shoreline Planner
Northwest Regional Office
425-649-7106 | maria.sandercock@ecy.wa.gov

Stakeholders

As the SMP is reviewed, key stakeholders will be involved in the process. These include individuals and organizations who may be affected by, or have ideas about, improving the shoreline environment. An invitation to participate in public meetings as part of the SMP process will be extended to the following stakeholders:

- Shoreline property owners
- Poulsbo residents
- Planning Commission and City Council members
- Department of Ecology
- Department of Fish and Wildlife
- Department of Natural Resources
- Suquamish Tribe

Public Participation Opportunities

Poulsbo is committed to providing multiple opportunities for public participation throughout the process using a variety of communication tools and public participation strategies. The following strategies will serve as a toolbox that the City will employ to facilitate public participation during the SMP update process.

* Please note that this will be a joint approval process with Ecology, including the following:

Website

Poulsbo's website includes a Periodic Review webpage where interested parties can access status updates, draft documents, official notices, and other project information. The webpage will be the primary repository of all information related to the Periodic Review process. The page includes who to contact for more information and an email link for questions and comments. The webpage can be found here: <https://cityofpoulsbo.com/planning-economic-development/shorelineupdate/>.

Notice Mailing List

An e-notice mailing list of interested persons and organizations has been established. Those on the e-notice list will receive periodic notices regarding the SMP Update progress. Individuals interested in being on the mailing list should contact the PED Department at (360) 394-9748 or at plan&econ@cityofpoulsbo.com and request being placed on the Development Regulations updates e-notice mailing list.

Shoreline Property Owner Mailing

Each property owner located within the Shoreline Jurisdiction (200 feet of ordinary high-water mark) will receive a postcard notice by mail coinciding with the public release of the draft document.

Planning Commission

The Planning Commission will be the primary forum for detailed review and recommendations to the Poulsbo City Council. Interested parties are encouraged to attend and provide comments during the Planning Commission workshops and public hearings. Official notices will be published as established in the PMC Title 19.

City Council

It is anticipated that City Council will consider the Planning Commission's recommendation in late spring 2021. Official notices will be published as established in the PMC Title 19.

Providing Public Comment

Interested citizens are encouraged to provide comments to the City by letter, email, or the online comment form. All comments will be forwarded to the Planning Commission and the City Council. The City plans to hold a 30-day joint public comment period with Ecology prior to formal adoption. This will allow interested members of the public to comment on draft amendment documents for the SMP updates.

Mail: Planning Department, 200 NE Moe Street, Poulsbo WA 98370

Email: plan&econ@cityofpoulsbo.com

Online Comment Form: <https://cityofpoulsbo.com/planning-economic-development/shorelineupdate/>

Information Availability

The proposed ordinance is available for public review. The primary repository of all information related to the update is the City's website — <https://cityofpoulsbo.com/planning-economic-development/shorelineupdate/> - where draft documents, meeting dates, updates on process, and official notices (notice of application, environmental review, public hearing notices, etc.), will be posted. An e-mail link for questions or comments will also be provided at the website.

Copies of documents can also be made available for a reasonable cost. Official notices will be published in the Seattle Times and posted at the Poulsbo Post Office and Poulsbo City Hall notice boards.

Public Hearings

The Planning Commission and City Council will conduct at least one public hearing each to gather and consider public testimony on the SMP Update. The hearings are anticipated for **Winter 2021 (PC) and Spring 2021 (CC)**. Public notice of all hearings will state explicitly the date/time, review body and location of the public hearing. The public notices will be published in the Seattle Times, posted at the City's public notice locations, sent to the E-notice mailing list and others who request such notice.

Staff will coordinate with Ecology on public notification of comment periods and hearings to take advantage of optional SMP amendment process that allows for a combined state-local comment period (WAC 173-26-104).

PROJECT TIMELINE

The following is a *general* timeline including anticipated public participation opportunities. Poulsbo will coordinate with Ecology throughout the process. A detailed timeline will be posted and maintained on the webpage.

- Draft Code Amendments | Summer/Fall 2020
- Fall 2020/Winter 2021 | Development Public Participation Plan
- Fall 2020/Winter 2021 | Launch webpage and education materials
- Winter 2021 | Initial Release of draft document and disseminate public participation plan to public
- Winter 2021 | Planning Commission review and hearing
- Spring 2021 | City Council review and Public Hearing
- End of June 2021 | Submittal to Ecology for Approval

EXHIBIT G

**Notice of Application w/Optional DNS and
Notice of Joint Planning Commission and
Ecology Public Hearing**



NOTICE OF APPLICATION, OPTIONAL DNS, AND NOTICE OF PLANNING COMMISSION PUBLIC HEARING

Planning and Economic Development Department
200 NE Moe Street | Poulsbo, Washington 98370
(360) 394-9748 | fax (360) 697-8269
www.cityofpoulsbo.com | plan&econ@cityofpoulsbo.com

JOINT CITY/STATE PUBLIC COMMENT PERIOD AND PUBLIC HEARING FOR THE POULSBO SHORELINE MASTER PROGRAM UPDATE

Comprehensive Plan and Development Regulations Amendments

Comments Due: April 16, 2021

The City of Poulsbo and Washington Department of Ecology (Ecology) are accepting comments on a periodic review of the City of Poulsbo's shoreline master program (SMP). The City has prepared draft SMP amendments to keep the SMP current with changes in state law, changes in other City plans and regulations, and other changed local circumstances.

File No.:	P-02-05-21-02	Application Type:	IV
Notice of Application:	March 17, 2021	Comments Due:	April 16, 2021
Documents Available:	https://cityofpoulsbo.com/planning-economic-development/shorelineupdate/		
Location:	The SMP regulates all areas within the shoreline jurisdiction of the City of Poulsbo. These areas include the shoreline of Liberty Bay and its aquatic area extending waterward to the City jurisdictional boundary; the estuarine (tidal) portion of Dogfish Creek; all shorelands extending 200 feet landward from the ordinary high-water mark of Liberty Bay and the estuarine portion of Dogfish Creek; and the stream buffer associated with the estuarine portion of Dogfish Creek.		
Project Description:	<p>The Shoreline Management Act (SMA) requires each SMP be reviewed and revised, if needed, on an eight-year schedule established by the Legislature. Ecology is the regulatory body in charge of overseeing the City's SMP periodic review and also provides technical support and partial funding to prepare SMP periodic reviews. The City of Poulsbo's periodic review must be completed by June 30, 2021. The periodic review ensures the SMP stays current with changes in laws and rules, remains consistent with other City of Poulsbo's plans and regulations, and is responsive to changed circumstances, new information and improved data. The City of Poulsbo last completed a <i>comprehensive</i> update of its SMP in 2012. This will not be a comprehensive update, but instead a minor periodic review.</p> <p>This periodic update will focus on:</p> <ul style="list-style-type: none">• 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. <p>This periodic update will not:</p> <ul style="list-style-type: none">• Re-evaluate the ecological baseline that was established as part of the 2012 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 (except for city owned properties), or shoreline buffers.		
Joint Public Comment Period:	The minimum public comment period shall be 30 calendar days. The joint city/state public comment period will run from March 17, 2021 through April 16, 2021.		

Environmental Review:	<p>The City of Poulsbo has reviewed this proposed non-project action for probable adverse environmental impacts and expects to issue a determination of nonsignificance (DNS) for the proposal, based on the SEPA checklist and other environmental documents on file with the City, including a shoreline inventory, cumulative impacts analysis and restoration plan. The proposal may include mitigation measures under applicable codes, and the project review process may incorporate or require mitigation measures regardless of whether an EIS is prepared. The Optional DNS process is being used as authorized by WAC 197-11-355 and PMC 16.04.115.</p> <p>This may be the only opportunity to comment on the environmental impacts of the proposal. The comment period will remain open through April 16, 2021. Per WAC 197-11-545(2), lack of comment by agencies or members of the public within the time period specified shall be construed as lack of objection to the environmental analysis. Only those persons or agencies who submit written comments within the comment period will become parties of record for the subsequent SEPA threshold determination.</p>
Public Comment Methods:	<p>Written comments received by the PED Department will be forwarded to the recommendation and decision-making bodies for consideration and made part of the record. Send written comments to the PED Department, 200 NE Moe Street, Poulsbo, Washington 98370 or to plan&econ@cityofpoulsbo.com. Verbal comment will also be accepted at the public hearing. The public may request notification of any hearings or meetings and request a copy of the decision once made. Comments sent to the City will be forwarded to the Department of Ecology.</p>
Joint Public Hearing:	<p>The joint Planning Commission (city)/Ecology (state) public hearing is scheduled for April 27, 2021 @ 7pm. Due to the ongoing Covid-19 pandemic, public meetings must be held virtually. This call-in number: 1-253-215-8782 and meeting id: 981 8903 1908 are provided for attendance. You may also attend the webinar here: https://zoom.us/j/98189031908</p> <p>We encourage written public comment submission prior to the meeting via email to ncoleman@cityofpoulsbo.com. Citizen comments will also be accommodated during the virtual meeting. The Planning Commission will prepare a recommendation to the City Council for their final approval prior to sending the documents to Ecology for final review. The City Council review is tentatively set for June 2021.</p>
Examination of File:	<p>The application file may be examined online by going to https://cityofpoulsbo.com/planning-economic-development/shorelineupdate/</p>
Public Participation Plan:	<p>A Public Participation Plan for the SMP was prepared and can be found here: https://cityofpoulsbo.com/planning-economic-development/shorelineupdate/</p>
Review Authority:	<p>The City Council is the review authority for this Type IV application. Approval by the Washington State Department of Ecology is also required.</p>
Staff Contact:	<p>Nikole Coleman Senior Planner ncoleman@cityofpoulsbo.com (360) 394 -9370</p>

THE CITY OF POULSBO STRIVES TO PROVIDE ACCESSIBLE MEETINGS FOR PEOPLE WITH DISABILITIES. PLEASE CONTACT THE POULSBO PED DEPARTMENT AT 360-394-9748 AT LEAST 48 HOURS PRIOR TO THE PUBLIC HEARING IF ACCOMMODATIONS ARE NEEDED.



NDA/ODNS
PCPTL



Affidavit of Public Notice

Planning and Economic Development Department
200 NE Moe Street | Poulsbo, Washington 98370
(360) 394-9748 | fax (360) 697-8269
www.cityofpoulsbo.com | plan&econ@cityofpoulsbo.com

Application No: P-02-05-21-02 Project Name: 2021 SMP Update

Nikole Coleman, being first duly sworn, upon his/her oath deposes and says: That he/she is now, and at all times herein mentioned has been, a citizen of the United States and the State of Washington, over and above the age of twenty-one years and a resident of said County, that on March 16, 2021, a copy of the following City of Poulsbo public notices, and which is attached to this affidavit,

- Notice of Application optional DNS
- SEPA Determination
- Notice of Public Meeting
- Notice of Public Hearing
- Notice of Decision

has been provided:

- Mailed to owners of property within 300' of the project site (Shoreline Prop. owners)
- Provided to newspaper of general circulation
- Emailed to PED Department distribution lists and/or parties of record
- Posted at Library, City Hall, Poulsbo Post Office
- Posted to the City's website
- Posted at Site Address: _____

Signature: [Handwritten Signature] Date: 3/16/21

Subscribed and sworn to before me this 18th day of March, 2021

KATI B DIEHL
Notary Public
State of Washington
License Number 82970
My Commission Expires
June 01, 2022

[Handwritten Signature]
 NOTARY PUBLIC in and for the State of
 Washington, residing at:
Poulsbo, WA
 My Commission expires on:
06.01.2022

From: [Constant Contact](#)
To: [City of Poulsbo Planning and Economic Development](#)
Subject: Your campaign SMP Update - Notice of Application (Optional DNS) and Joint City/State Public Hearing has been sent
Date: Tuesday, March 16, 2021 10:00:46 AM

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.



Dear Nikole Coleman,

Your campaign '**SMP Update - Notice of Application (Optional DNS) and Joint City/State Public Hearing**' was sent on 3/16/2021 around 1:00 PM EDT.

Below is a copy of the message your subscribers received. See how your campaign is doing by visiting Reports [in your account](#) to get real-time results and stats.

Subject: SMP Update - Notice of Application (Optional DNS) and Joint City/State Public Hearing



City of Poulsbo PUBLIC NOTICE

You are receiving this email because you have signed up to be on a City of Poulsbo Planning and Economic Development Public Outreach List .

The City of Poulsbo and Washington Department of Ecology (Ecology) are accepting comments on a periodic review of the Poulsbo's shoreline master program (SMP). The City has prepared draft SMP amendments to keep the SMP current with changes in state law, changes in other City plans and regulations, and other changed local circumstances.

