ORDINANCE NO. 5417

AN ORDINANCE of the City Council of the City of Bremerton, Washington amending the Shoreline Master Program through the required periodic update.

WHEREAS, the people of the State of Washington enacted the Shoreline Management Act (Chapter 90.58 RCW) by a vote of the people in 1971; and

WHEREAS, the Growth Management Act of 1990 ("GMA") (RCW 36.70A.480) adds the goals and policies of the Shoreline Management Act as set forth in RCW 90.58.020 as one of the goals of the GMA without creating an order of priority; and

WHEREAS, in 2003, the Department of Ecology adopted rules, pursuant to RCW 90.58.200, which gave procedural and substantive direction to local jurisdictions for updating shoreline uses and regulations, which became effective January 17, 2004; and

WHEREAS, the City Council passed Ordinance No. 5229 on December 4, 2013, adopting the Shoreline Master Program ("SMP") after approval of Department of Ecology, to be compliant with RCW 90.58.020 and WAC 173-26-186; and

WHERAS, the City Council passed Ordinance No. 5327 on July 5, 2017 making minor limited amendments to the SMP after approval of Department of Ecology, to be compliant with updated regulations; and

WHEREAS, The Growth Management Act (RCW 36.70A.480) adds the goals and policies of the Shoreline Management Act as set forth in RCW 90.58.020 as one of the goals of the Growth Management Act without creating an order of priority; and

WHEREAS, in accordance with Chapter 43.21C RCW and WAC 197-11, a Determination of Non-Significance ("DNS") with a comment period which expired on December 29, 2020, and an appeal period which expired on January 19, 2021. No appeals were filed; and

WHEREAS, the SMP's Appendix III: Designation Boundary & Resource Table is not required and will be removed, as the City GIS Shoreline Environment Designation Maps are accurate to the parcel level.

WHEREAS, on November 9, 2020, amendments to the SMP were circulated to the State Agencies for the requisite 60-day review and comment period; and

WHEREAS, the Bremerton Planning Commission held a Joint Public Hearing on November 16, 2020 to considered staff's recommendations, received testimony, and formulated a recommendation for SMP update to the City Council for consideration at a duly advertised public hearing. The joint review process, per WAC 173-26-104, consolidates the local and State of Washington Department of Ecology's SMP public comment periods, speeding up the approval

process; and

WHEREAS, Department of Ecology reviewed the Planning Commission's recommendation and provided required and recommended changes to the SMP for City Council's consideration; and

WHEREAS, on April 15, 2021 the public was notified by legal advertisement in the Kitsap Sun of the opportunity to make comment and participate in the public hearing by the City Council; and

WHEREAS, City Council took public testimony from interested parties and considered all written and oral arguments, include Department of Ecology's required and recommended changes at a duly advertised public hearing for the Shoreline Master Program update on April 21, 2021; NOW THEREFORE,

THE CITY COUNCIL OF THE CITY OF BREMERTON, WASHINGTON, DOES HEREBY DO ORDAIN AS FOLLOWS:

SECTION 1. The recitals set forth above are hereby incorporated as if set forth herein in full.

SECTION 2. The City of Bremerton Shoreline Master Program with appendices, as set forth in Exhibit A and Exhibit B, attached hereto and incorporated herein by reference, is hereby adopted.

SECTION 3. *Corrections.* The City Clerk and codifiers of this ordinance are authorized to make necessary corrections to this ordinance, including but not limited to, the correction of scrivener, clerical, typographical, and spelling errors, references, ordinance numbering, section/subsection numbers and any references thereto.

SECTION 4. *Severability.* If any one or more sections, subsections, or sentence of this Resolution are held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portion of this Resolution and the same shall remain in full force and effect; and

SECTION 5. *Effective Date.* This Ordinance shall take effect and be in force ten (10) days from and after its passage, approval and publication as provided by law.

PASSED by the City Council the 21 day of April, 2021

KEVIN GORMAN, Council President

Approved this 28TH day of April, 2021

GREG WHEELER, Mayor

ATTEST:

ANGELA HOOVER, City Clerk

APPROVED AS TO FORM:

ROGER A. LUBOVICH, City Attorney

PUBLISHED the 24 day of April, 2021
EFFECTIVE the 4 day of May, 2021
ORDINANCE NO. 5417

Exhibit A to SMP Ordinance

BREMERTON SHORELINE MASTER PROGRAM

Approved ~~Dec. 4, 2013~~ {insert date}
by Ordinance Number {insert Ordinance Number}~~5229 and limited amendments on Sept. 7, 2017 by Ordinance Number 5327~~

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III: Critical Area Ordinance

Chapter 1 - Introduction, Authority and Purpose

The City of Bremerton recognizes the intent of the legislature of the State of Washington in adopting the "Shoreline Management Act (SMA) of 1971" and adopts by reference the findings therein including, but not limited to, the intent to protect shorelines of statewide significance, their associated natural resources, and providing opportunities for the general public to have access to generally enjoy shorelines. The Shoreline Management Act is incorporated into the Washington State Coastal Zone Management Program and, thereby, those direct federal agency activities affecting the use or resources subject to the Act must be consistent to the maximum extent practicable with the enforceable provisions of the Act, regulations adopted pursuant to the Act and this local Master Program.

The State legislature has established that shorelines of the State are among the most valuable and fragile of its natural resources (such as Puget Sound) and there is great concern throughout the State relating to their utilization, protection, restoration, and preservation. In addition, ever increasing pressures of additional uses are being placed on the shorelines necessitating increased coordination in the management and development of the shorelines of the State.

