



SHORELINE MASTER PROGRAM

SMP Update
Bremerton Planning Commission
Workshop Meeting
October 19, 2010

Agenda

- **Process update**
- **Policies & Regulations**
 - Options
 - Public and Planning Commission input
- **Questions/Input**
- **What's next**

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Process Update

2010:

- Conduct a Shoreline Inventory – in Draft stage
- **Community Involvement – Planning Commission Workshops - NOW**

2011:

- Draft Shoreline policies and regulatory development standards
- Ongoing community involvement
- Prepare a Cumulative Impact Analysis and Restoration Plan
- Adoption process

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Policies and Regulations

Topics for this meeting

- Shoreline geographic designations
- Critical Areas
- Vegetation management
- Building height and downtown development

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A banner for the Shoreline Master Program. It features an aerial photograph of a shoreline with green trees, a sandy beach, and a body of water with several small boats. The text 'SHORELINE MASTER PROGRAM' is overlaid in white, all-caps, serif font across the middle of the image.

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Policies and Regulations

Future meetings

November 16, 2010

- No-Net Loss
- Sea Level Rise
- Restoration
- Mitigation of Cumulative Impacts

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Policies and Regulations

Shoreline Environmental Designations

SMA Guidelines: WAC 173-26-211(4)(c)(i) “Local governments may establish a different designation system or may retain their current environment designations, provided it is consistent with the purposes and policies of this section and WAC 173-26-211(5).”

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Policies and Regulations

Shoreline Environmental Designations

SMA Guidelines: WAC 173-26-211(5)

Those that can apply to the city include:

- High Intensity
- Residential
- Urban Conservancy
- Natural

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Policies and Regulations

Shoreline Environmental Designations

SMA Guidelines: WAC 173-26-211(5)

Shoreline environments must contain:

- A statement of purpose
- Classification criteria that provide the basis for classifying a specific shoreline area
- Management policies in sufficient detail to assist in the interpretation of the environment designation regulations
- Regulations that address (next slide)

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Policies and Regulations

Shoreline Environmental Designations

Shoreline environments must contain:

- Regulations that address
 - Types of shoreline uses permitted, conditionally permitted, and prohibited;
 - Building or structure height and bulk limits, setbacks, etc.
 - Other topics necessary to assure implementation of the purpose of the environment designation.

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Policies and Regulations

Shoreline Environmental Designations

Existing Code:

- Urban Conservancy
- Urban Residential
- Urban Commercial
- Downtown Waterfront
- Urban Industrial

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Policies and Regulations

Shoreline Environmental Designations

Options:

- Retain the existing city overlay system.
- Use the overlay classifications in the new Shoreline Guidelines.
- Develop new overlay classifications that more closely parallel the city's zoning.
- Develop overlay classifications that are based on specific shoreline reaches
- Develop classifications that are not overlays and provide a single zoning category for shoreline properties

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Policies and Regulations

Shoreline Environmental Designations

Options:

- **Retain the existing city overlay system.**
 - This approach is generally consistent with the SMA Guidelines.
 - Disadvantages - It does not have a specific category for single-family or multi-family residential use, which have unique characteristics.

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Policies and Regulations

Shoreline Environmental Designations

Options:

- Use the overlay classifications in the new Shoreline Guidelines.

Disadvantages -

- Less specific than those currently in use in Bremerton and
- Don't meets the city's specific needs as well.

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Policies and Regulations

Shoreline Environmental Designations

Options:

- Develop new overlay classifications that more closely parallel the city's zoning.

Disadvantages:

- Ecological conditions tend to differ more by reach characteristics than zoning

This approach, however is similar to the existing Bremerton shoreline environments

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Policies and Regulations

Shoreline Environmental Designations

Options:

- Develop overlay classifications that are based on specific shoreline reaches

Disadvantages:

- Emphasizes ecological conditions more than land use goals

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Policies and Regulations

Shoreline Environmental Designations

Options:

- Develop classifications that are not overlays and provide a single zoning category for shoreline properties

Disadvantages:

- An individual property may be split between the shoreline and upland zoning districts
- May not want to apply more restrictive range of uses to areas not in SMA jurisdiction

May be most practical for smaller parcels entirely in SMA jurisdiction or where shoreline use is dominant

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Policies and Regulations

Shoreline Environmental Designations

Recommendation:

- Use existing classifications, with possible expansion for separate single-family and multi-family residential
- Investigate the single zoning category for parcels sustainably in SMA jurisdiction or where the shoreline use preference should apply to the entire parcel
- Add reach-based regulations independent of environment

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Policies and Regulations

Critical Areas

Shoreline master programs shall provide a level of protection to critical areas located within shorelines of the state that assures **no net loss of shoreline ecological functions** necessary to sustain shoreline natural resources as defined by department of ecology guidelines adopted pursuant to RCW 90.58.060. (Engrossed House Bill 1653 61st Legislature 2010 Regular Session)