The minimum public comment period shall be 30 calendar days. **The joint city/state public comment period will run from March 17, 2021 through April 16, 2021.**

The City of Poulsbo has reviewed the proposed project for probable adverse environmental impacts and expects to issue a determination of nonsignificance (DNS) for the project. The optional DNS process is being used per WAC 197-11-355 and PMC 16.04.115. This may be the only opportunity to comment on the environmental impacts of the proposal. *The public may comment on environmental related aspects of the proposal, and the comment period will remain open through April 16, 2021.*

The joint city/state public hearing is scheduled for April 27, 2021 @ 7pm. Due to the ongoing Covid-19 pandemic, public hearings must be held virtually. This call-in number: 1-253-215-8782 and meeting id: 981 8903 1908 are provided for attendance. You may also attend the webinar here: <https://zoom.us/j/98189031908>.

The City's Planning and Economic Development (PED) Department [webpage](#) houses the SMP Update where interested citizens and community members may visit for status updates, draft documents, official notices, minutes, and project information.

- [Notice of Application \(w/optional DNS\) and Planning Commission Public Hearing](#)

AFFIDAVIT OF PUBLICATION

Jess Rae
City of Poulsbo
200 NE Moe St
Poulsbo WA 98370

STATE OF WASHINGTON, COUNTIES OF KING AND SNOHOMISH

The undersigned, on oath states that he/she is an authorized representative of The Seattle Times Company, publisher of The Seattle Times of general circulation published daily in King and Snohomish Counties, State of Washington. The Seattle Times has been approved as a legal newspaper by orders of the Superior Court of King and Snohomish Counties.

The notice, in the exact form annexed, was published in the regular and entire issue of said paper or papers and distributed to its subscribers during all of the said period.

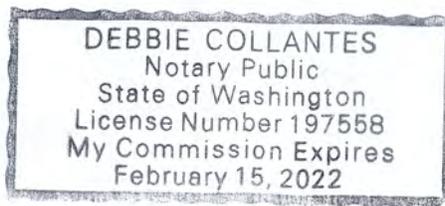
03/17/2021

Agent MAURREEN DUGGAN Signature Maur Duggan

Subscribed and sworn to before me on 03/18/2021
Debbie Collantes Debbie Collantes

(Notary Signature) Notary Public in and for the State of Washington, residing at Seattle

Publication Cost: \$153.87
Order No: 7968
Customer No: 209
PO #:



**CITY OF POULSBO
Notice of Application (Optional DNS)
and Notice of Planning Commission
Public Hearing**

Publication Cost: \$153.87
Order No: 7968
Customer No: 209
PO #:

Project Name: 2021 Shoreline Master Program Update

Project Description: The City of Poulsbo and Washington Department of Ecology are accepting comments on a periodic review of the City of Poulsbo's shoreline master program. The City has prepared draft amendments to keep the SMP current with changes in state law, changes in other plans and regulations, and other changed local circumstances. The minimum public comment period shall be 30 calendar days and will run from March 17, 2021 through April 16, 2021.

The Shoreline Management Act requires each SMP be reviewed and revised, if needed, on an 8-year schedule established by the state. Ecology is the regulatory body in charge of overseeing the City's SMP periodic review and also provides technical support and partial funding to prepare SMP periodic reviews. Poulsbo's periodic review must be completed by June 30, 2021.

Permit Type: IV

Environmental Review: The City of Poulsbo has reviewed the proposed project for probable adverse environmental impacts and expects to issue a determination of nonsignificance (DNS) for the project. The optional DNS process is being used per WAC 197-11-355 and PMC 16.04.115. This may be the only opportunity to comment on the environmental impacts of the proposal. The public may comment on environmental related aspects of the above-described proposal, and the comment period will remain open through April 16, 2021.

Hearing Information: The joint city/state public hearing is scheduled for April 27, 2021 @ 7pm. Due to the ongoing Covid-19 pandemic, public hearings must be held virtually. This call-in number: 1-253-215-8782 and meeting id: 981 8903 1908 are provided for attendance. You may also attend the webinar here:
<https://zoom.us/j/98189031908>.

Project Documents:
<https://cityofpoulsbo.com/planning-economic-development/shorelineupdate/>

Staff Contact: Nikole Coleman, Senior Planner, ncoleman@cityofpoulsbo.com, 360.394.9730



Order #14010350955

Order Date: March 12, 2021
 Account: PoulsboPED
Order Total: \$215.01

Billing Address

*Karla Boughton
 City of Poulsbo
 200 NE Moe St
 Poulsbo Washington 98370-7347
 United States
 T: 360-394-9748*

Payment Method

Credit Card

Credit Card Type MasterCard

Credit Card Number XXXX-7672



Job ID: 10258280

Requested Fulfillment Date: 3/13/2021

Product Information	Actual Fulfillment Date	Quantity	Subtotal	Status
Postcard - 5 x 8 - SpaceSaver Format Product SKU: PC41-P <i>Product Type: Postcard 5 X 8 Paper Type: White Matte Print Color: Full Color Print Options: Printing Both Sides Mail Class: First Class Production Time: Next Day Base Document Name: NOA_DNS_PCPH_Shoreline_Property_Owner_Po Job Address List Name: Shoreline_properties_342</i>	3/13/2021 Mailed via USPS	239	\$215.01	
Production Cost for 239 Pieces: \$105.16 First Class Automation Letter Postage for 216 Pieces: \$97.20 First Class Unsorted Letter Postage for 23 Pieces: \$12.65				
Order Sub Total:			\$215.01	
Invoice Subtotal:			\$215.01	
Total Invoice:			\$215.01	

From: [Nikole CH. Coleman](#)
To: ["ECY RE SEPA REGISTER"](#)
Cc: ["Sandercock, Maria \(ECY\)"](#)
Subject: SMP Update - NOA/ODNS, Notice of PC Public Hearing (Joint Review w/Ecology)
Date: Friday, March 12, 2021 9:36:00 AM
Attachments: [SEPA Checklist Reviewed RED.pdf](#)
[NOA_ODNS Full Flyer.pdf](#)

See attached.

Nikole Coleman, AICP
Senior Planner | City of Poulsbo
200 NE Moe Street | Poulsbo WA 98370
(360) 394-9730 | ncoleman@cityofpoulsbo.com
Pronouns: she/her

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EXHIBIT H

SEPA Threshold Determination and Checklist



DETERMINATION OF NONSIGNIFICANCE (DNS)

Project Name: 2021 Shoreline Master Program Update
Location: 200-foot Shoreline Jurisdiction
File No.: P-02-05-21-02

Description of Proposal: The Shoreline Management Act (SMA) requires each SMP be reviewed and revised, if needed, on an eight-year schedule established by the Legislature. Ecology is the regulatory body in charge of overseeing the City's SMP periodic review and also provides technical support and partial funding to prepare SMP periodic reviews. The City of Poulsbo's periodic review must be completed by June 30, 2021. The periodic review ensures the SMP stays current with changes in laws and rules, remains consistent with other City of Poulsbo's plans and regulations, and is responsive to changed circumstances, new information and improved data. The City of Poulsbo last completed a *comprehensive* update of its SMP in 2012. This is not a comprehensive update, but instead a minor periodic review.

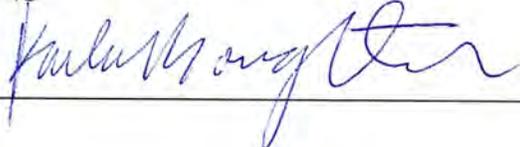
Applicant: City of Poulsbo Planning and Economic Development Department
Lead Agency: City of Poulsbo

The City of Poulsbo has determined that the above-described proposal does not have a probable significant adverse impact on the environment. An environmental impact statement (EIS) is not required under RCW 43.21C.030(2)(c). This decision was made after review of a completed environmental checklist and other information on file with the lead agency. This information is available to the public on request.

This DNS is issued under WAC 197-11-355, Optional DNS Process. There is no further comment period.

Responsible Official: Karla Boughton
Position/Title: Planning and Economic Development Department Director
200 NE Moe Street
Poulsbo, WA 98370
(360) 394-9748

Date: 4/19/21

Signature: 

APPEAL: Any agency or person may appeal this SEPA determination by filing a written appeal to the responsible official no later than 10 working days from the end of the comment period. Contact the responsible official to read or ask about the procedure for SEPA appeals.

SEPA
DNS



Affidavit of Public Notice

Planning and Economic Development Department
200 NE Moe Street | Poulsbo, Washington 98370
(360) 394-9748 | fax (360) 697-8269
www.cityofpoulsbo.com | plan&econ@cityofpoulsbo.com

Application No: P-02-05-21-02 Project Name: SMP Update

Nikole Coleman, being first duly sworn, upon his/her oath deposes and says: That he/she is now, and at all times herein mentioned has been, a citizen of the United States and the State of Washington, over and above the age of twenty-one years and a resident of said County, that on April 19, 2021, a copy of the following City of Poulsbo public notices, and which is attached to this affidavit,

- Notice of Application
- SEPA Determination
- Notice of Public Meeting
- Notice of Public Hearing
- Notice of Decision

has been provided:

- Mailed to owners of property within 300' of the project site
- Provided to newspaper of general circulation
- Emailed to PED Department distribution lists and/or parties of record
- Posted at Library, City Hall, Poulsbo Post Office
- Posted to the City's website
- Posted at Site Address: _____
- Ecology

Signature: [Signature] Date: 4/19/21

Subscribed and sworn to before me this 19th day of April, 2021



[Signature]
NOTARY PUBLIC in and for the State of Washington, residing at:
Port Orchard
My Commission expires on:
6-14-2024

From: [Constant Contact](#)
To: [City of Poulsbo Planning and Economic Development](#)
Subject: Your campaign 2021 Shoreline Master Program Update - SEPA Threshold Determination has been sent
Date: Monday, April 19, 2021 8:30:10 AM

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.



Dear Nikole Coleman,

Your campaign '**2021 Shoreline Master Program Update - SEPA Threshold Determination**' was sent on 4/19/2021 around 11:29 AM EDT.

Below is a copy of the message your subscribers received. See how your campaign is doing by visiting Reports [in your account](#) to get real-time results and stats.

Subject: 2021 Shoreline Master Program Update - SEPA Threshold Determination



City of Poulsbo Public Notice

You are receiving this email because you have signed up to be on a City of Poulsbo Planning and Economic Development public notice list.

The City of Poulsbo has determined that the 2021 SMP Update does not have a probable significant adverse impact on the environment. An environmental impact statement (EIS) is not required under RCW 43.21C.030(2)(c). This decision was made after review of a completed environmental checklist and other information on file with the lead agency. This information is available to the public on request.

This DNS is issued under WAC 197-11-355, Optional DNS Process. *There is no further comment period.*

- [SEPA Threshold Determination](#)

Please find the project documents for the 2021 Shoreline Master Program Update [here](#).

Staff Contact: Nikole Coleman, Senior Planner | ncoleman@cityofpoulsbo.com

From: [Nikole CH. Coleman](#)
To: [ECY RE SEPA REGISTER](#)
Subject: 2021 SMP Update - SEPA Determination
Date: Monday, April 19, 2021 8:28:00 AM
Attachments: [SEPA Determination.pdf](#)

See attached.