The legislature has determined that much of the shorelines of the state and the uplands adjacent thereto are not necessarily being utilized in a way that is in the best interest of the public. This conclusion was drawn by evaluating the public and private development which has taken place on or adjacent to shorelines of Statewide Significance. Due to this, the legislature has determined that coordinated planning is necessary in order to protect the public interest associated with the shorelines of the state while, at the same time, recognizing and protecting private property rights consistent with the public interest. There is, therefore, a clear and urgent demand for a planned, rational, and concerted effort, jointly performed by federal state and local governments, to prevent the inherent harm in uncoordinated and piecemeal development along such shorelines.

In drafting this latest version of the Bremerton Shoreline Master Program the City has followed the State mandates and guidelines established in the WAC and RCW. These requirements have had a significant impact on the goals, policies, and regulations within this document. In order to better understand the programs objectives the portions of RCW 90.58.020 are provided as follows:

> It is the policy of the state to provide for the management of the shorelines of the state by planning for and fostering all reasonable and appropriate uses. This policy is designed to insure the development of these shorelines in a manner which, while allowing for limited reduction of rights of the public in the navigable waters, will promote and enhance the public interest. This policy contemplates protecting against adverse effects to the public health, the land and its vegetation and wildlife, and the waters of

the state and their aquatic life, while protecting generally public rights of navigation and corollary rights incidental thereto.

The legislature declares that interest of all people shall be paramount in the management of shorelines of statewide significance. The department (of Ecology) in adopting guidelines for shorelines of statewide significance, and local government in developing master programs for shorelines of statewide significance shall give preference to uses in the following order of preference which:

1. Recognize and protect the statewide interest over local interest;
2. Preserve the natural character of the shoreline;
3. Result in long-term over short-term benefit;
4. Protect the resources and ecology of the shoreline;
5. Increase public access to publicly owned areas of the shorelines;
6. Increase recreational opportunities for the public in the shoreline;
7. Provide for any other element as defined in RCW 90.58.100 deemed appropriate or necessary.

The Shoreline Management Act's paramount objectives are to protect and restore the valuable natural resources that shorelines represent and to plan for and foster all "reasonable and appropriate uses" that are dependent upon a waterfront location or which will offer the opportunities for the public to enjoy the State's shorelines. With this clear mandate, the provisions of the Shoreline Management Act established a planning and regulatory permit program, which is initiated at the City and county level under State guidance through the local Shoreline Master Program.

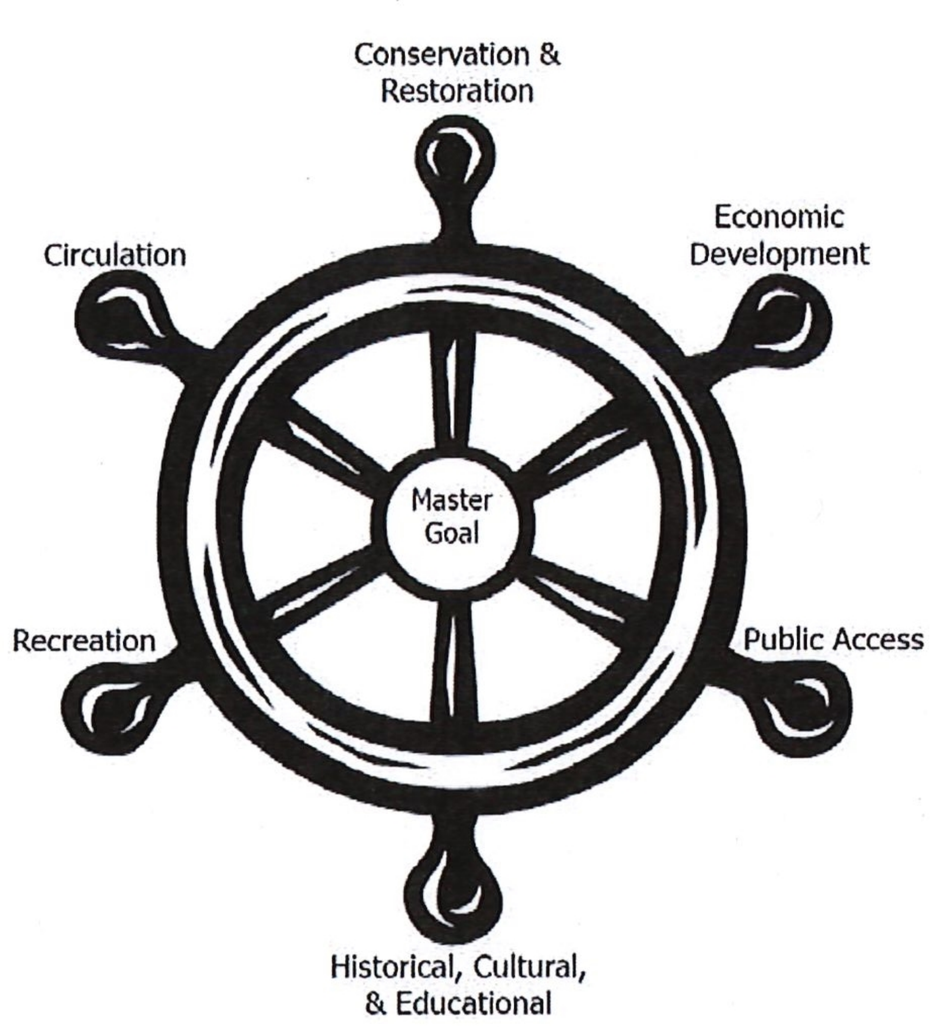
This cooperative effort balances local and State wide interests in the management and development of shoreline areas. Local governments are required to plan for shoreline development by developing local shoreline master programs (SMPs). They are also required to regulate such development through a shoreline permit system for Substantial Development projects.

Local government actions are monitored by the State of Washington Department of Ecology (DOE), which approves new or amended SMPs, reviews Substantial Development permits, and approves conditional use permits and variances. The local Shoreline Master Program is essentially a shoreline Comprehensive Plan with a distinct environmental orientation applicable to shoreline areas customized to local circumstances. Collectively, all the local master programs comprise the State Shoreline Master Program.