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Policies and Regulations

Critical Areas

Land Use Code 20.14

- Wetlands 20.14.300
- Aquifer Recharge 20.14.400
- Geological Hazards 20.14.600
- Fish and Wildlife Conservation Areas
2.014.700
- Frequently Flooded Areas 17.60

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Policies and Regulations

Critical Areas

Fish and Wildlife Conservation Areas

20.14.730 Table 1: Water Type Buffer Standards			
Water Types	Attributes	Minimum Building Setback	Buffer Width Standard
S Saltwater	Urban Commercial/Industrial/ Downtown Waterfront	15 feet beyond buffer	25 feet
	Urban Residential	15 feet beyond buffer	35 feet
	Urban Conservancy	15 feet beyond buffer	175 feet
S Freshwater	Freshwater Shorelines of the State	15 feet beyond buffer	175 feet

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Policies and Regulations

Critical Areas

Fish and Wildlife Conservation Areas

(b) Anadromous Fish.

- (1) All activities, uses, and alterations proposed to be located in water bodies used by anadromous fish or in areas that affect such water bodies shall give special consideration to the preservation and enhancement of anadromous fish habitat, including, but not limited to, adhering to the following standards:

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Policies and Regulations

Critical Areas

Fish and Wildlife Conservation Areas

(b) Anadromous Fish. (1) Standards

- (i) Activities shall be timed to occur only during the allowable work window as designated by the Washington Department of Fish and Wildlife for the applicable species;
- (ii) If alternative alignment or location for the activity is not feasible, then activities shall be designed so that it will not degrade the functions or values of the fish habitat or other critical areas;
- (iii) Shoreline erosion control measures shall be designed to use bioengineering methods or soft armoring techniques, according to an approved critical area report; and
- (iv) Any impacts to the functions or values of the habitat conservation area are mitigated in accordance with an approved habitat management plan.

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Policies and Regulations

Critical Areas

Fish and Wildlife Conservation Areas

(b) Anadromous Fish.

- (2) Structures that prevent the migration of salmonids shall not be allowed in the portion of water bodies currently or historically used by anadromous fish. Fish bypass facilities shall be provided that allow the upstream migration of adult fish and shall prevent fry and juveniles migrating downstream from being trapped or harmed.
- (3) Fills, when authorized by the Shoreline Master Program, shall not adversely impact anadromous fish or their habitat or shall mitigate any unavoidable impacts and shall only be allowed for a water-dependent use.

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Policies and Regulations

Critical Areas

Wetlands

Wetland Category	Standard Buffer
I	200 ft.
II	100 ft.
III	75 ft.
IV	50 ft.

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Policies and Regulations

Critical Areas

Options

- Keep the existing regulations based on shoreline jurisdiction
- Add a reach-based buffer and performance standard
- Move the Critical Area regulations for shorelines to the shoreline section and integrate with other sections

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Policies and Regulations

Critical Areas

Option:

Keep the existing regulations based on shoreline jurisdiction and environment

Advantages:

- Consistency with other regulatory systems using WDFW/DNR based classifications
- Consistency between shoreline and non-shoreline streams

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Policies and Regulations

Critical Areas

Option:

Keep the existing regulations based on shoreline jurisdiction and environment

Disadvantages:

- Classification doesn't relate to the features that determine ecological functions
- Does not apply information in the Shoreline Inventory/Characterization
- Do not balance the goals of:
 - Maintaining ecological productivity
 - Providing a priority for water related uses
 - Providing public access
- "Reasonable Use Exception" in 20.14.155 requires a variance in the shoreline
- Adjustment of buffers likely would require a Conditional Use Permit to allow Ecology oversight.

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Policies and Regulations

Critical Areas

Options:

Add a reach-based buffer and performance standard

Advantages:

- Relate to the features that determine ecological functions
- Applies information in the Shoreline Inventory/Characterization
- Can include decisions that balance the goals of:
 - Maintaining ecological productivity
 - Providing a priority for water related uses
 - Providing public access
- Avoids the need in most cases for a “Reasonable Use Exception” or adjustment of buffers

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Policies and Regulations

Critical Areas

Options:

Move the Critical Area regulations for shorelines to the shoreline section and integrate critical area regulations for aquatic species in the SMP in conjunction with the regulatory system outlined in (3) Shoreline Regulatory Options, above.

Advantages:

- Recognizes that the SMP planning process is a replacement for the Critical Areas within SMA jurisdiction
- Same advantages as “reach based system” but without the rest of the CA Habitat Code

Disadvantages:

- Entirely separate for SMP may confuse users
- CA Habitat code provisions include details such as study specifications (that could be adopted by reference)

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Policies and Regulations

Critical Areas

Recommendation:

- Adopt by reference Critical Area regulations in the Land Use Code for Critical Aquifer Recharge Areas, Geologic Hazards and Wetlands.
- Add additional “reach based” provisions for buffers and setbacks based on the Inventory/Characterization
- Include some additional provisions to recognize hardship caused by existing development where existing lot dimensions would not allow standard buffers to be practically implemented. This might take the form of a “sliding scale” based on lot depth.
- Whether they should be kept in the critical areas section or moved to the shoreline section is not a critical issue. We will rely on staff direction as to which is most convenient to administer.