Nikole Coleman, AICP
Senior Planner | City of Poulsbo
200 NE Moe Street | Poulsbo WA 98370
(360) 394-9730 | ncoleman@cityofpoulsbo.com
Pronouns: she/her

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SEPA ENVIRONMENTAL CHECKLIST

200 NE Moe Street | Poulsbo, Washington 98370
 (360) 394-9748 | fax (360) 697-8269
 www.cityofpoulsbo.com | plan&econ@cityofpoulsbo.com

A. BACKGROUND		
Name of proposed project, if applicable: 2021 Shoreline Master Program Update		Date Prepared: 3/10/21
Name of Applicant: City of Poulsbo	Address: 200 NE Moe Street Poulsbo	Phone Number: 360.394.9748
Contact: Nikole Coleman <i>NC 3/10/21</i>	Agency Requesting Checklist: City of Poulsbo	
Proposed timing or schedule (including phasing, if applicable): Updates to the Poulsbo SMP will be completed by July 30, 2021. Public notices for public hearing dates will be issued and published in the City's official newspaper and City's website.		
Do you have any plans for future additions, expansions, or further activity related to or connected with this proposal? If yes, explain. This is a non-project action proposal. The City is updating the policies and regulations of its SMP to ensure consistency with related state and City policies, regulations, and best-available science. Site-specific applications for development within shoreline jurisdiction are considered separate actions and will be reviewed for compliance with the SMP at the time of application		
List any environmental information you know about that has been prepared, directly related to this proposal. No specific environmental information has been prepared for this update. Land use applications submitted to the City will be required to be processed under the provisions of Title 19, and may require environmental review when development is proposed, pursuant to SEPA rules.		
Do you know whether applications are pending for governmental approvals or other proposals directly affecting the property covered by your proposal? If yes, explain. This is a non-project action. Pending property-specific development applications deemed complete by City planning staff are vested to the current policies and regulations of the SMP		
List any government approvals or permits that will be needed for your proposal, if known. The City of Poulsbo and the Washington State Department of Ecology must approve the changes to the SMP prior to adoption of this proposal.		
Give a brief, complete description of your proposal, including the proposed uses and the size of the project and site. There are several questions later in this checklist that ask you to describe certain aspects of your proposal. You do not need to repeat those answers on this page. The City proposes to amend its SMP consistent with the requirements under the Shoreline Management Act (SMA) to review, and, if necessary, revise its SMP at least once every eight years. These amendments are intended to ensure consistency between the City's SMP and laws and guidelines that may have changed since the City last updated its SMP and any other amendments or clarifications included by the City. Amendments include Chapter 5 of the Comprehensive Plan (Natural Environment), Chapter 16.08, Shoreline Master Program, and Chapter 16.09, Shoreline Administration and Procedures.		
Location of the proposal. Give sufficient information for a person to understand the precise location of your proposed project, including a street address, if any, and section, township, and range, if known. If a proposal would occur over a range of area, provide the range or boundaries of the site(s). Provide a legal description, site plan, vicinity map, and topographic map, if reasonably available. While you should submit any plans required by the agency, you are not required to duplicate maps or detailed plans submitted with any permit applications related to this checklist. Poulsbo is located in Township 26 North, Range 1 East, Willamette Meridian and is located in all or portions of Sections 9, 10, 11, 13, 14, 15, 22, 23, 24, 25, and 26. The update to the SMP is a city-wide non-project action and includes the waters and all land within 200 feet landward of the ordinary high-water mark (OHWM).		

B. ENVIRONMENTAL ELEMENTS	Agree	Disagree	Mitigate
1. Earth			
<p>a. General description of the site (check one): <input type="checkbox"/> flat <input type="checkbox"/> rolling <input type="checkbox"/> hilly <input type="checkbox"/> steep <input type="checkbox"/> slopes <input type="checkbox"/> mountainous <input type="checkbox"/> other. Poulsbo's topography varies throughout the city, from flat to areas of steep slopes. Actual development will be subject to additional SEPA review as appropriate. Environmental review and a threshold determination will be required at the time of development review. Site specific development impacts are not identified at this time.</p>	✓		
<p>b. What is the steepest slope on the site (approximate percent slope)? There are areas within the city limits with slopes exceeding 40%, and potential geohazard areas are mapped on the City's critical areas maps. At the time of a development proposal, additional information on slopes will be required. Future development will require additional environmental review.</p>	✓		
<p>c. What general types of soils are found on the site (for example, clay, sand, gravel, peat, muck)? If you know the classification of agricultural soils, specify them and note any agricultural land of long-term commercial significance and whether the proposal results in removing any of these soils. According to the Kitsap County Soil Survey, the soils within the city limits is predominately classified as Poulsbo Gravelly sandy loam, with areas of Kapowsin gravelly loam and Sinclair soils.</p>	✓		
<p>d. Are there surface indications or history of unstable soils in the immediate vicinity? If so, describe. Geohazards are mapped in the City's critical areas maps and unstable soils/slopes are regulated by the City's Critical Areas Ordinance. No development is proposed at this time. Review of soil conditions will occur at the time specific proposals move forward.</p>	✓		
<p>e. Describe the purpose, type, and approximate quantities of any filling or grading proposed. Indicate source of fill. This is not applicable to this non-project action.</p>	✓		
<p>f. Could erosion occur as a result of clearing, construction or use? If so, generally describe. This is not applicable to this non-project action. No development is proposed at this time. Determination will be made at the time specific proposals move forward. Erosion control would be addressed through existing City ordinances, including the clearing and grading and critical areas regulations.</p>	✓		
<p>g. About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or buildings)? This is not applicable to this non-project action. No development is proposed at this time. Projects will require further analysis and SEPA review, where appropriate.</p>	✓		
<p>h. Proposed measures to reduce or control erosion, or other impacts to the earth, if any. None. No development is proposed at this time. Determination will be made at the time specific proposals move forward.</p>	✓		
2. Air			
<p>a. What types of emissions to the air would result from the proposal (i.e. dust, automobile, odors, industrial, wood smoke) during construction and when the project is completed? If any, generally describe and give approximate quantities if known. No development is proposed at this time. Determination will be made at the time specific proposals move forward.</p>	✓		
<p>b. Are there any off-site sources of emissions or odor that may affect your proposal? If so, generally describe. No development is proposed at this time. Determination will be made at the time specific proposals move forward.</p>	✓		

<p>c. Proposed measures to reduce or control emissions or other impacts to air, if any. None. No development is proposed at this time. Determination will be made at the time specific proposals move forward. New construction will comply with the requirements of the Poulso Municipal Code and the Engineering Department, which will be reviewed at the time of a specific project proposal moving forward.</p>	✓		
3. Water			
a. Surface:			
<p>1) Is there any surface water body on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, wetlands)? If yes, describe type and provide names. If appropriate, state what stream or river it flows into. Poulso's main surface water body is Liberty Bay; there are numerous streams and wetlands throughout the city limits. There is no development proposed at this time; future development will require additional environmental review.</p>	✓		
<p>2) Will the project require any work over, in, or adjacent to (within 200 feet) the described waters? If yes, please describe and attach available plans. No development is proposed at this time. Determination will be made at the time specific proposals move forward.</p>	✓		
<p>3) Estimate the amount of fill and dredge that would be placed in or removed from surface water or wetlands and indicate the area of the site that would be affected. Indicate the source of fill material. This is not applicable to this non-project action. No development is proposed at this time. Determination will be made at the time specific proposals move forward.</p>	✓		
<p>4) Will the proposal require surface water withdrawals or diversions? Give general description, purpose, and approximate quantities, if known. This is not applicable to this non-project action. No development is proposed at this time. Determination will be made at the time specific proposals move forward.</p>	✓		
<p>5) Does the proposal lie within a 100-year floodplain? If so, note location on the site plan. No development is proposed at this time. Determination will be made at the time specific proposals move forward.</p>	✓		
<p>6) Does the proposal involve any discharges of waste materials to surface waters? If so, describe the type of waste and anticipated volume of discharge. This is not applicable to this non-project action. No development is proposed at this time. Determination will be made at the time specific proposals move forward.</p>	✓		
b. Ground:			
<p>1) Will groundwater be withdrawn from a well for drinking water or other purposes? If so, give a general description of the well, proposed uses and approximate quantities withdrawn from the well. Will water be discharged to groundwater? Give general description, purpose, and approximate quantities if known. This is not applicable to this non-project action. No development is proposed at this time. Determination will be made at the time specific proposals move forward.</p>	✓		

<p>2) Describe waste material that will be discharged into the ground from septic tanks or other sources, if any (for example: domestic sewage; industrial, containing the following chemicals; agricultural; etc...). Describe the general size of the system, the number of such systems, the number of houses to be served (if applicable), or the number of animals or humans the system(s) are expected to serve. This is not applicable to this non-project action. No development is proposed at this time. Determination will be made at the time specific proposals move forward.</p>	✓		
<p>c. Water Runoff (including storm water):</p>			
<p>1) Describe the source of runoff (including storm water) and method of collection and disposal, if any (including quantities, if known). Where will this water flow? Will this water flow into other waters? If so, describe. This is not applicable to this non-project action. No development is proposed at this time. Future development will lead to stormwater runoff, which will be reviewed and required to meet City and State regulations for stormwater management. Determination will be made at the time specific proposals move forward.</p>	✓		
<p>2) Could waste materials enter ground or surface waters? If so, generally describe. This is not applicable to this non-project action. No development is proposed at this time. Determination will be made at the time specific proposals move forward.</p>	✓		
<p>3) Does the proposal alter or otherwise affect drainage patterns near the site? If so, describe. This is not applicable to this non-project action. No development is proposed at this time. Determination will be made at the time specific proposals move forward.</p>	✓		
<p>d. Proposed measures to reduce or control surface, ground, and runoff water impacts, if any: This is not applicable to this non-project action. No development is proposed at this time. At the time of development review, projects will be reviewed for compliance with the City's adopted storm water management regulations and updated critical areas ordinance.</p>	✓		
<p>4. Plants</p>			
<p>a. Check types of vegetation found on the site:</p> <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Deciduous tree: alder, maple, aspen, other <input checked="" type="checkbox"/> Evergreen tree: fir, cedar, pine, other <input checked="" type="checkbox"/> Shrubs <input checked="" type="checkbox"/> Grass <input checked="" type="checkbox"/> Pasture <input type="checkbox"/> Crop or grain <input checked="" type="checkbox"/> Wet soil plants: cattail, buttercup, bulrush, skunk cabbage, other <input type="checkbox"/> Water plants: water lily, eelgrass, milfoil, other <input type="checkbox"/> Other types of vegetation <p>The checked vegetation is found throughout Poulsbo. This is not applicable to this non-project action. No development is proposed at this time. The existing vegetation for sites will be determined at the time of development review.</p>	✓		
<p>b. What kind and amount of vegetation will be removed or altered? This is not applicable to this non-project action. No development is proposed at this time. Determination will be made at the time specific proposals move forward.</p>	✓		
<p>c. List threatened or endangered species known to be on or near the site. This is not applicable to this non-project action. No development is proposed at this time. Determination will be made at the time specific proposals move forward.</p>	✓		

<p>d. Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any. This is not applicable to this non-project action. No development is proposed at this time. Determination will be made at the time specific proposals move forward. Landscaping is typically required for new development proposals.</p>	✓		
<p>e. List all noxious weeds and invasive species known to be on or near the site. This is not applicable to this non-project action. No development is proposed at this time. Determination will be made at the time specific proposals move forward. Landscaping is typically required for new development proposals.</p>	✓		
5. Animals			
<p>a. Check any birds and animals which have been observed on or near the site or are known to be on or near the site: <input type="checkbox"/> Birds: hawk, heron, eagle, songbirds, other: <input type="checkbox"/> Mammals: deer, bear, elk, beaver, other: <input type="checkbox"/> Fish: bass, salmon, trout, herring, shellfish, other: There are a variety of birds, fish, and mammals that inhabit Poulsbo. They are primarily located near streams and Liberty Bay.</p>	✓		
<p>b. List any threatened or endangered species known to be on or near the site. Poulsbo has several listed species, including bald eagle, blue heron, harbor seal, salmon (Chinook, chum, coho), steelhead, cutthroat, hardshell clam, smelt, and sand lance. No development is proposed at this time. Additional environmental review will be conducted at the time of application for specific development.</p>	✓		
<p>c. Is the site part of a migration route? If so, explain. Liberty Bay and adjacent streams are known to contain anadromous salmonids. The City is located within the Pacific Flyway – a flight corridor for migrating waterfowl and other birds – that extends from Alaska to Mexico and South America.</p>	✓		
<p>d. Proposed measures to preserve or enhance wildlife, if any. This is not applicable to this non-project action. No development is proposed at this time. Determination will be made at the time specific proposals move forward. The City's Critical Areas Ordinance provides protection for wildlife. Any additional mitigation necessary will be identified at the time of site-specific development review.</p>	✓		
<p>e. List any invasive animal species known to be on or near the site. This is not applicable to this non-project action. No development is proposed at this time. Determination will be made at the time specific proposals move forward. The City's Critical Areas Ordinance provides protection for wildlife. Any additional mitigation necessary will be identified at the time of site-specific development review.</p>	✓		
6. Energy and Natural Resources			
<p>a. What kinds of energy (electric, natural gas, oil, wood stove, solar) will be used to meet the completed project's energy needs? Describe whether it will be used for heating, manufacturing, etc. This is not applicable to this non-project action. No development is proposed at this time. Determination will be made at the time specific proposals move forward. Electric energy is available city-wide and natural gas is available in specific locations in the city limits.</p>	✓		
<p>b. Would your project affect the potential use of solar energy by adjacent properties? If so, generally describe. This is not applicable to this non-project action. No development is proposed at this time. Determination will be made at the time specific proposals move forward.</p>	✓		
<p>c. What kinds of energy conservation features are included in the plans of this proposal? List other proposed measures to reduce or control energy impacts, if any. This is not applicable to this non-project action. Determination will be made at the time specific proposals move forward. Future development will meet the current energy code as identified in the International Building Code.</p>	✓		