Chapter 2 – Goals and Policies

2.010 Intent:

The goals of the Shoreline Master Program are intended to be comprehensive goal statements. The goals state the broadest principals that establish the intent behind Master Program requirements. These goal statements are intended to ensure consistency as Master Program policies and regulations are applied to various shoreline uses. The following wheel depicts how all the goals are interconnected. Each primary goal group is integrally tied to a master goal. While each goal group is a separate concept, many of the principles within each group are interrelated. It is the intent of the goal wheel to depict this relationship.



2.020 Master Goal:

The overall focus of this plan is to protect and restore shoreline resources and ecological functions, increase public access to the shoreline, promote economic development, ~~and~~ accommodate water dependent uses and address climate change adaptation/resiliency. In order to achieve rational, balanced, and responsible use of our irreplaceable shorelines: uses need to be coordinated to ensure that long term over short term benefits result.

2.030 General Goals:

Each primary goal is listed in alphabetical order followed by the supporting goals for each group.

(a) Circulation Goal:

Enhance the overall mobility of Bremerton residents and visitors to and around shorelines without detracting from habitat function or public access.

(1) Generally avoid locating new roads, railroads, and bridges within shoreline jurisdiction. When such features must be in shoreline jurisdiction locate them where routes will have the least adverse effect on shoreline function. Great effort should be taken to ensure such facilities do not result in a net loss of shoreline ecological functions or adversely impact existing or planned water dependent uses.

(2) Where permitted, roads, railroads, and bridges should cross the shoreline area by the shortest most direct route, unless such a route would cause a net loss in shoreline ecological functions.

(3) Improve facilities such as trails and bicycle lanes for safe pedestrian and non-motorized travel along public roadways in scenic areas.

(4) Make use of rights of way for public access by encouraging rest areas, view turnout points, and picnic areas. Encourage the improvement of appropriate street ends abutting water bodies for public access.

(5) Maximize opportunities to jointly use rights of way for roads, utilities, and non-motorized access to ensure the most beneficial use of public spaces.

(b) Conservation and Restoration Goal:

Emphasize activities that restore and enhance ecological functions and environmental qualities in order to achieve no net loss of ecological function on both a reach and watershed scale.

(1) Conserve existing natural resources through regulatory and non-regulatory means such as development standards, ensuring ecologically sound designs, creating restoration programs, and encouraging education programs.

(2) Critical areas within the shoreline should be managed to achieve protection or restoration of existing and degraded ecological functions and ecosystem wide processes. In protecting and restoring critical areas within the shoreline, the City can integrate the full spectrum of planning and regulatory measures.

(3) Ensure that uses and activities retain native vegetation, or replace existing non-native vegetation with native species in order to achieve no net loss of ecological functions and ecosystem wide processes performed by native vegetation.

(4) Encourage developments to integrate shoreline ecological restoration into projects through non-regulatory means.

(5) Prevent and minimize pollution, sedimentation, and soil erosion through regulatory and non-regulatory means such as surface water management.

(6) Conservation efforts should focus on protecting and sustaining existing ecological functions for long term success; such protection may be ensured through the use of conservation easements.

(7) Recognize and monitor the potential effects of ~~sea level rise~~climate change as additional scientific information becomes available and encourage shoreline development and redevelopment which will deal will sea level rise in the following order: avoid, retreat protect and accommodate.~~. At the next major update of the Shoreline Master Program consider additional specific policies and regulations based on additional scientific projections~~.

(i) Comprise/Gather information and establish a climate change strategic plan on the impacts of sea level rise on the shoreline and other affected

property; the City should develop plans to address the impacts of sea level rise and climate change in collaboration with impacted property owners, the community, and the Department of Ecology.

(ii) Consider changes to the character (type of sediment, erosion etc.) of public and private shorelines during future Master Program updates.

(iii) The City should consider sea level rise impacts as it plans for new development as well as other public and private shoreline projects, consistent with the best available science and the life cycle of the improvements.

~~(i)~~ .

(c) Economic Development Goal:

Encourage development, redevelopment, and infill that will improve ecological functions, restore riparian buffers, and benefit the community. Priority should be given to single family residences, however commercial uses should be developed in the following order of preference: water dependent, water related, water enjoyment, and shoreline mixed uses.

(1) Plan for reasonable and appropriate shoreline uses, while ensuring that new, redeveloping, and existing use of facilities do not result in a net loss of shoreline ecological functions.

(2) Classify areas based on use and ecological function. Focus attention on community benefit, ecosystem processes and functions to determine conservation strategies and restoration priorities.

(3) Reserve areas for future water dependent and water related uses that are compatible with ecological protection and restoration objectives.

(4) Non-water oriented activities should be located upland, away from the shoreline except where access to the water is not provided or where the non-water oriented use provides for ecological restoration and public access. Locations where there is a bluff or a topographic break the non-water oriented use should be landward of the top of the bluff.

(5) Elements of a development that do not require location water access such as parking, circulation, or similar elements should be located inland and away from the immediate water's edge and/or from recreational beaches so as not to interfere with access to the shoreline.

(6) Over-water and in-water uses should be prioritized to provide for public access, multiple use, and expansion of existing facilities rather than the addition of new facilities. Preference should be given to the expansion of existing marinas, shared docks, etc. in order to minimize the consumption of limited shoreline resources.

(7) All shoreline policies, regulations and development standards should recognize and protect private rights and, to the extent possible, should be designed to protect the rights of adjacent property owners.

(d) Historical, Cultural, & Educational Goal:

To protect the public's interest in the conservation, preservation, and restoration of buildings, sites, and areas having historical, cultural, scientific, or educational value.

(1) Protect and restore shoreline areas having historical and/or cultural significance especially those shorelines that are ~~historically supported by~~of cultural

significance to the Suquamish Tribe.

