



**FACET**

# Shoreline Master Program Locally Initiated Amendment – Final Gap Analysis



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*Prepared for:*

Garrett Jackson, Planning Manager  
City of Bremerton  
Community Development Department  
345 6th St., Suite 600  
Bremerton, WA 98337

Facet Number: 2507.0380.00

Prepared by:

**Alex Capron, AICP**  
Senior Planner  
acapron@facetnw.com

**Alexandra Plumb**  
Environmental Planner  
aplumb@facetnw.com



Kirkland Office  
750 6<sup>th</sup> Street S  
Kirkland, WA  
98033

425.822.5242

The information contained in this report is based on the application of technical guidelines currently accepted as the best available science. All discussions, conclusions and recommendations reflect the best professional judgment of the author(s) and are based upon information available at the time the study was conducted. All work was completed within the constraints of budget, scope, and timing. The findings of this report are subject to verification and agreement by the appropriate local, state, and federal regulatory authorities. No other warranty, expressed or implied, is made.

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**APPENDIX A.** Administrative Interpretations of SMP: Ecology Documentation

# 1. INTRODUCTION

The Shoreline Management Act of 1971 ([90.58 RCW](#)) mandates that jurisdictions periodically review and evaluate their Shoreline Master Programs (SMPs), a state-approved set of policies and regulations that act as an overlay, covering all marine waters, lakes equal to or greater than 20 acres and streams greater than 20 cubic feet per second, mean annual flow and their adjacent lands. Bremerton last completed a periodic update of its shoreline policies and regulations in 2021. While the next periodic update is required by June of 2029 (beginning in 2027), there are a number of necessary amendments to the City’s SMP to address changing conditions, namely adoption of the City’s Comprehensive Plan and Housing Action Plan earlier this year.

Currently, the City’s shoreline policies are included in the Environmental Element of the City of Bremerton 2044 Comprehensive Plan, adopted in June 2025. The corresponding critical areas regulations (adopted by ordinance) are codified in the Bremerton Municipal Code (BMC), Title 20, Chapter 14: Critical Areas.

To ensure consistency with the City’s zoning, Best Available Science (BAS) and compliance within shoreline jurisdiction, the City intends to initiate a local amendment to the Shoreline Master Program. Additional amendments have also been identified to align the shoreline regulations with the most recent Comprehensive Plan.

This gap analysis outlines recommended improvements to the Shoreline Master Program (SMP), with the goal of ensuring consistency across codes and plans. The analysis is intended to guide the upcoming update of the SMP, which will be conducted concurrently with the Critical Areas Ordinance update.

# 2. SUMMARY OF RECOMMENDATIONS

Table 1. Summary of Recommendations

SMP Code Section	Title	Review Comment and Recommendations	Reason for Recommendation
SMP Section 2.075	Residential Development	Expand the types of residential development to include examples of low-density residential	Consistency with Comprehensive Plan Update

SMP Code Section	Title	Review Comment and Recommendations	Reason for Recommendation
SMP Chapter 3	Definitions	Provide references to zoning code definitions for “Low Density Residential” and “Multi-Family Residential” for clarity of allowed uses	Consistency with Comprehensive Plan Update
SMP Section 7.010, SED Maps	Buffers and Setbacks	<ol style="list-style-type: none"> <li>1. Update reference to most recent version of the CAO once adopted</li> <li>2. Replace “Single-Family Residential” Shoreline Environment Designation with “Low-Density Residential”</li> <li>3. Update Map D to fix mapping discrepancy error. See below.</li> </ol>	<ol style="list-style-type: none"> <li>1. Ensure most recent standards are being applied within shoreline jurisdiction.</li> <li>2. Consistency with Comprehensive Plan Update</li> <li>3. Confirmation of mapping error change</li> </ol>
SMP Section 7.060	Archaeologically Sensitive Areas	1. Adjust notification requirements to allow Tribes to comment on all shoreline permit authorizations (Shoreline Exemptions, Shoreline Substantial Development Permits, Shoreline Conditional Use Permits, and Shoreline Variances) consistent with past and recent consultation with the Tribes.	1. Allows improved communication and collaboration with Tribes in cultural resource protection
SMP Section 7.090	Use and Modifications	Review and update standards	Consistency with Comprehensive Plan Update
SMP-Wide	References to older zoning district	Downtown mixed use within Downtown Subarea Plan, replaces Residential 1.	Old zoning designation no longer exists

## 2.1 Section 2.075 - Residential Development

To improve implementation, it is recommended to revise the introduction of Section 2.075 to expand on the types of residential development to align with the Comprehensive Plan update. As described in the 2044 Comprehensive Plan, Low Density Residential (LDR) includes single family residential homes, duplexes, townhouses, multifamily and low intensity compatible uses such as churches, schools, senior housing, and parks. Accessory dwelling units (ADUs) are encouraged. To ensure consistency, it is recommended that the section referenced below be revised to explicitly include duplexes, townhomes, and ADUs.