7. Environmental Health			
a.	Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste, that could occur as a result of this proposal? If so, describe. This is not applicable to this non-project action. No development is proposed at this time. Determination will be made at the time specific proposals move forward.	✓	
1)	Describe any known or possible contamination at the site from present or past uses. This is not applicable to this non-project action. No development is proposed at this time. Determination will be made at the time specific proposals move forward.	✓	
2)	Describe existing hazardous chemicals/conditions that might affect project development and design. This includes underground hazardous liquid and gas transmission pipelines located within the project area and in the vicinity. This is not applicable to this non-project action. No development is proposed at this time. Determination will be made at the time specific proposals move forward.	✓	
3)	Describe any toxic or hazardous chemicals that might be stored, used, or produced during the project's development or construction, or at any time during the operating life of the project. This is not applicable to this non-project action. No development is proposed at this time. Determination will be made at the time specific proposals move forward.	✓	
4)	Describe special emergency services that might be required. This is not applicable to this non-project action. No development is proposed at this time. Determination will be made at the time specific proposals move forward.	✓	
5)	Proposed measures to reduce or control environmental health hazards, if any. This is not applicable to this non-project action. No development is proposed at this time. Determination will be made at the time specific proposals move forward.	✓	
b. Noise			
1)	What types of noise exist in the area which may affect your project (for example: traffic, equipment, operation, other)? The city has a typical level of noise expected in an urban environment.	✓	
2)	What types of levels of noise would be created by or associated with the project on a short-term or a long-term basis (for example: traffic, construction, operation, other)? Indicate what hours noise would come from the site. This is not applicable to this non-project action. No development is proposed at this time. Determination will be made at the time specific proposals move forward.	✓	
3)	Proposed measures to reduce or control noise impacts, if any. This is not applicable to this non-project action. No development is proposed at this time. Determination will be made at the time specific proposals move forward. Construction noise is regulated in the Poulsbo Municipal Code.	✓	
8. Land and Shoreline Use			
a.	What is the current use of the site and adjacent properties? Will the proposal affect current land uses on nearby or adjacent properties? If so, describe. The city has a variety of single-family residential development along with commercial areas, and other uses including multifamily residential, light industrial, institutional, and parks.	✓	

<p>b. Has the project site been used as working farmlands or working forest lands? If so, describe. How much agricultural or forest land of long-term commercial significance will be converted to other uses as a result of the proposal, if any? If resource lands have not been designated, how many acres in farmland or forest land tax status will be converted to nonfarm or nonforest use? This is not applicable to this non-project action. No development is proposed at this time. Determination will be made at the time specific proposals move forward.</p>	✓		
<p>1) Will the proposal affect or be affected by surrounding working farm or forest land normal business operations, such as oversize equipment access, the application of pesticides, tilling, and harvesting? If so, how: This is not applicable to this non-project action. No development is proposed at this time. Determination will be made at the time specific proposals move forward.</p>	✓		
<p>c. Describe any structures on the site. No development is proposed at this time. Determination will be made at the time specific proposals move forward.</p>	✓		
<p>d. Will any structures be demolished? If so, what? This is not applicable to this non-project action. No development is proposed at this time. Determination will be made at the time specific proposals move forward.</p>	✓		
<p>e. What is the current zoning classification of the site? No development is proposed at the comprehensive plan amendment stage. Determination of zoning classification and applicable review requirements will be made at the time specific proposals move forward.</p>	✓		
<p>f. What is the current comprehensive plan designation of the site? No development is proposed at the comprehensive plan amendment stage. Determination of comprehensive plan designation will be made at the time specific proposals move forward.</p>	✓		
<p>g. If applicable, what is the current shoreline master program designation of the site? No development is proposed at the comprehensive plan amendment stage. Determination of shoreline designation and applicable review requirements will be made at the time specific proposals move forward.</p>	✓		
<p>h. Has any part of the site been classified as a critical area by the city or county? If so, specify The actual development of the specific sites will be subject to additional development review and would be subject to environmental review. Site specific development impacts are not identified at this time. Identification of critical areas will be made based on the City's Critical Area Ordinances maps and site-specific environmental information prepared during the development review process.</p>	✓		
<p>i. Approximately how many people would reside or work in the completed project? This is not applicable to this non-project action. No development is proposed at this time. Determination will be made at the time specific proposals move forward.</p>	✓		
<p>j. Approximately how many people would the completed project displace? This is not applicable to this non-project action. No development is proposed at this time. Determination will be made at the time specific proposals move forward.</p>	✓		
<p>k. Proposed measures to avoid or reduce displacement impacts, if any. This is not applicable to this non-project action. No development is proposed at this time. Determination will be made at the time specific proposals move forward.</p>	✓		
<p>l. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any. No development is proposed with the comprehensive plan amendments. Determination of specific measures to ensure compatibility will be made during development review.</p>	✓		
<p>m. Proposed measures to reduce or control impacts to agricultural and forest lands of long-term commercial significance, if any. No development is proposed with the comprehensive plan amendments. Determination of specific measures to ensure compatibility will be made during development review.</p>	✓		

9. Housing			
a.	Approximately how many units would be provided, if any? None. This is a non-project action.	✓	
b.	Approximately how many units, if any, would be eliminated? None. This is a non-project action.	✓	
c.	Proposed measures to reduce or control housing impacts, if any. This is not applicable to this non-project action. No development is proposed at this time. Determination will be made at the time specific proposals move forward.	✓	
10. Aesthetics			
a.	What is the tallest height of any proposed structure(s), not including antennas; what is the principal exterior building material(s) proposed? This is not applicable to this non-project action. No development is proposed at this time. Determination will be made at the time specific proposals move forward.	✓	
b.	What views in the immediate vicinity would be altered or obstructed? This is not applicable to this non-project action. No development is proposed at this time. Determination will be made at the time specific proposals move forward.	✓	
c.	Proposed measures to reduce or control aesthetic impacts, if any. This is not applicable to this non-project action. No development is proposed at this time. Determination will be made at the time specific proposals move forward. While site specific development impacts are not identified at this time, building height and design review requirements are set forth in Poulsbo's zoning ordinance.	✓	
11. Light and Glare			
a.	What type of light or glare will the proposal produce? What time of day would it mainly occur? This is not applicable to this non-project action. No development is proposed at this time. Determination will be made at the time specific proposals move forward.	✓	
b.	Could light or glare from the finished project be a safety hazard or interfere with views? This is not applicable to this non-project action. No development is proposed at this time. Determination will be made at the time specific proposals move forward.	✓	
c.	What existing off-site sources of light or glare may affect your proposal? This is not applicable to this non-project action. No development is proposed at this time. Determination will be made at the time specific proposals move forward.	✓	
d.	Proposed measures to reduce or control light and glare impacts, if any. This is not applicable to this non-project action. No development is proposed at this time. Determination will be made at the time specific proposals move forward. While site specific impacts are not identified at this time, the City's zoning ordinance contains lighting requirements. Additional environmental review will be required as sites are proposed for development.	✓	
12. Recreation			
a.	What designated and informal recreational opportunities are in the immediate vicinity? Poulsbo has a variety of public parks and recreation opportunities throughout the city.	✓	
b.	Would the proposed project displace any existing recreational uses? If so, describe. This is not applicable to this non-project action. No development is proposed at this time. Determination will be made at the time specific proposals move forward.	✓	
c.	Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any. This is not applicable to this non-project action. No development is proposed at this time. Determination will be made at the time specific proposals move forward.	✓	

13. Historic and Cultural Preservation			
a. Are there any buildings, structures, or sites, located on or near the site that are over 45 years old listed in or eligible for listing in national, state, or local preservation registers? If so, specifically describe. Unknown at this time. This is a non-project action. Determination will be made at the time of specific proposals for development.	✓		
b. Are there any landmarks, features, or other evidence of Indian or historic use or occupation? This may include human burials or old cemeteries. Are there any material evidence, artifacts, or areas of cultural importance on or near the site? Please list any professional studies conducted at the site to identify such resources. Unknown at this time.	✓		
c. Describe the methods used to assess the potential impacts to cultural and historic resources on or near the project site. Examples include consultation with tribes and the department of archeology and historic preservation, archaeological surveys, historic maps, GIS data, etc This is not applicable to this non-project action. No development is proposed at this time. Determination will be made at the time specific proposals move forward.	✓		
d. Proposed measures to reduce or control impacts, if any. If at the time of site-specific development, evidence of historic or cultural resources are found, proper protocols and notifications will be initiated.	✓		
14. Transportation			
a. Identify public streets and highways serving the site and describe proposed access to the existing street system. Show on site plans, if any. Major streets and highways in Poulsbo include Highway 3, 305, State Route 307, Viking Avenue, Finn Hill, Front Street, Fjord Drive, Hostmark, Caldart, and Lincoln.	✓		
b. Is the site or affected geographic area currently served by public transit? If so, generally describe. If not, what is the approximate distance to the nearest transit stop? Kitsap Transit provides public transit throughout the city.	✓		
c. How many additional parking spaces would the completed project or non-project proposal have? How many would the project or proposal eliminate? This is not applicable to this non-project action. No development is proposed at this time. Determination will be made at the time specific proposals move forward.	✓		
d. Will the proposal require any new or improvements to existing roads, streets, pedestrian, bicycle or state transportation facilities, not including driveways? If so, generally describe (indicate whether public or private). This is not applicable to this non-project action. No development is proposed at this time. Determination will be made at the time specific proposals move forward.	✓		
e. Will the project use (or occur in the immediate vicinity of) water, rail or air transportation? If so, generally describe. No.	✓		
f. How many vehicular trips per day would be generated by the completed project or proposal? If known, indicate when peak volumes would occur and what percentage of the volume would be trucks (such as commercial and non-passenger vehicles). What data or transportation models were used to make these estimates? This is not applicable to this non-project action. No development is proposed at this time. Determination will be made at the time specific proposals move forward.	✓		
g. Will the proposal interfere with, affect or be affected by the movement of agricultural and forest products on roads or streets in the area? If so, generally describe. This is not applicable to this non-project action. No development is proposed at this time. Determination will be made at the time specific proposals move forward.	✓		

<p>h. Proposed measures to reduce or control transportation impacts, if any. This is not applicable to this non-project action. No development is proposed at this time. Determination will be made at the time specific proposals move forward. At the time of development review, projects will be reviewed for traffic impacts and appropriate mitigation will be imposed.</p>	✓		
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15. Public Services

<p>a. Would the project result in an increased need for public service (for example fire protection, police protection, health care, schools, other)? If so, generally describe. This is not applicable to this non-project action. No development is proposed at this time. Determination will be made at the time specific proposals move forward.</p>	✓		
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<p>b. Proposed measures to reduce or control direct impacts on public services, if any. This is not applicable to this non-project action. No development is proposed at this time. Determination will be made at the time specific proposals move forward.</p>	✓		
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16. Utilities

<p>a. Check the utilities currently available at the site: <input type="checkbox"/> electric <input type="checkbox"/> natural gas <input type="checkbox"/> water <input type="checkbox"/> refuse service <input type="checkbox"/> telephone, <input type="checkbox"/> sanitary sewer <input type="checkbox"/> septic system <input type="checkbox"/> other. Utilities are also available throughout the city, with natural gas only available in specific areas. No development is proposed with the amendments, and specific determination of utility services will be made at the time of development review.</p>	✓		
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<p>b. Describe the utilities that are proposed for the project, the utility providing the service, and the general construction activities on the site or in the immediate vicinity which might be needed. Utilities are also available throughout the city, with natural gas only available in specific areas. No development is proposed with the amendments, and specific determination of utility services will be made at the time of development review.</p>	✓		
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C. SIGNATURE

The above answers are true and complete to the best of my knowledge. I understand that the lead agency is relying on them to make its decision.