(2) Encourage cooperation among public and private groups in the research and study of historical or cultural sites within the City.

(3) Acknowledge the value to be gained from research of shorelines having historical and/or cultural significance. Support the continuation and expansion of such uses to improve the overall educational value of our shorelines.

(4) Coordinate with existing organizations and local shoreline programs to ensure availability of ongoing educational programs for residents, landowners, and recreational users.

(e) Public Access Goal:

Improve public access to the shorelines wherever feasible, provided it will not adversely impact ecological functions.

(1) Ensure shoreline access and recreational areas are designed to provide safe and abundant access to marine environments for all citizens and meet current ADA requirements.

(2) Encourage water oriented shoreline uses and activities that provide an opportunity for substantial numbers of the public to enjoy City shorelines.

(3) Incorporate public access into developments (including land division) where possible. Design public access to be as close as possible to the water's edge without impacting safety or habitat function.

(4) Control development, uses and activities on or near the shoreline so as not to impair or detract from the public's access to the water.

(5) Preserve and enhance public views from the shoreline. Enhancement of views will not be construed to mean removal of vegetation.

(6) Ensure publicly owned shorelines include water dependent uses, public recreational uses, or protected open space.

(7) Maintain, enhance, and preserve physical and visual public access afforded by shoreline street ends, public utilities, and rights-of-way.

(8) Link public access points with pathway systems for pedestrians and bicyclists. Provide linkages between pathway systems, public transit routes, and activity centers.

(9) Encourage landowners to maintain existing public access as is protected by RCW 4.24.210-220 which limits liability.

(f) Recreation Goal:

Protect and improve recreational opportunities consistent with community needs through the development of publicly owned shorelines.

(1) Encourage developments to provide recreational uses and other improvements facilitating public access to shorelines. Locate and design recreational developments to preserve, enhance or create scenic views and vistas.

(2) Identify shoreline areas with a potential for recreation or public access. Consider acquiring these areas by lease or purchase for incorporation into the Public Park and open space system.

(3) Ensure recreational development is designed to be consistent with the desired character reflected in the purpose of the designation in which they are located in.

Assure maximum recreational opportunities while achieving no net loss of shoreline ecological functions and maintaining ecosystem wide processes.

(4) Encourage linkage of shoreline parks, recreation areas and public access points with linear systems such as hiking paths, bicycle paths, easements and/or scenic drives.

(5) Encourage public access to boat launches and other facilities that can improve access to the marine environment.

2.040 General Policies:

(a) Buffer and Setback Policies:

(1) The critical areas that are within the shoreline jurisdiction are to be protected and managed in such a manner that the result of any use, activity, or development is no net loss of shoreline ecological functions.

(2) The City should protect critical areas and their existing shoreline ecological functions so they continue to contribute to existing ecosystem wide processes.

(3) The City should promote uses and values that are compatible with other objectives of this section, such as public access and native vegetation management, provided there is no significant adverse impact to shoreline ecological functions.

(b) Vegetation Conservation Policies:

(1) The City should protect, conserve and establish native vegetation near shorelines in order to protect and restore the ecological functions and ecosystem wide processes performed within riparian and near shore areas which include but are not limited to:

- Protecting plant and animal species and their habitats;
- Providing food sources for aquatic and terrestrial species in the form of various insects and benthic macro invertebrates;
- Providing shade necessary to maintain water temperatures for salmonids, forage fish, and other aquatic biota;
- Protecting and increasing stability of banks and bluffs;
- Reducing the hazard of slope failures or accelerated erosion;
- Reducing the need for structural shoreline stabilization measures;
- Improving the visual and aesthetic qualities of the shoreline;
- Protecting and improving water quality through filtration and vegetative uptake of nutrients and pollutants;
- Providing habitat corridors parallel and perpendicular to the water body.

(2) The City should implement the Environmental Standards within the Gorst Creek Subarea Plan, including the Gorst Creek Overlay, upon future annexation.

(c) Mitigation Sequencing Policy:

(1) For all developments, applicants must demonstrate that all alternatives have been examined with the intent to avoid and minimize impacts to shoreline ecological functions.

(d) Public Access Policies:

(1) Public access, in its variety of forms, should be promoted whenever feasible provided the result is no net loss of the shoreline's ecological function.

(2) Public access should be provided to the shoreline as a primary use or as development occurs, while protecting private property rights and public safety.

(3) Public access should not compromise the rights of navigation and space necessary for water-dependent and water-related uses.

(4) To the greatest extent feasible consistent with the overall best interest of the state and the people generally, the public's opportunity to enjoy the physical and aesthetic qualities of shorelines of the state should be protected.

(5) Property owners should implement a variety of techniques including acquisition, leases, easements, and design and development innovations to achieve public access goals and to provide diverse public access opportunities.

(e) Water Quality Policies:

(1) Prevent impacts to water quality and stormwater quantity that would result in a net loss of shoreline ecological functions, or a significant impact to aesthetic qualities, or recreational opportunities.

(2) Ensure mutual consistency between shoreline management provisions and other regulations that address water quality and stormwater quantity, including public health, stormwater, and water discharge standards.

(3) Protect aquatic resources from non-point pollution, such as water runoff from contaminated surfaces, contaminated groundwater, chemical fertilizers, herbicides, pesticides, and petrochemicals, including, but not limited to discharge from failing onsite septic systems.

(f) Archaeologically Sensitive Areas Policies:

(1) Prevent the destruction of or damage to any cultural resources and any site having historic, cultural, scientific, or educational value as identified by the appropriate authorities, including The Suquamish Tribe, and the Washington State Department of Archaeology and Historic Preservation.

(2) Landowners should provide access to qualified professionals and the general public if appropriate for the purpose of public education related to a cultural resource identified on a property.

