

MEMORANDUM

DATE: July 13, 2015

TO: Allison Satter, Senior Planner, City of Bremerton

FROM: Lisa Grueter, Manager, BERK Consulting

RE: Potential Shoreline Master Program Revisions and Integration

The City intends to amend its Shoreline Master Program (SMP) Environment Designation Maps and text. To accomplish these changes, the City would follow the process to amend its SMP locally and through the Washington State Department of Ecology (Ecology).

The Watershed Company has summarized the **SMP Limited Amendment Process** in email correspondence with the City as follows:

As a first step the City should get in contact with Ecology to let them know they will be undertaking a limited amendment, with a brief summary of their rationale and the content to be changed. The updated CAO and SMP will then be moved through the local adoption process, including at least one public hearing (ordinances would be separate, but hearing could address both CAO and SMP).

The amendment will be subject to the same public notice and consultation ([WAC 173-26-100](#)) and submittal ([WAC 173-26-110](#)) requirements as the comprehensive SMP update was, including soliciting comments from Ecology and Commerce. However, SEPA requirements may be waived if the City submits evidence that the amendments are categorically exempt¹, depending on their relationship to the SEPA reviews conducted during the comprehensive SMP update and the current comprehensive plan update.

Following approval by the City Council, Ecology will review, send out notices, and begin the state comment period (length TBD depending on significance of SMP changes, 15-30 days). The City will need to address any public comments and comments/required changes from Ecology prior to formal adoption.

SMP environment designation maps would be amended to match the recent proposed Land Use Map changes, particularly to recognize the Medium Density Residential (MDR) and Multifamily Designation (MR) within the Shoreline Maps. It is our understanding that the areas where the Shoreline Designation would apply contain existing multifamily residential development. Thus, it should be fairly straightforward to meet criteria for state approval, such as providing justification based on existing patterns, current shoreline conditions and consistency with the comprehensive plan:

WAC 173-26-110 A master program or amendment proposed by local government shall be submitted to the department for its review and formal action. A complete submittal shall include two copies of the following, where applicable:

¹ BERK Consulting Note: The SMP amendment action is not exempt – but the City may use prior environmental documentation if it covers the potential effects of the action. Further, the Comprehensive Plan Update involves programmatic SEPA analysis that would address the City's proposals for the Comprehensive Plan Update.

(3) Amended environment designation map(s), showing both existing and proposed designations, together with corresponding boundaries described in text for each change of environment. All proposals for changes in environment designation and redesignation shall provide written justification for such based on existing development patterns, the biophysical capabilities and limitations of the shoreline being considered, and the goals and aspirations of the local citizenry as reflected in the locally adopted comprehensive land use plan;

The City also intends to make **text changes** in its SMP to reflect changes in its Critical Areas Ordinance addressing Best Available Science; the City would need to show edits in strikeouts and underline (WAC 173-26-110 (2)). The rationale needs to be documented and appears straightforward.

We suggest the City **consider one other potential change** to its SMP as it considers a limited scope amendment – **to add in the Gorst Creek Overlay** to the SMP.

The Gorst Creek Watershed Characterization & Framework Plan (referenced as a Comprehensive Plan functional plan in the City's adopting ordinance in 2013), indicates that the County's buffers are greater than the City's on Gorst Creek though the situation is reversed on marine shorelines:

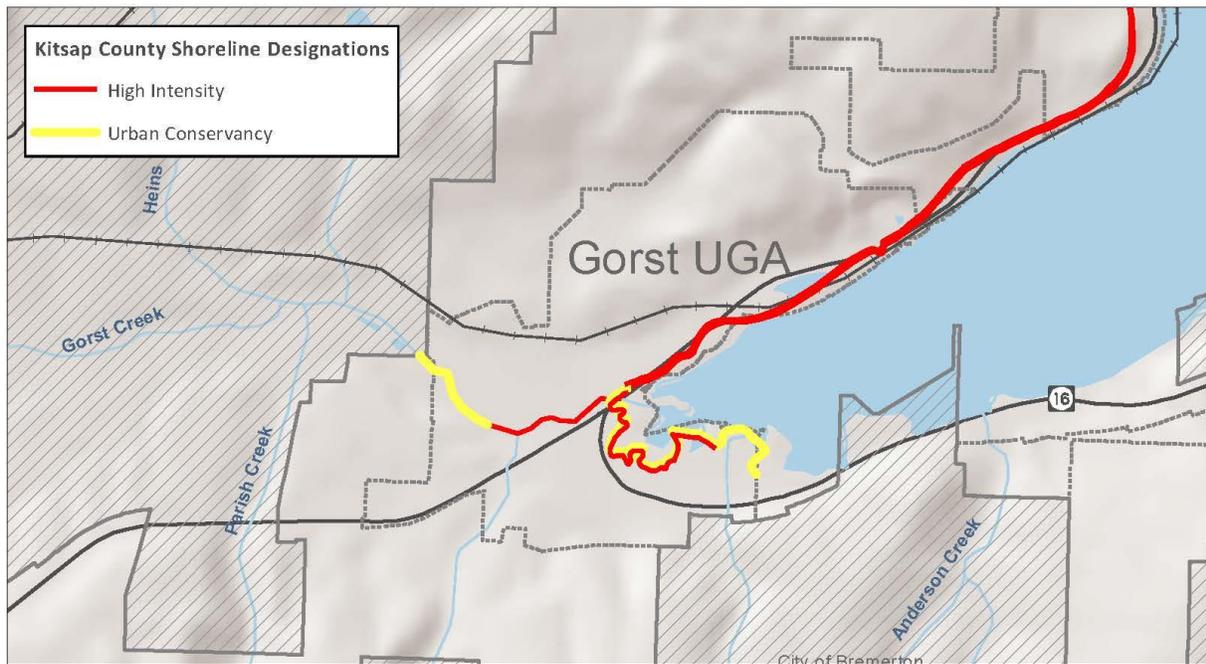
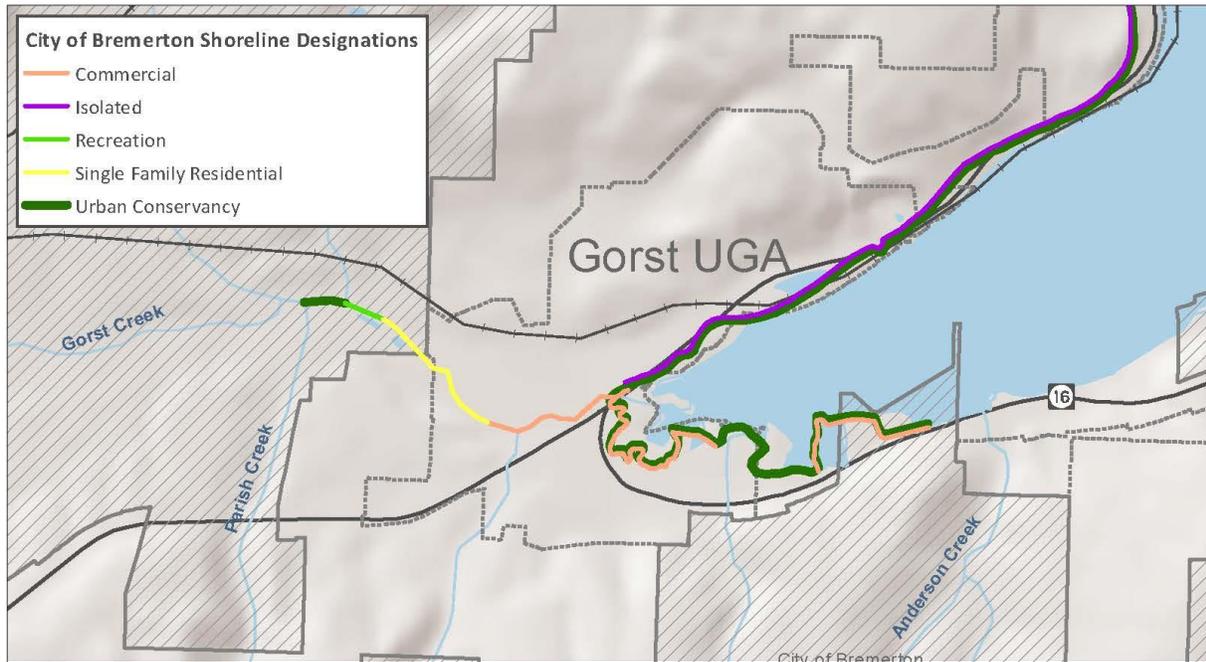
Page 3-1: As locally adopted and proposed to the Washington State Department of Ecology, the City's shoreline buffer standards for the Sinclair inlet are greater than the County's, and the County's buffer standards for Gorst Creek are greater than the City's. See Volume 2 Gorst Planned Action EIS for a discussion of potential options for providing compatible shoreline standards and Volume 3 Gorst Subarea Plan, which identifies an approach to buffer management in the context of watershed characterization recommendations. Apart from these more prominent shorelines, the City and County regulate smaller streams and wetlands similarly.

To help reconcile the County's and City's different approaches on Gorst Creek, to consider the watershed characterization results, and also to encourage enhancement as redevelopment occurs, an Overlay was adopted. The Gorst Creek Overlay is applied in conjunction with the Critical Areas Ordinance and SMP, and the most protective standard would apply.

The City could include or reference the Overlay in its SMP. The Overlay language from the City's adopted Gorst Subarea Plan is included in Attachment A.