### **Section 2.075**

*Residential development includes subdivisions of large parcels, multi-family housing, condominiums, and single-family residences. Under the Shoreline Management Act, owner occupied single-family residences are a preferred use on the shorelines.*

## 2.2 Chapter 3 – Definitions

To provide clarity of allowed uses, it is recommended to provide definitions for “Low Density Residential” and “Multi-Family Residential”. As an introduction to this section, a crosswalk to the zoning code can be made.

## 2.3 Section 7.010 – Buffers and Setbacks

### 2.3.1 Critical Areas Ordinance

The existing language in Section 7.010, Buffers and Setbacks, below includes reference to a specific version of the Critical Areas Ordinance. To ensure that the most recent regulations in the CAO are implemented, it is recommended to update this ordinance once the CAO has been adopted. Further, it appears that there is an errant reference in Section 7.010 that should be removed or replaced with the most recent Ordinance number once adopted. The applicable sections are referenced in bold text below for ease of reference.

*7.010 Buffers and Setbacks: Upland areas adjacent to the shoreline perform essential functions necessary to sustain habitat and ecological processes. It is for this reason that development must be set back from the water's edge and that natural buffers must be created and/or preserved. The City currently regulates such areas through the Critical Areas Ordinance (**Ordinance 4965 codified in BMC 20.14**), however in areas regulated by this document within the shoreline jurisdiction, the following regulations will supersede those within the Critical Area Regulations:*

*(a) Critical Area Ordinance Applicability:*

Critical Areas that are within the shoreline jurisdiction are regulated by the Critical Areas Regulations, **(Ord. XXXX Section X (Exh X) (part), 2025)**, codified under BMC 20.14 which is herein incorporated into this SMP however, the following sections of the Critical Area Ordinance do not apply:

- BMC 20.14.130 Administration and Procedures;
- BMC 20.14.140 Appeals;
- BMC 20.14.145 Exemptions;
- BMC 20.14.150 Public Agency Exception;
- BMC 20.14.155 Reasonable Use Exception;
- BMC 20.14.160 Nonconforming uses/structures;
- BMC 20.14.330(f) Category III and IV Wetlands;
- BMC 20.14.330(g) Category IV Wetlands; and
- BMC 20.14.730(d)(5) Buffer Reductions

### 2.3.2 Shoreline Environment Designations & Zoning

To better align with the goals and policies of the 2024-2044 Comprehensive Plan, it is proposed to retitle the “Single-Family Residential” Shoreline Environment Designation (SED) to “Low Density Residential” in alignment with Comprehensive Plan-based zoning code changes. No changes to the mapped locations or setbacks are proposed with this Shoreline Environment Designation name change.

Figure 7.010(a) and the related SED maps will need to be updated accordingly.

**Figure 7.010 (a): Shoreline Buffers and Setbacks**

DESIGNATION	Standard Shoreline Buffer Width	Minimum Building Setback
URBAN CONSERVANCY	175 feet	15 feet beyond buffer
<b>SINGLE-FAMILY <u>LOW DENSITY</u> &amp; MULTI-FAMILY RESIDENTIAL</b>		
Lot depth less than 125'	20% of lot depth (Minimum of 10 feet)	5 feet beyond buffer
Lot depth 125' to 199'	20% of lot depth	10 feet beyond buffer
Lot depth greater than 200'	30% of lot depth (Maximum of 100')	15 feet beyond buffer
RECREATIONAL	100 feet	15 feet beyond buffer

COMMERCIAL/ INDUSTRIAL/ DOWNTOWN WATERFRONT	50 feet	15 feet beyond buffer
ISOLATED	None	None

Further, Map D will be updated to reflect an oversight mapping discrepancy error by changing Commercial SED south of the Manette Bridge to Multi-Family Residential, in alignment with SED Map E.

Finally, the underlying zoning change, consistent with the Downtown Subarea Plan, switches the Multi-Family Residential (MFR) Zone 1 to Mixed Use (MU), the interpretation substitutes the SMP’s references to the MU zone for references to the MFR 1 zone. This Ecology interpretation is documented within Appendix A: *Administrative Interpretations of SMP: Ecology Documentation*.