(g) Lighting Policies:

(1) Lighting within shorelines and lands adjacent to shorelines if not properly managed can have an adverse impact on the ecological function, most notably the migration patterns of salmonids and terrestrial species.

(2) Lighting should be minimized within shorelines, especially within close proximity to the water.

(3) Development should implement site lighting techniques that minimize the amount of spill-over into riparian and aquatic environments. These techniques should include but are not limited to reduction of pole heights, pole locations, and fixture designs including shading / shielding devices, bulb types and reduced wattages.

(h) Parking Policies:

(1) Parking includes private on-site, public lots/structures and loading areas. Parking within shorelines is a low priority. Converting land within shorelines for the sole use of vehicles is not an efficient land use.

(2) Parking as a primary use (stand-alone use) within the shoreline jurisdiction should be prohibited.

(3) Parking should not be allowed between development and the adjacent water body.

(4) Where surface parking is developed within the shoreline jurisdiction, Low Impact Development techniques should be implemented.

(5) Lighting for parking areas should be minimized.

2.045 Aquaculture Policies:

Aquaculture is the culture, or farming of fish, shellfish or other aquatic plants and animals. Activities include, but are not limited to the hatching, cultivating, planting, feeding, raising, harvesting, and processing of aquatic plants and animals and the maintenance and construction of necessary equipment, buildings, and growing areas. Cultivation methods include, but are not limited to fish pens, fish hatcheries, shellfish rafts, racks and long lines, seaweed floats, and nets and the culture of clams and oysters on tidelands and sub-tidal areas. Aquaculture does not include the harvest of wild geoduck associated with a state managed wild stock geoduck fishery. Aquaculture is a preferred water-dependent use. It should be encouraged to locate where it will not significantly conflict with navigation and other water dependent uses, and/or result in a net loss of ecological functions, and/or adversely impact eelgrass and microalgae. Harvest of wild stock free swimming fish, and/or harvest of wild stock geoducks on state owned aquatic lands do not require a shoreline Substantial Development permit.

(a) Aquaculture should not be located in areas where it would result in a net loss of ecological functions.
(b) Aquaculture should not be permitted in areas where it would significantly conflict with navigation and other water-dependent uses.

2.050 Commercial Development Policies:

Commercial development on the shorelines should be designed to bring large numbers of citizens to the shoreline.

(a) Commercial development should be designed and constructed in such a manner as to result in no net loss of ecological functions. including implementation of Low Impact Development techniques, to the maximum extent feasible.

(b) Public access should be provided in all locations, except where it is demonstrated to conflict with the intended use for reasons of safety, or security; or if it adversely impact the ecological function of the shoreline.

(c) Non-water-oriented commercial uses within the shoreline jurisdiction should be allowed to locate and operate within existing structures.

2.055 Forest Practices Policies:

Forest practices within the City along shorelines would occur as a conversion of forested areas to a certain level of urban development (Class IV – General per the Forest Practices Act, RCW 76.09) or as timber harvest within the City Watershed and City Utility Lands.

(a) Forested areas within shorelines should be preserved and protected where feasible.

2.060 Industrial Development Policies:

Water-dependent industrial uses are preferred and encouraged within shoreline areas.

(a) Where necessary depth for industrial uses is adjacent, water-dependent industrial development should be given priority over water-related industrial uses provided, however, that in both instances, they do not conflict with planned or existing public access and habitat restoration.

(b) Redevelopment of water-dependent industrial facilities and areas should be encouraged, provided it will not create a net loss of shoreline ecological function and processes.

(c) New water-dependent industrial development should incorporate physical and/or visual public access to the water except when such access causes significant interference with operations or hazards to life or property.

(d) On upland industrial sites, environmental cleanup and/or remediation should be implemented to serve a variety of future land uses.

(e) Water-dependent and water-related industrial redevelopment is encouraged.

(f) Priorities of uses are to be in the following order: Water-dependent uses, water- related uses, and water-enjoyment uses.

2.065 Marinas and Boating Facilities Policies:

Marinas and boating facilities are water-dependent uses and are a preferred use on shorelines. Bremerton has a variety of such facilities that are both privately owned commercial and industrial facilities and those that are available to the general public. Boating facilities can include uses such as marinas, shipping and ferry terminals, transient mooring facilities, boat-ramps, upland dry-stack storage, boat construction, and boat maintenance facilities.

(a) New or expanded boating facilities should include restoration of ecological functions within the riparian and near-shore environment, especially for migrating salmonids and other aquatic species.

(b) New or expanded boating facilities should be designed, constructed and managed such that there is no net loss of shoreline ecological function.

(c) New or expanded boating facilities should provide the maximum amount of public access in a variety of forms. (Trail, view overlooks, transient and hand-carry craft moorage.)

(d) New boating facilities should be located in areas where other water-oriented uses presently exist or could be established within close proximity.

(e) New or expanded boating facilities should minimize the amount of associated parking and impervious surface within the shoreline jurisdiction.

(f) New boating facilities should not include covered moorage and boathouses.

(g) New boating facilities that require dredging for proper depth and/or removal of contaminated sediments should be consistent with all federal and state requirements for management of contaminated sediments and

(h) Existing boating facilities, when retrofitted or as upgrades are necessary, should improve the existing ecological function by minimizing impacts to water quality, restoring hydrologic function and maintaining the viability of aquatic organisms.

2.070 Recreational Development Policies:

Water-oriented recreational development can include but is not limited to parks, trails, open spaces, beaches, boat or other watercraft rentals, fishing piers, aquariums, view platforms and over-water boardwalks.

(a) Water-oriented recreational development is encouraged on shorelines provided it results in no net loss of ecological function and is a preferred use along shorelines of statewide significance.

(b) Water-oriented recreational development on the shorelines should be consistent with the Comprehensive Plan and the City of Bremerton Park, Recreation and Open Space Plan in terms of satisfying future demand and design.

(c) Water-oriented recreational development should take precedence over non-water- oriented recreational uses.