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Policies and Regulations

Vegetation Conservation

WAC 173-26-221 (5).

- Master programs shall include: **Planning provisions** that address vegetation conservation and restoration, and **regulatory provisions** that address conservation of vegetation; as necessary to assure no net loss of shoreline ecological functions and ecosystem-wide processes, to avoid adverse impacts to soil hydrology, and to reduce the hazard of slope failures or accelerated erosion.

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Policies and Regulations

Vegetation Conservation

WAC 173-26-221 (5).

- Local governments should address ecological functions and ecosystem-wide processes provided by vegetation as described in WAC 173-26-201 (3)(d)(i).
- Local governments may implement these objectives through a variety of measures... including clearing and grading regulations, setback and buffer standards, critical area regulations, conditional use requirements for specific uses or areas, mitigation requirements, incentives and nonregulatory programs

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Policies and Regulations

Vegetation Conservation

WAC 173-26-221 (5).

- Vegetation is one of the elements that would be involved in “ecological restoration” that must be considered as potential mitigation of impacts to shoreline resources and values for all water-related or water-dependent commercial development unless such improvements are demonstrated to be infeasible. [WAC 173-26-411(3)(d)]

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Policies and Regulations

Vegetation Conservation

WAC 173-26-221 (5).

- Vegetation is likely to be the major element involved in allowing nonwater-oriented commercial uses within the shoreline, which requires that the development provide “a significant public benefit with respect to the Shoreline Management Act's objectives such as providing public access and ecological restoration.” [WAC 173-26-411(3)(d)].

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Policies and Regulations

Vegetation Conservation

Options:

- Rely primarily on the Critical Area code to address vegetation. See discussion above of options for Critical Areas.
- Develop specific regulations either included in or separate from the Critical Areas code based on two factors

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Policies and Regulations

Vegetation Conservation

Options:

Develop specific regulations either included in or separate from the Critical Areas code based on two factors

Advantages:

- Predictability and less variation in application
- Uses the information developed in the Inventory/Characterization
- Would integrate city policies and regulations for upland use;
- The mix of ecological restoration and/or public access required for non-water-oriented development would be specified in advance.
- Reduce the need for case-by-case analysis and mitigation.

Disadvantages:

- More complex system (but similar to zoning)

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Policies and Regulations

Building Height

RCW 90.58.320

*No permit shall be issued pursuant to this chapter for any new or expanded building or structure of more than thirty-five feet above average grade level on shorelines of the state that will **obstruct the view of a substantial number of residences** on areas adjoining such shorelines except where a master program does not prohibit the same and then only when **overriding considerations of the public interest** will be served.*

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Policies and Regulations

Building Height

RCW 90.58.100(2)(f)

*“A conservation element for the preservation of natural resources, including but not limited to **scenic vistas, aesthetics,** and vital estuarine areas for fisheries and wildlife protection [emphasis added].*

WAC 173-26-211(4)(a)(iv)(A).

*The new shoreline guidelines require the SMP in each shoreline environment to include regulations for building or structure **height and bulk limits,** setbacks, maximum density or minimum frontage requirements, and site development standards (WAC 173-26-211(4)(a)(iv)(A).*

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Policies and Regulations

Building Height

Existing Code

Table 3-2 Site Development Standards generally provides for a residential height of 25 feet and a 35 foot height for other uses, with the provision in footnote 3 that

Height/View Corridor -- Structure height may be increased to designated zoning district height limit if

- the increase does not impair views of the water from residential properties upland of the nearest public street landward of the site; and
- Either: The increased height is offset by an increase in the minimum View Corridor width as follows:
 - o Building Height View Corridor Width
 - Under 20 feet:25%
 - 20-35 feet:35%
 - Over 35 feet: 40%
 - (See also: Figure 3-5 View Corridor Requirements; and Figure 3-6 View Corridor/Height Requirements.)
 - o Or: The increase is offset by maintaining comparable portions of the structure lower than the designated height limit.

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Policies and Regulations

Building Height

Options

- The city can continue the provisions for allowing increased height by the current view corridor provision.
- The city can limit height within the shoreline jurisdiction to 35 feet and allow a jump to the underlying zoning height at the shoreline jurisdiction line. This is not very practical in high intensity areas such as the downtown
- The city could incorporate reach-based regulations to indicate areas where view obstruction should include provisions related to the specific physical features, zoning and development patterns.

Recommendation

None at this time. Appropriate regulations will depend on the context of a specific reach and may differ between shorelines of statewide significance and other shorelines.

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Questions or comments:

Please do not ask questions about your specific property – as we have not yet gotten to that level of detail in the planning process.

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Contact

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How to Get Involved

- Community Input:
 - Planning Commission Workshops
 - This meeting
 - November 16
 - Website: Updated regularly with all documents
 - Become an interested party – Receive email updates and meeting dates
 - Talk to staff, inform us of area specific information

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