Signature:  Date Submitted: 3/10/21

D. SUPPLEMENTAL SHEET FOR NON-PROJECT ACTIONS

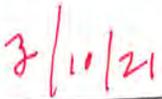
<p>1. How would the proposal be likely to increase discharge to water; emissions to air; production, storage, or release of toxic or hazardous substance; or production of noise? The proposed amendments associated with the periodic review of the City's SMP are not anticipated to increase any of the above. The proposed amendments are primarily concerned with keeping the SMP current with amendments to state law, changes to local plans and regulations, making usability improvements and clarifications, and changes to shoreline environment designations to align with underlying zoning.</p> <p>Proposed measures to avoid or reduce such increases are: The existing SMP includes restrictions on uses, activities, and development within SMP jurisdiction that prevent the discharge of water or release of toxic or hazardous substances into the water. The standard requires no net loss of environmental functions within the shoreline.</p>
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2.	<p>How would the proposal be likely to affect plants, animals, fish, or marine life? The proposed amendments associated with the periodic review of the City's SMP are not anticipated to negatively affect plants, animals, fish or marine life. The proposed amendments are primarily concerned with keeping the SMP with amendments to state laws, changes to local plans and regulations, and making usability improvements and clarifications.</p>
	<p>Proposed measures to protect or conserve plants, animals, fish, or marine life are: the existing SMP establishes a standard of no net loss of environmental functions within the shoreline. This is intended to preserve and protect existing habitat for existing plants, animals, and fish through the policies and regulations in the SMP. Provisions of the SMP also encourage restoration and enhancement of ecological functions that should positively affect habitat for native plants, animals, and fish.</p>
3.	<p>How would the proposal be likely to deplete energy or natural resources? The proposed amendments associated with the periodic review of the City's SMP are not anticipated to affect the depletion of energy or natural resources.</p>
	<p>Proposed measures to protect or conserve energy and natural resources are: The proposal will have no effect on energy conservation but is strongly linked to protecting remaining intact natural resources along the shoreline not already impacted by development.</p>
4.	<p>How would the proposal be likely to use or affect environmentally sensitive areas or areas designated (or eligible or under study) for governmental protection; such as parks, wilderness, wild and scenic rivers, threatened or endangered species habitat, historic or cultural sites, wetlands, floodplains, or prime farmlands? The amendments to the SMP are anticipated to continue to ensure no net loss of shoreline ecological functions.</p>
	<p>Proposed measures to protect such resources or to avoid or reduce impacts are: The existing SMP establishes a standard of no net loss of environmental functions within the shoreline. This is intended to preserve and protect environmentally sensitive and protected areas through the policies and regulations in the SMP. Provisions of the SMP also encourage the restoration and enhancement of ecological functions that should positively affect environmentally sensitive and protected areas.</p>
5.	<p>How would the proposal be likely to affect land and shoreline use, including whether it would allow or encourage land or shoreline uses incompatible with existing plans? The proposed amendments associated with the periodic review of the City's SMP would slightly alter the land and shoreline uses allowed to be more consistent with existing City plans, zoning, and development regulations. The proposed amendments are primarily concerned with keeping the SMP current with amendments to state laws, changes to local plans and regulations, making usability improvements and clarifications, and aligning shoreline environment designations with underlying zoning.</p>
	<p>Proposed measures to avoid or reduce shoreline and land use impacts are: The proposal itself aims to improve the compatibility of land use and shoreline plans.</p>
6.	<p>How would the proposal be likely to increase demands on transportation or public services and utilities? The proposed amendments associated with the periodic review of the City's SMP are not anticipated to increase demands on transportation or public services and utilities.</p>
	<p>Proposed measures to reduce or respond to such demand(s) are: No such measures are needed.</p>
7.	<p>Identify, if possible, whether the proposal may conflict with local, state, or federal laws or requirements for the protection of the environment. This non-project proposal includes amendments associated with the periodic review of the City's SMP, which the City is required to complete under the WA State Shoreline Management Act.</p>

Reviewed by Karla Boughton, PED Director



 Signature



 Date

EXHIBIT I

Public Comments Received to Date



State of Washington
DEPARTMENT OF FISH AND WILDLIFE

Coastal Region • Region 6 • 48 Devonshire Road, Montesano, WA 98563-9618
Telephone: (360) 249-4628 • Fax: (360) 249-1229

April 13, 2021

Nikole Coleman
Senior Planner, City of Poulsbo

Good morning,

Thank you so much for the opportunity for provide early comments and engagement on the City of Poulsbo (Shoreline Master Program) SMP Periodic Review. The Washington Department of Fish and Wildlife (WDFW) appreciates the thoughtful discussion, education, and inclusion in the process; thank you so much for fostering this collaboration.

Please accept the following table of comments from WDFW regarding the City of Poulsbo's SMP update. These comments specifically refer to the document Initial-Release_SMP-16.08-1.pdf, found on the City's Planning & Economic Development 2021 Shoreline Master Program Update webpage.

City of Poulsbo SMP update WDFW comments			
Page	Section	Comment	Suggested language
9	16.08.040 Definitions 66. "No net loss"	Recommend including language from State Hydraulic Code's definition of "no net loss" for consistency	Include in definition: "Sequentially for avoiding impacts, minimizing unavoidable impacts, and compensating for remaining adverse impacts to ecological functions. Mitigation required to achieve no net loss should benefit the ecological functions being impacted."
12	16.08.040 Definitions 88. "Soft shoreline armoring" or "soft shoreline stabilization"	Recommend including language from State Hydraulic Code's definition of "soft shore protection" for consistency	Include in definition: "Soft shore techniques include log placement, beach nourishment, resloping the bank, and revegetation can provide erosion protection using strategically placed natural materials while allowing beach processes and ecological functions to remain intact."
17	16.08.120 Federal and state approvals.	Note WDFW and USACE jurisdictions	Include "near" such that the resulting sentence reads:

		<p>are not solely based on the OHWM.</p> <p>For example, the USACE now uses the high tide line, whereas WDFW’s Hydraulic Authority extends to any project that may impact the bed or flow of the waters of the state and this sometimes extends above/landward of the OHWM,</p>	<p>“All work near, at, or waterward of the OHWM may require permits or approvals from one or more of the following state and federal agencies...”</p>
21 to 22	16.08.160 (D) Shoreline environment designations.	<p>Ecological functions provided by an intact and functional riparian buffer is vital to the ecosystem health of nearshore habitats. Natural “N” designation areas should be determined using best available science to ensure maximum protection of those ecological functions.</p>	<p>Consider the “site potential tree height” tool in WDFW’s Priority Habitats and Species Program in determining buffer designation area length from the shoreline using site specific parameters.</p>
24	Shoreline Use Table (I) Residential	<p>See comment above regarding importance of intact and functional riparian buffer.</p> <p>Please note that the change of permit type from “V” variance to “P” Permitted may result in a reduced ability for review and commenting.</p>	
34	16.08.270 Buoys	<p>Recommend including language to promote the use of helical or embedded anchors as well as mid-line floats in the design of the buoy</p>	<p>Include addition of subsection (A)(1)(c) and (B)(5) with the following language: “where feasible use embedded or helical anchors and incorporate mid-line floats to avoid impacts and scour to the seafloor.</p>

43	16.08.380 Shoreline Modifications-General requirements.	Recommend including additional application and design requirements to be consistent with State Hydraulic Code	Include addition of subsection (E) with the following language: “All shoreline modification applications must include plans with tidal elevations of the proposed structures as well as the locations of the OHWL and MHHW. Additionally plans must show the horizontal distances of the proposed structure(s) from permanent benchmark(s) (fixed objects). Each horizontal distance shown must include the length and compass bearing from the benchmark to the waterward face of the structure(s). The benchmark(s) must be located, marked, and protected to serve as a post-project reference for at least ten years from the date the application. Lastly all proposals for shoreline armoring should also specify the length of the new or replacement structure
52	16.08.480 (F) (6) Nonconforming shoreline uses and structures.	<p>WDFW does not support lateral expansions where they encroach on riparian areas. These encroachments, either to an existing buffer or shoreline set back, result in a net loss of riparian function. Even if the current buffer is grass lawn or similar degraded area, waterward/landward building expansion can result in decreased function and prevents the possibility of future enhancement/restoration.</p> <p>WDFW holds that these activities are not cohesive with restoring and protecting shoreline function. We support that expansions should be away from the shorelines, and that any expansions occurring laterally or waterward be appropriately coupled with mitigation sequencing to insure no net loss from the immediate and ongoing impact of such expansion.</p>	

In addition to our specific comments provided in the table above, WDFW would also like to highlight the completion of both volumes of our updated Priority Habitats and Species (PHS) publications on riparian ecosystems, focusing on the needs of fish and other aquatic wildlife. In May 2018, we released the manuscript of PHS Riparian Ecosystems, Volume 1: Science Synthesis and Management Implications, which meets the criteria for Best Available Science (relative to your CAO) and/or new scientific and technical information (relative to your SMP). In December 2020, we released the final manuscript of PHS Riparian Ecosystems, Volume 2: Management Recommendations in which WDFW provides recommendations on how best to apply the science in Volume 1 through the lens of our agency’s mandate. These documents focus on the important habitat functions and values provided by freshwater riparian areas (in particular, around rivers and streams), and

include, among other things, new guidance about viewing “riparian management zones” as not simply buffers for streams and rivers, but as habitats in and of themselves. While we do not have specific draft language to offer at this time, WDFW would like to start talking with you about how these newer PHS resources can best be applied to the landscape within the City of Poulsbo.

I hope that this letter of our comments is helpful for you and welcome any questions or ongoing conversation. Please do not hesitate to reach out if we can provide any clarification, additional information, or assistance of any kind. We truly appreciate this opportunity for collaboration and hope that we can provide more technical assistance to the City of Poulsbo for our shared stewardship goals for the public.

Respectfully yours,

A handwritten signature in black ink, appearing to read 'Nam Siu', with a long horizontal flourish extending to the right.

Nam Siu
Area Habitat Biologist
Washington Department of Fish and Wildlife

cc: Dave Kloempken, WDFW
Chris Waldbillig, WDFW
Michelle McConnell, ECY

From: [Rock Family](#)
To: [Nikole CH. Coleman](#)
Subject: Shoreline Management Plan
Date: Wednesday, April 14, 2021 9:34:20 AM

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Nikole,

It was frustrating during the last SMP process to watch the city paint itself into a corner by embracing a rigid SMP. At the point the city was trying to sell the old police station and I discussed with the Mayor the severe limitations the city imposed on itself which would prevent development. This is fact has happened. I think there was a mentality that strict restrictions would create scarcity and value - that can happen market wide - but it doesn't work for individual projects. Each project has to pencil independently.

There is a need to maintain and improve old town Poulsbo - this doesn't mean to change it, but to improve it as is. Buildings will need to be remodeled or replaced, development needs to occur in sites like the old police station which are a blight on an otherwise beautiful town. The city should create flexibility within the SMP and then manage that flexibility through zoning and other restrictions. The SMP should not exceed the restrictions imposed by the DOE and should in fact push back somewhat against the DOE for more flexibility.

Protect and enhance views of Liberty Bay, the marina and the town. Continue to create a walkable / rideable active city. Imagine the city 20 years from now and what it should look like, how it should work. Your role and foresight is critical.

Thank you for soliciting input,

Jim Rock



THE SUQUAMISH TRIBE

NATURAL RESOURCES DEPARTMENT

PO Box 498 Suquamish, WA 98392-0498

TRANSMITTED BY EMAIL

April 16, 2021

City of Poulsbo
Planning and Economic Development
c/o Karla Boughton

RE: City of Poulsbo Shoreline Master Program Periodic Review (March-April 2021)

Dear Ms. Boughton,

Thank you for the opportunity to review and comment on the proposed amendments to the Poulsbo Shoreline Master Program (SMP) and associated code revisions (draft dated 2/23/2021 and revised 4/6/2021). The Tribe seeks protection of all treaty-reserved natural resources through avoidance and minimization of negative impacts to habitat and natural systems within its adjudicated usual and accustomed fishing area (“U & A”). Local Shoreline Master Programs serve a critical role in protecting habitat, health, and tribal treaty-reserved resources.

The Tribe has reviewed the above referenced project and has the following comments. Code citations below are based on the most recent, April 6, 2021 Planning Commission draft, posted on the City’s website.

Shoreline Master Program Periodic Review- Draft (February 2021, Rev. April 2021)

16.08.040 (84). “Shoreline buffer” – ‘undeveloped’ vs. ‘predominately undisturbed’

The WAC referenced ‘for consistency’ (WAC 173-26-020) does not contain or reference this definition of shoreline buffer, but does define ‘significant vegetation removal’. The change from describing a shoreline buffer as ‘undeveloped’ to ‘predominately undisturbed’ may fit with the ‘significant vegetation removal’ definition in the WAC, but should not be used to define the buffer itself. Adding clarity in the second part of the definition on how buffers may be modified helps make the point, but the definition of ‘buffer’ itself should remain as undeveloped and in as natural of a vegetated state as possible.