(d) Wherever possible, shoreline recreational facilities should be linked to other adjacent recreational attractions by pedestrian and/or bicycle trails.

(e) Recreational development, where applicable, should include interpretive displays describing cultural, historical and scientific information.

(f) Non-water-oriented recreational development uses should not be located on shorelines.

2.075 Residential Development Policies:

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. Residential uses, however, can cause significant damage to the shoreline area through cumulative impacts resulting from vegetation loss, shoreline armoring, increased amount of impervious surfaces and resulting stormwater runoff, septic system failure, and additional vehicular trips.

(a) Development of residential units should result in no net loss of ecological function.

(b) Any residential development along the shoreline should be set back from steep slopes and eroding shoreline areas so that the shoreline is not further eroded nor structural improvements required to protect property.

(c) In cases where either large tracts are subdivided into single-family residential parcels or where contiguous individual building sites are developed for single family residences, common public access areas and one joint-use dock, rather than single family docks, should be developed for the use of residents of the subject subdivision.

(d) Design of residential development should include preservation of existing native vegetation to the greatest extent possible.

(e) Residential development should be designed to minimize the amount of impervious area and should utilize Low Impact Development techniques to the greatest extent practicable (e.g., permeable pavers, stormwater infiltration and filtration).

(f) New multi-unit residential development and the subdivision of land into more than ~~five~~ four parcels should incorporate into the overall design planned public access amenities whenever feasible.

2.080 Roads, Railways, and Utilities Policies:

Roads, railways and utilities are necessary to provide efficient public circulation and the shipment of goods and services. These transportation circuits can include but are not limited to roads, highways and interstates, rail lines and spurs, public service water and sewer mains, power generation, transmission and distribution facilities, and wireless communication facilities.

(a) All new roadways, arterials, utilities and railways, including expansions of these

systems, should be located and designed to avoid shorelands, unless no feasible alternative is feasible, and should minimize impacts to shoreline ecological functions.

(b) Location and design of new roadways including arterials should not compromise existing and planned shoreline public access or existing and planned habitat restoration and enhancement.

(c) New roadways, when necessary within shorelines, should be located and designed in such a manner that the minimum width and length of travel-way for vehicles is provided and appropriate provision made for pedestrian and multi-modal forms of transportation.

(d) New roadways should be designed and constructed to implement a range of available Low Impact Development techniques.

(e) New utilities for the delivery of services and products such as, but not limited to public sewer, water and storm mains and services, pipelines, power and transmission facilities should be located outside of shorelines, critical areas and their associated buffers unless intended specifically for a permitted use.

(f) Whenever feasible, utilities should be co-located within existing right-of-way corridors.

(g) Installation of utilities, including maintenance and expansion of existing utilities, should improve the project area from its original condition by native vegetation installation and management.

(h) Utilities should provide public access to the shoreline when practical.

2.085 Clearing and Grading Policies:

Clearing and grading are permitted as an element of development or re-development for an authorized activity or as otherwise allowed in this Title.

(a) Disturbance to and removal of native soils should be minimized within shorelines.

(b) Uses and site design should incorporate protection or reestablishment of the maximum amount of native vegetation on a particular site.

(c) Vegetation that is removed as part of a permitted use should be reestablished within a required buffer.

2.090 Docks, Piers, and Other In-Water Structures Policies:

In-water (marine and freshwater) structures include but are not limited to jetties, pilings, fish ladders, mooring buoys, docks, piers, breakwaters, groins, marine railways, weirs, baffles, and similar structures.

(a) In-water structures should be designed to minimize impacts to ecological functions of the water body including, but not limited to water quality, anadromous and forage fish habitat, spawning and rearing areas, migration, and passage.

(b) In-water structures should not adversely affect hydrologic function including light penetration within the photic zone, sediment transport, and current and water circulation patterns.

(c) The location and planning of in-water structures should give due consideration to the

full range of public interests and environmental concerns.

(d) Analysis of cumulative impacts of in-water structures should be conducted such that the connectivity between habitats for migrating salmonids is maintained and restored where feasible.

2.095 Dredging Policies:

Dredging is the removal of material from a water body. The purposes for dredging might include navigation, remediation of contaminated materials, or material mining. Materials generated from navigational and remedial dredging may be suitable for beneficial reuse (e.g., construction of habitat features or construction of uplands) or may require disposal at appropriate disposal facilities.

(a) Dredging should be allowed only to accommodate existing navigational uses, remediation of contaminated materials, or approved water-dependent uses and then only when ecological impacts are minimized and mitigation is provided.

(b) Deposition of dredge spoils waterward of the Ordinary High Water Mark should be allowed only when necessary to support allowed water dependent use, public access, beach restoration or Model Toxics Control act or the Comprehensive Environmental Response Compensation and Liability Act and other water dependent uses that are consistent with this master program or consistent with locations approved by the State Departments of Natural Resources, and the Department of Fish and Wildlife where the alternatives of depositing materials on land is more detrimental to shoreline resources than depositing it in water areas.

(c) Dredging within aquatic areas for the primary purpose of acquisition of fill material should not be allowed.

(d) Where dredging occurs within marine waters the result should be suitable for establishment of a variety of aquatic organisms including, where appropriate, salmonids and forage fish.

2.100 Flood Hazard Reduction Policies:

(a) The City should recognize that seasonal flooding is an essential natural process and minimize alteration of such processes where feasible.

(b) Flood hazard reduction measures should not result in a net loss of ecological functions associated with the rivers and streams.

(c) Flood hazard reduction measures should be consistent with comprehensive strategies that recognize the natural hydro-geological and biological processes of water-bodies and should seek to restore ecological functions within frequently flooded areas.

(d) Development in frequently flooded areas should be prevented or existing development removed when feasible and to maintain or restore a stream system's natural hydrological and geo-morphological processes.