## 2.4 Section 7.060 - Archaeologically Sensitive Areas

For increased notification under SMP Section 7.060, the City may consider the following language as a subsection notification. Alternatively, the City can reference notifications in a separate section of the SMP, or referencing the notifications section of BMC 20.02.100. See one possible amendment language change below within SMP Section 7.060(a) (in underline):

- (a) *The City will work with tribal, state, federal, and other local governments as appropriate to identify significant cultural resources and local historical, cultural, and archaeological sites, in observance of applicable state and federal laws protecting such information from general public disclosure. Detailed cultural assessments may be required in areas with undocumented resources based on the probability of the presence of cultural resources.*
  - i. *For all Shoreline authorizations, Tribes may be notified directly in-parallel to a notice of application. This includes Shoreline Letters of Exemption, Shoreline Substantial Development Permits, Shoreline Conditional Use Permits and Shoreline Variances.*
- (b) *Owners of property containing identified historical, cultural, or archaeological sites should coordinate well in advance of application for development to assure that appropriate agencies such as the Washington State Department of Archaeology and Historic Preservation, the Suquamish Tribe Archaeology and Historic Preservation program, and historic preservation groups have ample time to assess the site and identify the potential for cultural resources.*
- (c) *Upon receipt of an application for a development in an area of known cultural*

*resources, the City shall require a site assessment by a qualified professional archaeologist or historic preservation professional and ensure review by qualified parties including the Washington State Department of Archaeology and Historic Preservation, and the Suquamish Tribe Archaeology and Historic Preservation Program.*

*(c) If historical, cultural, or archaeological materials, sites or artifacts are discovered in the process of development, work on that portion of the site shall be stopped immediately, the site secured and the find reported as soon as possible to the City. Upon notification of such find, the property owner shall notify the Washington State Department of Archaeology and Historic Preservation and the Suquamish Tribe Archaeology and Historic Preservation Program. The reviewing official shall provide for a site investigation by a qualified professional and may provide for avoidance, or conservation of the resources, in coordination with appropriate agencies.*

## **2.5 Section 7.090 - Use and Modifications Matrix and Height Table**

### **2.5.1 Use and Modifications Matrix**

To provide consistency with the updated Comprehensive Plan and Final EIS, the City could consider reclassifying the following uses as allowed uses within shoreline jurisdiction, as they are currently prohibited:

1. Single Family and Multi-Family Residential in *(proposed)* Low Density Residential and Multi-Family Residential SEDs.
2. Commercial/Residential Mixed Use allowed in *(proposed)* Low Density Residential and Multi-Family Residential SEDs. This change is intended to primarily be residential-focused, with applicants allowed the opportunity to have ground-floor commercial that may be water-oriented, allowing for development flexibility interaction with the shoreline for this use. Residential use is not water-oriented, though public access for more than four units of residential may be evaluated for public access provisions of the SMP.

As with all activities, a no-net-loss analysis will be conducted for all development proposals and most will undergo shoreline substantial development (SDPs), at a minimum. As such, these proposed changes highlight overall planned density increases within the shoreline environment designations.

That said, increases to impervious surface within shoreline jurisdiction must be located further landward than those that are in existence today, with vegetation conservation and nonconforming

provisions carried out with every development proposal, along with proper notice and date of filing to Ecology, once a decision has been reached. The following changes to Figure 7.090(a) Use and Modifications Matrix table may be considered:

**Figure 7.090(a): Use and Modifications Matrix**


<u>KEY:</u> X= Prohibited P= Permitted CU= Conditional Use	Urban Conservancy	Single-Family <del>Low Density</del> Family	Multi-Family Residential	Recreation	Commercial	Downtown Waterfront	Industrial
Unlisted Uses:	CU	CU	CU	CU	CU	CU	CU
<b>UPLAND USES</b>							
Boat Sales, Storage and Repair	X	X	X	CU	P	P	P
Commercial uses such as but not limited to: general retail, general office, clinics, restaurants, drinking places, personal services, athletic fields, restaurants, community facilities, and entertainment uses. (See Zoning Code for specific allowed uses by zone)	X	X	X	X	P	P	P
Community, Cultural, Educational Facilities	CU	P	P	P	P	P	X
Golf Courses	X	CU	CU	X	X	X	X
Hotels and Lodging	X	X	X	X	P	P	X
Industrial	X	X	X	X	X	X	P
Worship and Religious Facilities	X	CU	P	CU	P	P	X
<b>PARKING, TRANSPORTATION &amp; UTILITIES</b>							
Parking Serving Primary Use Within the Shoreline Jurisdiction	P	P	P	P	P	P	P
Parking Not Serving Primary Use Within the Shoreline Jurisdiction	X	X	X	X	CU	CU	CU
Transportation facilities that serve uses within the shoreline	P	P	P	P	P	P	P
Utilities that serve uses within the shoreline	P	P	P	P	P	P	P
<b>RESIDENTIAL</b>							
Adult Family Homes, Daycare, & Bed and Breakfasts	CU	P	P	X	P	P	X
Commercial/Residential mixed	X	<del>X</del> P	<del>X</del> P	X	P	P	X
Multi-Family Residential	X	<del>X</del> P	P	X	P	P	X
Single Family Residential	P	P	P	P	P	P	X