Recommend:

“Shoreline buffer” means an area immediately adjacent to the shoreline as measured from the OHWM, which under optimal conditions, are composed of intact native vegetation, 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 occurs.

16.08.110 (L). A development, activity or use that meets the exemption criteria of RCW 90.58.355 and WAC 173-27-044 are not subject to any local government review and are not required to obtain a shoreline substantial development permit or exemption

In addition to referencing the RCW and WAC, it is also recommended to list out what those currently apply to, such as remedial actions, WSDOT maintenance, etc. This makes it clear to the average reader that their project is not exempt from review.

16.08.420(A) With regard to demonstration of need for shoreline armoring, please clarify why the following has been removed: “...is being caused by waves, tides or currents, and not by loss of upland vegetation or drainage issues.”? This has been replaced only with no net loss language in the draft. It is critical that shoreline armoring only be permitted when necessary to protect from natural shoreline erosion concerns such as waves and currents. Shoreline armoring should not be permitted in cases where the armoring would not solve the underlying issue (ie, poor stormwater management) unless the underlying cause is also addressed and the armoring is still demonstrated necessary to protect the primary structure. The Tribe recommends keeping the current language. Recognizing that in many cases poor upland management has resulted in emergency situations that require protection of primary structures, a caveat could instead be added that it may be permitted, provided the underlying cause of erosion is also addressed, and the project has still considered alternatives and meets the ‘no-net-loss’ standard.

16.08.480(F)(6)(b).

Proposed enlargements or expansions that do not meet the criteria in Section 16.08.550 F.6.a shall be subject to Section 16.08.550 F.4.

The cited sections do not appear in code. 16.08.500 is the last section in the draft and online code versions. Is this a typographical error?

Thank you for the opportunity to comment on the above referenced proposal. Please keep us informed of any project status and any related project actions. If you have questions or concerns, please don't hesitate to email at kbarnhart@suquamish.nsn.us .

Sincerely,



Kathlene Barnhart
Ecologist, Natural Resources Department

CC:

Chris Waldbillig, Washington Department of Fish and Wildlife

Nam Siu, Washington Department of Fish and Wildlife

Maria Sandercock, Washington Department of Ecology

DRAFT

EXHIBIT J

Ecology Periodic Review Checklist

Checklist provided by WA State Department of Ecology to ensure consistency with code changes since 2017.

	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. Development does not include dismantling or removing structures if there is no other associated development or re-development.	Added “ Development does not include dismantling or removing structures if there is no other associated development or re-development. ” 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 , WAC 173-27-044 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 WAC 173-27-044 to 16.09.040
d.	Ecology amended rules that clarify permit filing procedures consistent with a 2011 statute.	16.09.190: WAC 173-27-130 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 nonconfirming 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.

	SUMMARY OF CHANGE	REVIEW	ACTION
b.	Ecology updated wetlands critical areas guidance including implementation guidance for the 2014 wetlands rating system.	Poulsbo adopted updated CAO in 2017. 16.08.050: D. As allowed by RCW 90.58.030(2)(f)(ii) and WAC 173-26-221(2)(a) , the city has chosen to not expand its shoreline jurisdiction to include critical area buffers that are located outside of the shoreline jurisdiction. These areas will continue to be regulated by Chapter 16.20 , Critical Areas.	None.
2015			
a.	The Legislature adopted a 90-day target for local review of Washington State Department of Transportation (WSDOT) projects.		None.
2014			
a.	The Legislature raised the cost threshold for requiring a Substantial Development Permit (SDP) for replacement docks on lakes and rivers to \$20,000 (from \$10,000).	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.	The Legislature created a new definition and policy for floating on-water residences legally established before 7/1/2014.	Per 16.08.190 floating homes are prohibited in all environments.	None.
2012			
a.	The Legislature amended the SMA to clarify SMP appeal procedures .	19.70.060: Appeal of shoreline master program amendments after the Department of Ecology's written notice of final action shall be made to the Growth Management Hearings Board pursuant to the requirements set forth in RCW 36.70A.290 and 90.58.190(2) .	None.
2011			
a.	Ecology adopted a rule requiring that wetlands be delineated in accordance with the approved federal wetland delineation manual .	16.20.225: Wetland delineation shall be conducted and results reviewed according to the requirements of the U.S. Army Corps of Engineers federal wetland delineation manual and applicable regional supplements.	None.
b.	Ecology adopted rules for new commercial geoduck aquaculture .	16.08.040: "Aquaculture" means the cultivation of fish, shellfish and/or other aquatic animals or plants, including the incidental preparation of these products for human use. <i>This definition does not include approved native habitat restoration or native species restoration activities on the tidelands or bedlands of Liberty Bay.</i>	Updated definition in 16.08.040 .
c.	The Legislature created a new definition and policy for floating homes permitted or legally established prior to January 1, 2011.	Per 16.08.190 floating homes are prohibited in all environments.	None.
d.	The Legislature authorized a new option to classify existing structures as conforming .		None
2010			
a.	The Legislature adopted Growth Management Act – Shoreline Management Act clarifications .	"No net loss" language included throughout the 2017 updated CAO.	None.
2009			
a.	The Legislature created new "relief" procedures for instances in	Language not included in SMP.	None.

	SUMMARY OF CHANGE	REVIEW	ACTION
	which a shoreline restoration project within a UGA creates a shift in Ordinary High Water Mark.		
b.	Ecology adopted a rule for certifying wetland mitigation banks .	16.20.240 (CAO) allowed the use of a state-certified wetland mitigation bank for compensatory mitigation	None.
c.	The Legislature added moratoria authority and procedures to the SMA.	The city utilizes the interim amendment procedures in RCW 36.70A.390 and 35A.63.220.	None.
2007			
a.	The Legislature clarified options for defining "floodway" as either the area that has been established in FEMA maps, or the floodway criteria set in the SMA.	16.08.040: "Floodway" means the channel of a river and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the surface elevation more than a specified height. The limit of this area shall be based upon Federal Emergency Management Agency flood maps or other reasonable method that meets the objectives of the Shoreline Management Act	None.
b.	Ecology amended rules to clarify that comprehensively updated SMPs shall include a list and map of streams and lakes that are in shoreline jurisdiction.	16.08.050 outlines the shoreline jurisdiction.	None.
c.	Ecology's rule listing statutory exemptions from the requirement for an SDP was amended to include fish habitat enhancement projects that conform to the provisions of RCW 77.55.181.	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.

EXHIBIT K

Planning Commission Findings of Fact and Recommendation



2021 Shoreline Master Program Update *Planning Commission Findings of Fact and Recommendations*

The Poulsbo Planning Commission, in its role as advisory body on land use policy documents and regulations, held three workshops from Feb-April 2021, to review the draft Shoreline Master Program Update (SMP), including goals, policies, regulations, procedures, and shoreline maps. The Planning Commission identified a number of revisions to the draft SMP.

The Planning Commission opened its properly noticed public hearing on April 27, 2021 and took testimony and after discussion, the Planning Commission provided a motion for recommendation on the 2021 Shoreline Master Program Update.

The Planning Commission moved to recommend, with a vote of 6 for, to The City Council approval of the 2021 Shoreline Master Program Update.

In making the recommendation, the Planning Commission offered the following **FINDINGS**:

The 2021 Shoreline Master Program Update was publicly released February 23, 2021. This release and all associated documents were posted on the City's SMP Update website, distributed to Washington State Department of Commerce and local, regional, and state agencies, and emailed to the City's SMP Update, Development Regulations Update, and Comprehensive Plan Update interested parties e-notice lists.

On March 17, 2021, a combined Notice of Application (NOA) with Optional DNS and Notice of Planning Commission Public Hearing was published in the Seattle Times, emailed to applicable email notice lists, posted at the Poulsbo Post Office and City Hall, and posted to the City's SMP Update website. On April 19, 2021, the SEPA Threshold Determination was issued.

On April 20, 2021, the Planning and Economic Development Department released the staff report for the Planning Commission Public Hearing.

The Poulsbo Planning Commission held a properly noticed public hearing on April 27, 2021.

After the close of the public hearing and Commission discussion, the Planning Commission provided motions and recommendations to the City Council on the 2021 Shoreline Master Program Update.

The **PLANNING COMMISSION RECOMMENDS APPROVAL** of the 2021 Shoreline Master Program Update as identified in Exhibits B-E to the Planning Commission Staff Report dated April 20, 2021.

RAY STEVENS, CHAIR
Poulsbo Planning Commission
April 28, 2021

EXHIBIT L

City Council Notice of Public Hearing



NOTICE OF PUBLIC HEARING

Planning and Economic Development Department
200 NE Moe Street | Poulsbo, Washington 98370
(360) 394-9748 | fax (360) 697-8269
www.cityofpoulsbo.com | plan&econ@cityofpoulsbo.com

SHORELINE MASTER PROGRAM UPDATE

City Council Public Hearing: July 21, 2021

Hearing Date:	July 21, 2021	Hearing Time:	7 pm, or soon thereafter as the agenda determines
Hearing Location:	This call-in number: 1-253-215-8782 and meeting id: 813 9550 9649 are provided for attendance, or: https://us02web.zoom.us/j/81395509649 .		
Requested Action:	All interested citizens and agencies are invited to provide written and verbal testimony to the City Council regarding the proposed Shoreline Master Program Update.		
Project Description:	The Shoreline Management Act (SMA) requires each SMP be reviewed and revised, if needed, on an eight-year schedule established by the Legislature. Ecology is the regulatory body in charge of overseeing the City's SMP periodic review and also provides technical support and partial funding to prepare SMP periodic reviews. The City of Poulsbo's periodic review must be completed by June 30, 2021. The periodic review ensures the SMP stays current with changes in laws and rules, remains consistent with other City of Poulsbo's plans and regulations, and is responsive to changed circumstances, new information and improved data. The City of Poulsbo last completed a <i>comprehensive</i> update of its SMP in 2012. This will not be a comprehensive update, but instead a minor periodic review.		
Public Comment Methods:	Written comments may be mailed, faxed, or e-mailed to the PED Department contact information indicated below. To ensure consideration, all written comments must be received prior to close of the public hearing.		
Review Authority:	The City Council is the review authority for this Type IV application. Approval by the Washington State Department of Ecology is also required.		
Public Participation Plan:	A Public Participation Plan for the SMP was prepared and can be found here: https://cityofpoulsbo.com/planning-economic-development/shorelineupdate/		
Hearing Information:	The City Council public hearing is scheduled for July 21, 2021, at 7pm . Due to the ongoing Covid-19 pandemic, public hearings must be held virtually. This call-in number: 1-253-215-8782 and meeting id: 813 9550 9649 are provided for attendance, or: https://us02web.zoom.us/j/81395509649 . If you wish to provide verbal citizen comment during the virtual meeting, please call in 10 minutes prior to the meeting and to be added to the sign-in sheet to speak during citizen comments or the public hearing. Alternatively, please submit written comments requesting your comments be read during the meeting to cityclerks@cityofpoulsbo.com , mail to City Hall, call and leave a message with the Clerk's Office, or drop comments off at the 3 rd & Moe drop box before 4:30 p.m. to be read by the City Clerk during the virtual meeting.		
Staff Contact:	Nikole Coleman Senior Planner ncoleman@cityofpoulsbo.com (360) 394 -9370		
Examination of Documents:	The application file may be examined online by going to https://cityofpoulsbo.com/planning-economic-development/shorelineupdate/		

THE CITY OF POULSBO STRIVES TO PROVIDE ACCESSIBLE MEETINGS FOR PEOPLE WITH DISABILITIES. PLEASE CONTACT THE POULSBO PED DEPARTMENT AT 360-394-9748 AT LEAST 48 HOURS PRIOR TO THE HEARING IF ACCOMMODATIONS ARE NEEDED.

CCPH



Affidavit of Public Notice

Planning and Economic Development Department
200 NE Moe Street | Poulsbo, Washington 98370
(360) 394-9748 | fax (360) 697-8269
www.cityofpoulsbo.com | plan&econ@cityofpoulsbo.com

Application No: P-02-05-21-02 Project Name: Smp update

Nikole Coleman, being first duly sworn, upon his/her oath deposes and says: That he/she is now, and at all times herein mentioned has been, a citizen of the United States and the State of Washington, over and above the age of twenty-one years and a resident of said County, that on June 30, 2021, a copy of the following City of Poulsbo public notices, and which is attached to this affidavit,

- Notice of Application
- SEPA Determination
- Notice of Public Meeting
- Notice of Public Hearing
- Notice of Decision

has been provided:

- Mailed to owners of property within 300' of the project site (Smp Property owners list)
- Provided to newspaper of general circulation
- Emailed to PED Department distribution lists and/or parties of record
- Posted at Library, City Hall, Poulsbo Post Office
- Posted to the City's website (Smp website)
- Posted at Site Address: _____

Signature: [Signature] Date: 6/30/21

Subscribed and sworn to before me this 1st day of July, 2021

KATI B DIEHL
Notary Public
State of Washington
License Number 82970
My Commission Expires
June 01, 2022

[Signature]
NOTARY PUBLIC in and for the State of Washington, residing at:

Poulsbo, WA

My Commission expires on:
06.01.2022

Nikole CH. Coleman

From: Constant Contact <noreply@constantcontact.com>
Sent: Wednesday, June 30, 2021 7:03 AM
To: City of Poulsbo Planning and Economic Development
Subject: Your campaign Shoreline Master Program Update - Notice of City Council Public Hearing - July 21 has been sent

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.