(e) Bioengineered flood hazard reduction techniques are preferred and should be examined and implemented where feasible rather than structural measures.

2.105 Landfill Policies:

Landfill is the creation of dry upland area by the placement or deposition of sand, soil,

gravel or contaminated sediments into a water body.

(a) Landfills waterward of OHWM should be allowed only when necessary to support, public access, beach restoration, or MTCA / CERCLA restoration projects and other water dependent uses that are consistent with this master program.

(b) Landfills should be limited in the shoreline and should be the minimum necessary.

2.110 Restoration and Conservation Policies:

Restoration is the improvement or reestablishment of impaired ecological shoreline processes or functions. This may be accomplished through measures including, but not limited to: amending soils, planting native vegetation, removing derelict shoreline structures, removing or treating toxic materials, and restoring the natural configuration of banks within near-shore or riparian areas. Restoration does not imply a requirement for returning the shoreline area to aboriginal or pre-European settlement conditions (WAC 173-26). The citywide objective of restoration is to achieve a net gain in ecological function within the watershed.

(a) The primary objectives of restoration projects should be to protect and restore natural processes controlling environmental factors.

(b) The Suquamish Tribe, Corps of Engineers, Washington Department of Ecology, the Washington Department of Fish and Wildlife and other appropriate resource agencies should be included at the beginning of the design and development stages of a restoration project or plan.

(c) The goals of the Restoration Plan should be considered for all restoration and conservation projects.

(d) Restoration and conservation may take place as a stand-alone project or as a required element of a larger development proposal. In either case the following should be achieved, as feasible:

(1) Non-native vegetative species should be controlled and native vegetation established (soil amendments, including mulching, may be required to support native vegetation);

(2) Installation of native vegetation should be an appropriate mix of deciduous, conifer, under-story and groundcover species that are capable of achieving substantial water body shading, provide food sources for a variety of species, enhance and connect to habitat corridors and slow movement of groundwater and sheet-flow towards the water body;

(3) Introduction of large woody debris to the water body should not adversely impact fish passage or hydrologic function; and

(4) Design and implementation of restoration projects that alter the location of the OHWM should not negatively impact abutting or proximate (third party) property owners, compromise the integrity or threaten the loss of existing structures, transportation routes, public access areas or cause significant additional erosion.

2.115 Shore Stabilization Policies:

Shoreline stabilization measures are those mechanisms used to prevent erosion and

deterioration of shoreline areas as a result of waves, wind, tidal action, or flooding. Shoreline stabilization measures can include a wide range of works varying from hard armoring to vegetation conservation and anchoring of trees.

(a) New development should be managed and designed to eliminate the need for shoreline modification or stabilization.

(b) Replacement of rigid structurally engineered stabilization measures with the same new measures should not occur unless it is associated with a water-dependent use or there is a demonstrated need based on potential loss of a legally permitted primary structure or there is a threat to the viability of an existing water-dependent use.

(c) Whenever feasible, bioengineered and soft-shore shoreline modifications and stabilization should be explored and implemented before reverting to structurally engineered techniques.

2.120 Stormwater Management Facilities Policies:

Stormwater management (detention and treatment) facilities are necessary elements of development. If designed correctly and managed properly they can produce multiple benefits within the shoreline jurisdiction.

(a) Stormwater facilities should not be located in areas where there would be an adverse impact to existing shoreline ecological functions.

(b) Stormwater management facilities should be designed to incorporate Low Impact Development techniques.

(c) All Shoreline Designations must comply with these requirements including the shoreline isolated locations.

Chapter 3 - Definitions

The following shall be deemed definitions for the Shoreline Master Program. Where these definitions conflict with other definitions in the Bremerton Municipal Code, these definitions shall prevail for projects within the shoreline jurisdiction. Where they conflict with definitions in the Revised Code of Washington (RCW) or the Washington Administrative Code (WAC) the RCW or WAC provisions shall prevail. This list of definitions is not exhaustive; all definitions in RCW 90.58.030, WAC 173-26-020, BMC 20.42 and BMC 20.14.200 shall be deemed definitions for this title. Words not defined within any of these codes shall be as defined in Webster's Third New International Dictionary, latest edition.

Accessory Use: A use that is demonstrably subordinate and incidental to the principal use and which functionally supports its activity.

Act: The -Shoreline Management Act of 1971, Chapter 90.58 RCW. [WAC 173-27-030(1)]

Adjacent Lands: Property which is immediately bordering or abutting lands under shoreline permit jurisdiction. (RCW90.58.340)

Agriculture: Agricultural uses and practices include, but are not limited to: Producing, breeding, or increasing agricultural products; rotating and changing agricultural crops; allowing land used for agricultural activities to lie fallow in which it is plowed and tilled but left unseeded; allowing land used for agricultural activities to lie dormant; conducting agricultural operations; and maintaining agricultural lands under production or cultivation as defined in WAC 173-27-020. This excludes activities typically associated with single family residences, such as gardening and does not include fish hatcheries which are listed under aquaculture.

Alteration: Any human activity which results or is likely to result in a significant impact upon the existing condition of a site. Alterations include, but are not limited to grading, filling, dredging, draining, channelizing, applying any hazardous substance, discharging pollutants except stormwater, paving, constructing, applying gravel, modifying surface water management purposes, cutting, pruning, topping, trimming, relocating or removing vegetation or any other human activity which results or is likely to result in a significant impact to existing vegetation, hydrology, wildlife, or wildlife habitat. Alterations do not include walking, fishing, or any other passive recreation or other similar activities.

Applicant: A person who files an application for permit under this Title and who is either the owner of the land on which the proposed activity would be located, a contract purchaser, or the authorized agent of such person.

Appurtenance: Development necessarily connected to the use and enjoyment of a single family residence and located landward of the perimeter of an associated wetland and landward of the Ordinary High Water Mark. Normal appurtenances include a garage, deck, driveway, utilities solely servicing a subject single family residence, and grading which does not exceed 250 cubic yards.