Figure 3-7 – Excerpt – Gorst Creek Watershed Characterization & Framework Plan

FIGURE 7. GORST: COMPARISON OF SHORELINE MASTER PROGRAM DESIGNATIONS



- UGA Boundary
- City Limits
- Water
- Streams



Date: March 2013
 Source: Department of Natural Resources, City of Bremerton, Kitsap County, BERK



Attachment A: Gorst Creek Overlay Regulations in Gorst Subarea Plan – Effective upon Annexation

Pages 8-13 and 8-14, Section D.2 – Consider including the Gorst Creek Overlay in the SMP as the City has pre-designated Gorst UGA shorelines in its SMP.

D. Environmental Standards

2. Gorst Creek Overlay

- i. **APPLICABILITY:** This section applies to lands within 100 feet of the Gorst Creek ordinary high water mark (OHWM) in the Gorst Subarea as mapped in Chapter 2. These standards shall be met in addition to applicable Bremerton Shoreline Master Program regulations. In cases of conflict, the standards that are most protective of ecological functions shall control as determined by the Director.
- ii. **MANAGEMENT ZONES:** The following habitat, impervious surface, and structure allowances shall be met for new development or redevelopment per Table 8-2.

Table 8-2. Gorst Creek Management Zones

Management Zone	Habitat Standards	Impervious Allowances	Structure Allowances
A: 0-50 feet upland of OHWM or bulkhead	A-1: Retain significant native trees, shrubs, and ground cover consistent with Bremerton Shoreline Master Program, BMC 20.14 Critical Areas and BMC Chapter 20.50 Landscaping. A-2: Enhance degraded areas of Management Zone A, as follows: Enhance at a 2:1 ratio the equivalent of the cleared area with native vegetation. ¹	Perpendicular trails constructed of permeable materials and no greater in travel way width than five feet subject to Type A-1 and A-2 Standards. Spaced no more frequently than every 660 feet.	No new structures with permanent foundations are allowed.
B: 50-85 feet upland of OHWM or bulkhead	B-1: Retain significant native trees, shrubs, and ground cover consistent with Bremerton Shoreline Master Program, BMC 20.14 Critical Areas and BMC Chapter 20.50 Landscaping. B-2: In exchange for impervious surface allowances, enhance degraded areas of Management Zone A, as follows: Enhance at a 2:1 ratio the equivalent of the cleared area with native vegetation or remove man-made structures in stream. ¹ B-3: If existing impervious area of an equivalent or greater area is removed from Management Zone A, enhance degraded areas of Management Zone A, as follows: Enhance at a 1:1 ratio the equivalent of the cleared area with native vegetation, or remove man-made structures in stream at a minimum of 25% of property’s lineal feet of shoreline frontage based on an approved habitat management plan. ¹	Installation of pervious or semi-pervious surfaces such as non-solid surface decks or green infrastructure in place of existing lawn or other non-native vegetation. The area of such surfaces shall not be greater than 25% of Management Zone and subject to Type B-2 or B-3 habitat standards. Trails, parallel or perpendicular, constructed of permeable materials and no greater in travel way width than five feet subject to Habitat Standard B-2. Parallel trails shall be placed in the outer 25% of Management Zone B.	No new structures with permanent foundations are allowed, except for items in “impervious allowances” column.

Management Zone	Habitat Standards	Impervious Allowances	Structure Allowances
<p>C: 85-100 feet upland of OHWM or bulkhead</p>	<p>C-1: Same as B-1. C-2: Same as B-2.¹ C-3: Same as B-3.¹ If existing impervious area of an equivalent or greater area is removed from Management Zone A, enhance degraded areas of Management Zone A, as follows: Enhance at a 1:1 ratio the equivalent of the cleared area with native vegetation, or remove man-made structures in stream at a minimum of 50% of property's lineal feet of shoreline frontage based on an approved habitat management plan.¹</p>	<p>Installation of pervious or semi-pervious surfaces such as non-solid surface decks or green infrastructure in place of existing lawn or other non-native vegetation, and when meeting C-2 habitat standards. Or placement of impervious surfaces that comply with all storm water standards and Habitat Standards C-3. The maximum impervious surface allowance by itself shall not exceed 25% of Management Zone C area. In combination, impervious and structural allowances shall not exceed 35% of Management Zone C area.</p> <p>Trails, parallel or perpendicular, constructed of permeable materials and no greater in travel way width than five feet subject to Habitat Standard C-2.</p>	<p>None with Type C-1 vegetation standards. Structures allowed in up to 25% of Management Zone C if meeting Type C-3 habitat standards. Except that the maximum impervious surface allowance and structural allowance shall not exceed 35% in combination.</p>

¹ Vegetation shall be planted in this order of preference: 1) native coniferous trees; 2) native deciduous trees; 3) other native vegetation. Trees and shrubs may be placed in natural groups to allow for view preservation and trails.