Dear Nikole Coleman,

Your campaign '**Shoreline Master Program Update - Notice of City Council Public Hearing - July 21**' was sent on 6/30/2021 around 10:01 AM EDT.

Below is a copy of the message your subscribers received. See how your campaign is doing by visiting Reports [in your account](#) to get real-time results and stats.

Subject: Shoreline Master Program Update - Notice of City Council Public Hearing - July 21



City of Poulsbo Public Hearing Notice

The Shoreline Management Act (SMA) requires each SMP be reviewed and revised, if needed, on an eight-year schedule established by the Legislature. Ecology is the regulatory body in charge of overseeing the City's SMP periodic review and also provides technical support and partial funding to prepare SMP periodic reviews. The periodic review ensures the SMP stays current with changes in laws and rules, remains consistent with other City of Poulsbo's plans and regulations, and is responsive to changed circumstances, new information and improved data. The City

of Poulsbo last completed a *comprehensive* update of its SMP in 2012. This will not be a comprehensive update, but instead a minor periodic review.

- [Notice of City Council Public Hearing](#)

The City Council public hearing is scheduled for **July 21, 2021, at 7pm**. Due to the ongoing Covid-19 pandemic, public hearings must be held virtually. This call-in number: 1-253-215-8782 and meeting id: 813 9550 9649 are provided for attendance, or: <https://us02web.zoom.us/j/81395509649>. If you wish to provide verbal citizen comment during the virtual meeting, please call in 10 minutes prior to the meeting and to be added to the sign-in sheet to speak during citizen comments or the public hearing. Alternatively, please submit written comments requesting your comments be read during the meeting to cityclerks@cityofpoulsbo.com, mail to City Hall, call and leave a message with the Clerk's Office, or drop comments off at the 3rd & Moe drop box **before 4:30 p.m.** to be read by the City Clerk during the virtual meeting.

Please find all of the project documents for the SMP Update [here](#).

Staff Contact: Nikole Coleman | Senior Planner | ncoleman@cityofpoulsbo.com

City of Poulsbo | Planning and Economic Development Department, 200 NE Moe Street, Poulsbo, WA 98370

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AFFIDAVIT OF PUBLICATION

Jess Rae
City of Poulsbo
200 NE Moe St
Poulsbo WA 98370

STATE OF WASHINGTON, COUNTIES OF KING AND SNOHOMISH

The undersigned, on oath states that he/she is an authorized representative of The Seattle Times Company, publisher of The Seattle Times of general circulation published daily in King and Snohomish Counties, State of Washington. The Seattle Times has been approved as a legal newspaper by orders of the Superior Court of King and Snohomish Counties.

The notice, in the exact form annexed, was published in the regular and entire issue of said paper or papers and distributed to its subscribers during all of the said period.

06/30/2021

City of Poulsbo NOTICE OF CITY COUNCIL PUBLIC HEARING

Project Name/Location: Shoreline
Master Program Update, Type IV

Project Description: The Shoreline Management Act requires each SMP be reviewed and revised, if needed, on an 8-year schedule established by the state. Ecology is the regulatory body in charge of overseeing the City's SMP periodic review and also provides technical support and partial funding to prepare SMP periodic reviews.

Public Hearing: The City Council public hearing is scheduled for July 21, 2021, at 7pm. Due to the ongoing covid-19 pandemic, public hearings are being held virtually. This call-in number: 1-253-215-8782 and meeting id: 813 9550 9649 are provided for attendance, or: <https://us02web.zoom.us/j/81395509649>.

If you wish to provide verbal citizen comment during the virtual meeting, please call in 10 minutes prior to the meeting and to be added to the sign-in sheet to speak during citizen comments or the public hearing. Alternatively, please submit written comments requesting your comments be read during the meeting to city-clerks@cityofpoulsbo.com, mail to City Hall, call and leave a message with the Clerk's Office, or drop comments off at the 3rd & Moe drop box before 4:30 p.m. to be read by the City Clerk during the virtual meeting.

Staff Contact: (360) 394-9748 or plan&econ@cityofpoulsbo.com

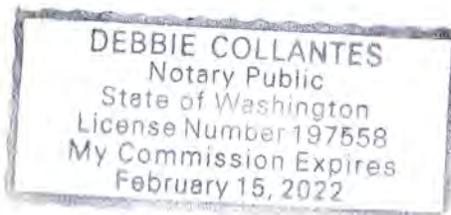
Project Documents:
<https://cityofpoulsbo.com/planning-economic-development/shorelineupdate/>

Agent Phonda Driver Signature 

Subscribed and sworn to before me on 06/30/2021
Debbie Debbie Collantes

(Notary Signature) Notary Public in and for the State of Washington, residing at Seattle

Publication Cost: \$107.04
Order No: 11962
Customer No: 209
PO #:





Order No.14011309394

Order Total: \$234.13

Order Date
Jun 28, 2021, 2:52:12 PM

Account
PoulsboPED

Payment Method
Credit Card

Order Status
Number of Jobs
01

Credit Card Type
MasterCard

Credit Card Number
XXXX-7672

Billing Address
Karla Boughton
City of Poulsbo
200 NE Moe St
Poulsbo Washington 98370-7347
United States
T: 360-394-9748

Job and Product Information	Requested Fulfillment Date	Actual Fulfillment Date	Quantity	Sub total
<p>Job ID: 11254330</p> <p>Postcard - 5 x 8 - SpaceSaver Format</p> <p>Product SKU: PC41-P</p> <p>Job Source: PMUI</p> <p>Product Type: Postcard 5 X 8, Paper Type: White Matte With Gloss UV Finish, Print Color: Full Color, Print Options: Printing Both Sides, Mail Class: First Class, Production Time: Next Day. Base Document Name: CCPH_Postcard Job Address List Name: Shoreline_properties_342</p> <p>Production Cost for 239 Pieces: \$124.28</p> <p>First Class Automation Letter Postage for 216 Pieces: \$97.20</p> <p>First Class Unsorted Letter Postage for 23 Pieces: \$12.65</p>	6/29/2021	6/29/2021 Mailed via USPS	239	\$234.13

Invoice Subtotal: \$234.13

Total Invoice: \$234.13

EXHIBIT M

Department of Ecology Initial Determination

TO: Nikole Coleman, Senior Planner, City of Poulsbo
CC: Jackie Chandler, Shoreline Administrator, WA Department of Ecology
FROM: Maria Sandercock, Shoreline Planner, WA Department of Ecology
Date: June 17, 2021
Subject: Initial Determination of Consistency
Sent via email to: ncoleman@cityofpoulsbo.com

Use of this Document

Ecology's *Initial Determination of Consistency* provides Ecology's review of the proposed amendment to the City of Poulsbo (City) Shoreline Master Program (SMP). This document is divided into two sections:

Findings of Fact, which provides findings related to the City's proposed amendment, amendment history, and the review process and **Initial Determination** of the proposed amendment with next steps.

Attachment 1 itemizes issues that must be addressed for Ecology's final approval of the proposed amendment.

Brief Description of Proposed Amendment

The City has submitted Shoreline Master Program (SMP) amendments to Ecology for initial determination of concurrence to comply with periodic review requirements. Ecology is required under WAC 173-26-104(3)(b) to make an initial determination of consistency with applicable laws and rules.

FINDINGS OF FACT

Need for amendment

The City's comprehensive update to their SMP went into effect in 2010. The City made an amendment to the SMP in 2018, which was approved by Ecology in 2019. Now, the proposed amendment is needed to comply with the statutory deadline for a periodic review of the Poulsbo Shoreline Master Program pursuant to RCW 90.58.080(4).

SMP provisions to be changed by the amendment as proposed

The City prepared a checklist and an analysis that documents proposed amendments. The amendments bring the SMP into compliance with requirements of the act or state rules that have been added or changed since the last SMP amendment, ensure the SMP remains consistent with amended comprehensive plans and regulations, and incorporate amendments deemed necessary to reflect changed circumstances, new information, or improved data. The City has identified some areas of the SMP in need of update for improved implementation. The City uses parallel designations along most of its shoreline – a designation of "Shoreline Residential-1" or "Natural" is applied in the area of the shoreline buffer, and a less restrictive "Shoreline Residential-2" or "Urban Conservancy" is applied to the remainder of the shoreline jurisdiction. Residential uses are listed as "V" in Shoreline Residential-1 in the use table, meaning they may be allowed through a variance. The City has found this confusing to implement and is proposing amendments to improve implementation and to allow some limited residential development without a variance. The City is also proposing a number of other revisions to address unclear language and generally improve implementation. The City also has an updated Critical Area Ordinance and intends to update the SMP to incorporate this.

City of Poulsbo
Initial Determination of Concurrence

The City has proposed the following amendments (code section numbering uses the proposed numbering, not the existing numbering):

Chapter 16.08

Article 1. General Master Program Provisions.

- 16.08.040 Definitions:
 - Definitions for the following words are added: Agricultural activities, alteration, average grade level, breakwater, bulkhead, cumulative impact, emergency, enhancement, estuary, exempt development, fair market value, feasible, groin, height, invasive, jetties, modification, mooring buoy, normal maintenance, normal repair, normal residential appurtenance, qualified professional.
 - Definitions for the following words are revised: Aquaculture, development, soft shoreline armoring, shoreline buffer, soft shoreline armoring.
 - Definitions for the following words are removed: Agriculture, repair.
 - A reference to WAC 173-27 is added.
 - A list of acronyms and abbreviations is added.
- 16.08.050 Shoreline Jurisdiction
 - Revisions to determination of shoreline jurisdiction are made for clarification.
- 16.08.060 Shoreline master program regulations. This section is deleted. This section had listed what regulations constitute the Poulsbo SMP and included an incorporation of the 2007 CAO.
- 16.08.060 (formally 070) Relationship to other policies and regulations.
 - Subsection added that refers to location of the SMP policies in the comprehensive plan.
 - Subsection added that refers to the CAO as the location of regulations for critical areas.
- 16.08.070 (formally 080) Shoreline maps and boundaries. Minor revisions to permit requirements for mapping shoreline jurisdiction.

Article II Regulations Applying to All Shoreline Development, Uses, and Activities

- 16.08.110 General.
 - “shoreline zone” replaced with “shoreline jurisdiction.”
 - Requirements that impacts be mitigated replaced with “offset through compensatory mitigation.”
 - Sub-section E, referring to the CAO, is deleted.
 - Addition of sub-section listing developments not required to obtain local review.
- 16.08.120 Federal and state approvals. The following change is made: “All work near, at, or waterward of the OHWM may require permits or approvals from one or more of the following state and federal agencies:”
- 16.08.130 Mitigation and sequencing requirements. Clarifications to mitigation sequencing requirements added. A reference to the CAO is added for when impacts include critical areas.

Article III Shoreline Development, Uses, and Activities – this is a new Article, created from existing code sections.

- 16.08.160 Shoreline Environment designations. An introductory sentence is added.
- 16.08.170 Shoreline use table.
 - Clarification is added that accessory uses are subject to the same shoreline permit process as its primary use.