<u>KEY:</u> X= Prohibited P= Permitted CU= Conditional Use	Urban Conservancy	<del>Single-Family</del> <b>Low Density</b> Family	Multi-Family Residential	Recreation	Commercial	Downtown Waterfront	Industrial
	SHORELINE MODIFICATIONS (All uses must meet applicable code criteria see Ch. 9)						
Boat Launch	CU	CU	CU	CU	CU	CU	CU
<sup>1</sup> <u>A ground-floor commercial use may be permitted if it is a water-dependent or water-oriented use.</u>							

## 2.5.2 Residential Height Requirements

To improve implementation, it is recommended to revise 7.09(b)(2) to “Low Density Residential” heights to support the designation name change.

*(2) ~~Single-Family~~ Low Density Residential heights may be increased to 35' with the employment of a pitched roof when: (i) The pitch of the roof is not less than 6: 12 (ii) The pitched roof is oriented perpendicular to the shoreline. Minor gables or other roof features parallel to the shoreline may be permitted on a case by case basis provided such features do not extend past the pitched roof where views are intended to be preserved. (iii) The pitched roof covers the entire structure.*



**APPENDIX A.** Interpretations of SMP: Ecology  
Documentation

## Administrative Interpretation Review

**Local government:** City of Bremerton

Ecology review sent to local government: date

**Final date of Local Interpretation:** September 25, 2025

**Ecology Staff:** Matthew Evinger, shoreline planner, Northwest region

This document summarizes Ecology's review and consultation of a local Administrative Interpretation consistent with [WAC 173-26-140](#).

## Local Government Request

Notice: email received September 23, 2025

The City of Bremerton submitted a request for review of a draft administrative interpretation titled:

**Interpretation Number: 25-001-SMP**

**Reconciling BSMP Figure 7.090(b) with recent zoning change in the Downtown Subarea Plan from Multifamily Residential 1 zone to the Mixed Use zone**

The purpose of this written Administrative Interpretation Review is to provide the City with documentation of our consultation which reviewed this interpretation for consistency with the purpose and intent of the Shoreline Management Act (RCW 90.58) and the applicable guidelines (WAC 173-26).

The City has identified an inconsistency between the name of a zone in the Downtown Subarea Plan and its referenced name in the Shoreline Master Program. The inconsistency was brought about by a recent Downtown Subarea Plan update.

## Ecology Analysis and Consistency Determination

The City's interpretation would resolve the inconsistency between the Downtown Subarea Plan and the SMP. To reflect the recent update to the Downtown Subarea Plan, which included renaming the Multi-Family Residential (MFR) Zone 1 to Mixed Use (MU), the interpretation substitutes the SMP's references to the MU zone for references to the MFR 1 zone. It appears the only such reference in the SMP is in a footnote to Figure 7.090(b) outlining the procedure for calculating maximum height specific to the MFR zone.

## Ecology Findings

The City's interpretation would not make any substantive changes to the SMP. It would clarify

**Ecology finds the City's interpretation to be internally consistent based on the following:**

**RCW 90.58.020:** Increase public access to publicly owned areas of the shorelines.

*Administrative Interpretations of SMP: Ecology Documentation*

## **Administrative Interpretation Review**

The interpretation would not increase existing building height limits or otherwise impede visual shoreline access beyond already-approved standards.

**BSMP 2.030(c):** Encourage economic development, redevelopment, and infill that will improve ecological functions, restore riparian buffers, and benefit the community.

The interpretation would allow for continued economic development of the downtown subarea without sacrificing the ecological protections of the SMP.

**BSMP 2.030(e)(5):** Preserve and enhance public views from the shoreline.

As mentioned above regarding RCW 90.58.020, The interpretation would not increase existing building height limits or otherwise impede views beyond already-approved standards.

We find that the City's interpretation is consistent with the SMA, the SMP Guidelines, and the City's SMP goals and policies related to public access and economic development.

## **Ecology Notes**

Ecology recommends that the City formalize this interpretation in their next SMP amendment.