City of Poulsbo
Initial Determination of Concurrence

- Proposed change to allow aquaculture in Aquatic environment as a minor conditional use.
- Proposed change to allow single family residential uses in the Shoreline Residential-1 environment outright instead of only through a variance, provided the footprint does not exceed 2,500 square feet, including appurtenances.
- Proposed change to allow SFR appurtenances outright in both Shoreline Residential-1 and Shoreline Residential-2, while currently these require either a variance or a minor conditional use permit.
- Addition of accessory dwelling units to the use matrix as an allowed use in the Shoreline Residential-1, Shoreline Residential-2, and High Intensity environments, and prohibited in Urban Conservancy, Natural, and Aquatic.
- 16.08.190 Shoreline development and use standards – all environments and uses
 - Shoreline buffer for Dogfish Creek estuary reduced from 150 feet to 100 feet.
 - Clarification is added on how to measure shoreline buffers and setbacks.
 - An allowance is added that when a shoreline buffer is interrupted by a road, the Director may allow development on the landward side.
- 16.08.210 Lot coverage by building and structures. Minor addition to clarify what is meant by “zero-to-one-hundred-twenty-five-foot area.”
- 16.08.220 Height Regulations. List of structures that are excluded from height calculations is deleted.
- 16.08.230 Residential Land Uses.
 - Removal of limitation on multifamily development to 4 units in Shoreline Residential-2.
 - Existing clarification that no residential densities are established in SR-1 is removed.
 - Residential densities in SR-1 are proposed to be those in the underlying zoning.
- 16.08.260 Marinas and other boating facilities. Reference to WAC 173-26-221(4) added.
- 16.08.270 Buoys. A requirement is added that buoys use embedded or helical anchors and mid-line floats where feasible.
- 16.08.300 Public services, transportation facilities and utilities. Requirement added that stream crossings use WDFW’s Water Crossing Design Guidelines (2013).
- 16.08.320 Aquaculture. This is a new proposed section.
 - Regulations for aquaculture uses are proposed.
- 16.08.360 Public viewsheds and public view corridors.
 - List of established public viewsheds is removed.
- 16.08.370 Public access design standards. Introductory statement is added.

Article V. Shoreline Modifications

- 16.08.380 Shoreline modifications – General requirements
 - Minor clarification to reference for mitigation sequencing standards.
 - A requirement is added that applications for shoreline modifications must include tidal elevations and distances to permanent benchmarks.
- 16.08.400 Shoreline modifications table
 - A row is added for breakwaters, jetties, and groins, which are listed as a conditional use in the Aquatic environment and N/A in all other environments.
- 16.08.420 Shoreline stabilization measures

City of Poulsbo
Initial Determination of Concurrence

- For new and enlarged stabilization, a requirement is added that applicants must demonstrate that non-structural methods are not feasible or sufficient. Another requirement is added that applicants must demonstrate that erosion control measures will not result in a net loss of ecological functions.
- For major repairs and replacements, a requirement is added that mitigation for habitat impacts will be required if there is a change in location or work outside of the structural footprint.
- 16.08.430 Breakwaters, jetties, and groins.
 - “The structure is essential to the safe operation of a moorage or marina facility or the maintenance of other public water-dependent uses, such as a swimming beach.”
 - Clarification is added that the use shall not cause a net loss of ecological function.
- 16.08.450 Fill
 - “Fill shall not be permitted in regulated wetlands or streams without adhering to the standards defined in Article II of the SMP.”
- 16.08.470 Habitat restoration and enhancement activities. Reference to maintenance and monitoring requirements in the CAO is added.

Article VI Nonconformances.

- 16.08.480 Nonconforming shoreline uses and structures.
 - A provision is added to clarify how to review a combination of nonconforming structures and uses.
 - A new subsection on legally existing single-family residential structure in the Shoreline Residential-1 environment is added. This would allow expansion of these structures as long as it does not extend waterward of the existing structure and the total footprint does not exceed 2,500 square feet.

Article VII Conditional Uses and Variances

- No changes other than updates to code references.

Article VIII Enforcement.

- No changes proposed.

Amendment History, Review Process

The City prepared a public participation program in accordance with WAC 173-26-090(3)(a) to inform, involve and encourage participation of interested persons and private entities, tribes, and applicable agencies having interests and responsibilities relating to shorelines.

The City used Ecology’s checklist of legislative and rule amendments to review amendments to chapter 90.58 RCW and department guidelines that have occurred since the master program was last amended, and determine if local amendments were needed to maintain compliance in accordance with WAC 173-26-090(3)(b)(i). The City also reviewed changes to the comprehensive plan and development regulations to determine if the shoreline master program policies and regulations remain consistent with them in accordance with WAC 173-26-090(3)(b)(ii). The City considered whether to incorporate any amendments needed to reflect changed circumstances, new information or improved data in accordance with WAC 173-26-090(3)(b)(iii). The City consulted with Ecology and solicited comments throughout the review process.

City of Poulsbo Initial Determination of Concurrence

The City held a joint local/state comment period on the proposed amendments following procedures outlined in WAC 173-26-104. The comment period began on March 17, 2021 and continued through April 17, 2021. A virtual public hearing before the Planning Commission was held on April 27, 2021.

The City provided notice to local parties, including a statement that the hearings were intended to address the periodic review in accordance with WAC 173-26-090(3)(c)(ii). Ecology distributed notice of the joint comment period to state interested parties on March 15, 2021.

The City received three (3) written comment letters and zero (0) oral comments on the proposed amendments. Comments were provided by the Washington Department of Fish and Wildlife (WDFW), the Suquamish Tribe, and a member of the public. In response to the WDFW comments, the City revised the definition of soft shoreline armoring, added clarification that projects near the OHWM may require federal and state permits, revised buoy requirements, and revised application site plan requirements. The City did not incorporate WDFW comments recommending revision of the definition of “no net loss” because the existing definition is already consistent with SMP Guidelines. The City did not incorporate WDFW recommendations to use “site potential tree height” in determining buffers because the City concluded that would be more significant than the scope of this amendment, but the City intends to consider this for potential future amendments. WDFW also expressed concerns about the addition of an allowance for legally existing residential uses in Shoreline Residential-1 to expand laterally. Ecology agrees that lateral expansions of development within shoreline buffers can impact ecological functions. Expansions will only be allowed up to a total of 2,500 square feet, including existing footprint. Most existing homes within Shoreline Residential-1 already exceed 2,500 square feet of development area and so are not eligible for this allowance. Those that do not are on narrower parcels with little to no remaining space to expand laterally. This allowance is therefore unlikely to result in a significant amount of lateral expansion and will mostly be used to expand on the landward side of houses.

The City also made several changes to the amendment in response to comments from the Suquamish Tribe. These were to revise the definition of “shoreline buffer;” add a list of the projects from WAC 173-27-044; keep language requiring that shoreline armoring only be used for erosion caused by waves, tides, or currents; and corrected an incorrect code reference.

The City submitted the proposed amendment to Ecology for initial state review on April 28, 2021. Ecology verified that the submittal was complete on April 29, 2021.

Summary of Issues Identified by Ecology as Relevant to Its Decision

Ecology is required to review all SMPs to ensure consistency with the Shoreline Management Act (SMA) and implementing rules including WAC 173-26, State Master Program Approval/Amendment Procedures and Master Program Guidelines. WAC 173-26-186(11) specifies that Ecology “shall insure that the state’s interest in shorelines is protected, including compliance with the policy and provisions of RCW 90.58.020.”

Based on review of the proposed amendments to the SMP for consistency with applicable SMP Guidelines requirements and the Shoreline Management Act, and consideration of supporting materials in the record submitted by the City, the following issues remain relevant to Ecology’s final decision on the proposed amendments to the City’s SMP, with Findings specific to each issue identifying amendments needed for compliance with the SMA and applicable guidelines:

City of Poulsbo Initial Determination of Concurrence

Definitions – Shoreline Buffer

The City proposed to revise the definition for shoreline buffer, and made further revisions in response to comments from the Tribe. The revision would alter the definition in a manner that could allow new development in the buffer as long as that development is listed as allowed in the use table. This would be inconsistent with the purpose of a shoreline buffer and with SMP section 16.08.200.A.4, which provides more clarification how the shoreline buffer should be implemented.

Finding. *Ecology finds that the amendment would revise the shoreline buffer in a way that would reduce protections for the buffer area, resulting in possible loss of ecological function. Ecology has identified a change necessary for consistency with the no net loss requirement in WAC 173-26-186(8)(b) [Attachment 1, Req-1].*

Critical Area Incorporation

The City proposes to strike the section of the SMP that incorporates the 2007 CAO (PMC 16.08.060), but does not propose to replace it with an updated incorporation. A reference to the 2017 CAO is included, but the CAO does not apply in shoreline jurisdiction. Without an incorporation of the critical area regulations from the CAO, the SMP lacks provisions for critical area protections. Conversations with City staff have indicated that the City intends to incorporate the 2017 CAO into the SMP.

Finding. *Ecology finds that the amendment would remove the SMP's critical area regulations. Ecology finds that this is inconsistent with the requirement that SMPs "provide for management of critical areas" in WAC 173-26-221(2)(a). Ecology has identified a change necessary for consistency with this requirements [Attachment 1, Req-2].*

Components of the SMP

The City proposes to delete a section of the SMP that lists the documents and code sections that comprise the SMP (PMC 16.08.060). Because the Poulsbo SMP is not a standalone document, this list is necessary so there is clarity on what constitutes the SMP.

Finding. *Ecology finds that the amendment would remove a list of the components of the SMP. Ecology has identified a change necessary for consistency with WAC 173-26-191(2)(b), which authorizes the incorporation of other regulations and code sections into the SMP [Attachment 1, Req-3].*

Shoreline Residential-1 allowed uses

The City identified a need to address allowed uses in the Shoreline Residential-1 environment (SR-1), which is a parallel designation along portions of the shore and coincides with the location of the shoreline buffer. The current SMP lists residential uses as only allowed in SR-1 through a shoreline variance. The City would like to allow residential development in SR-1 without a shoreline variance if a property does not have at least 2,500 square feet of developable space outside of the shoreline buffer. However, the proposed amendment is lacking some of the necessary limitations to ensure that this allowance would not result in a loss of ecological functions. City staff have provided additional language to address this concern.

Finding. *Ecology finds that the amendment to allow residential development in Shoreline Residential-1 may result in a loss of ecological function, inconsistent with WAC 173-26-186(8)(b). Ecology has identified changes necessary to ensure consistency with WAC 173-26-186(8)(b) [Attachment 1, Req-4, Req-7].*

City of Poulsbo Initial Determination of Concurrence

Finding. Ecology finds that the amendment would allow accessory dwelling units in the Shoreline Residential-1 environment, which coincides with the shoreline buffer. Ecology finds that accessory dwelling units are not a preferred use in the shoreline. Ecology finds that non-preferred uses should be located outside of the shoreline buffer for consistency with RCW 90.58.020 and WAC 173-26-201(2)(d). Ecology has identified a change necessary for consistency [Attachment 1, Req-5].

Dogfish Creek Estuary Buffer

The City proposes to reduce the shoreline buffer for the Dogfish Creek estuary from 150 feet to 100 feet (PMC 16.08.190.A). This would be inconsistent with the Cumulative Impacts Analysis and lacks justification based in the most current, accurate, and complete scientific and technical information.

Finding. Ecology finds that the proposed reduction of the Dogfish Creek estuary lacks scientific justification, as required by WAC 173-26-201(2)(a). Ecology has identified a change necessary for consistency with WAC 173-26-201(2)(a) and the requirement to assure no net loss of ecological function in WAC 173-26-186(8)(b) [Attachment 1, Req-6].

Fill

The City proposes to add language to the fill regulations in PMC 16.08.450.C that appears to allow fill in wetlands and streams if it adheres to the standards in Article II of the SMP. It's not clear what standards this might be referring to. Further, critical area regulations generally prohibit fill in wetlands and streams. This allowance would create an internal inconsistency with the critical area regulations.

Finding. Ecology finds that the amendment to PMC 16.08.450.C would create an internal inconsistency with the critical area regulations that are incorporated in PMC 16.08.060.F. Ecology has identified a change necessary to ensure internal consistency between these regulations [Attachment 1, Req-8].

Recommended Changes

Ecology has identified one change recommended for clarification and improved implementation [Attachment 1, Rec-1].

INITIAL DETERMINATION

After review by Ecology of the complete record submitted and all comments received, Ecology has determined that the City proposed amendments, subject to and including Ecology's required changes (itemized in Attachment 1), are consistent with the policy and standards of RCW 90.58.020 and RCW 90.58.090 and the applicable SMP guidelines (WAC 173-26-171 through 251 and .020 definitions).

Next Steps

- Consider the changes Ecology has identified in Attachment 1 to resolve the issues identified above. Please let me know if you would like to discuss alternative language or different approaches for resolving these issues.
- If these issues are resolved prior to local adoption, we anticipate being able to approve your SMP Periodic Review amendment promptly after formal submittal is provided consistent with WAC 173-26-110.

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><u>VP</u></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	<u>VP</u>	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>
	SR-1	SR-2	HI	UC	N	A																																							
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Single-family residential	P ⁹	P	X	X	X	X																																							
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Accessory dwelling unit	<u>VP</u>	P	P	X	X	X																																							
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. 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:</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