Aquaculture: The culture, or farming of fish, shellfish, or other aquatic plants and animals. Activities include, but are not limited to the hatching, cultivating, planting, feeding, raising, harvesting, and processing of aquatic plants and animals and the maintenance and construction of necessary equipment, buildings and growing areas. Cultivation methods include, but are not limited to fish pens, fish hatcheries, shellfish rafts, racks and long lines, seaweed floats and nets and the culture of clams and oysters on tidelands and sub-tidal areas. Aquaculture does not include the harvest of wild geoduck associated with a state managed wild stock geoduck fishery.

Associated Wetlands: Those wetlands which are in proximity to and either influence or are influenced by tidal waters or a lake or stream subject to the Shoreline Management Act.

Average Grade Level: The average of the natural or existing topography of the portion of the lot, parcel, or tract of real property which will be directly under the proposed building or structure: In the case of structures to be built over water, average grade level shall be the elevation of the Ordinary High Water Mark. Calculation of the average grade level shall be made by averaging the elevations at the center of all exterior walls of the proposed building or structure. [WAC 173-27-030(3)]

Beach: The zone of unconsolidated material that is moved by waves, wind, and tidal currents, extending landward to the coastline.

Bluff: A steep headland, promontory, broad faced bank, or cliff running adjacent to and rising up from the shoreline. For the purpose of measuring buffers and setbacks from the top of a bluff the following shall apply: A bluff rises up from the OHWM to the first significant break in slope. The first significant break in slope is a bench at least thirty (30) feet wide. The top of a bluff is the point where the first significant break in slope occurs.

Boat Ramp: Graded slopes, slabs, pads, planks, or rails used for launching boats by means of a trailer, hand, or mechanical device.

Buffer: An area that is contiguous to and protects a critical area which is required for the continued maintenance, functioning, and or structural stability of a critical area.

Bulkhead: A solid or open pile wall erected generally parallel to and near the ordinary high water mark for the purposes of protecting adjacent uplands from waves or current action.

City: The City of Bremerton.

Clearing: The removal of vegetation.

Conditional Use: A use or development which is classified as a conditional use or is not classified within the Master Program, or materially interferes with the normal public use of the water or shorelines of the state.

Conservation Easement: A legal agreement that the property owner enters into a restricted use of the land. Such restrictions can include, but are not limited to passive recreation uses such as trails or scientific uses and fences or other barriers to protect habitat. The easement is recorded on a property deed, runs with the land, and is legally binding on all present and future owners of the property, therefore providing permanent or long-term protection.

Covered Moorage: Boat moorage, with or without walls, that has a solid roof to protect the vessel and is attached to the dock itself or the substrate of the water body. Overwater boat houses are a type of covered moorage.

Critical Areas: Any of the following areas or ecosystems: aquifer recharge areas, fish and wildlife habitat conservation areas, frequently flooded areas, geologically hazardous areas, and wetlands as defined in RCW 36.70A and BMC 20.14.

Critical saltwater habitat: Means all kelp beds, eelgrass beds, spawning and holding areas for forage fish, such as herring, smelt and sandlance; subsistence, commercial, and recreational shellfish beds; mudflats, intertidal habitats with vascular plants, and areas with which priority species have a primary association.

Development: A use, consisting of the construction or exterior alteration of structures; dredging; drilling, dumping; filling; removal of any sand, gravel or minerals; bulkheading; driving of piling; placing of obstructions; or 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 this program at any state of water level. This does not include dismantling or removing structures if there is no other associated development or re-development. ~~[RCW 90.58.030(3d)]~~

Docks: A fixed structure in the water or a structure floating upon the water that provides moorage for vessels, or for transfer of materials between a vessel and the shore, or for other services to a vessel such as fueling, maintenance and repair.

Dredging: The removal of earth, sand, sludge or other materials from the bottom of a stream, river, lake, bay or other water body.

Drift Cell, drift sector, or littoral cell: A particular reach of marine shore in which littoral drift may occur without significant interruption and which contains any natural sources of such drift and also accretion shore forms created by such drift.

Ecology: The State of Washington Department of Ecology.

Ecological Function or Shoreline Functions: The work performed or role played by the physical, chemical, and biological processes that contribute to the maintenance of the aquatic and terrestrial environments that constitute the shoreline's natural ecosystem. (WAC 173-26-020(13)).

Ecological Restoration: An intentional activity that initiates or accelerates the recovery of an ecosystem with respect to its health, integrity and sustainability. Restoration attempts to return an ecosystem to its historic trajectory. Frequently, the ecosystem that requires restoration has been degraded, damaged, transformed or entirely destroyed as the direct or indirect result of human activities. In some cases, these impacts to ecosystems have been caused or aggravated by natural agencies, such as wildfire, floods, storms, or volcanic eruption, to the point at which the ecosystem cannot recover its pre-disturbance state or its historic developmental trajectory. In cases where a historic trajectory cannot be determined one should use a combination of knowledge of the damaged ecosystem's pre-existing structure, composition and functions rather than the historic trajectory.

Emergency: An unanticipated and/or imminent threat to public health, safety, or the

environment that requires immediate action within a time too short to allow full compliance with the Master Program. Emergency construction is defined as that necessary to protect property and facilities from the elements. All emergency construction shall be consistent with the SMA and the Master Program (see RCW 90.58.030(3eiii)).

Enhancement: The manipulation of the physical, chemical, or biological characteristics of a feature to heighten, intensify, or improve specific ecological function(s) or to change the growth stage or composition of the vegetation present. Enhancement is undertaken for specified purposes such as water quality improvement, flood water retention, or wildlife habitat. Enhancement results in a positive change in ecological function but does not result in an increase in the area of the feature. Examples are planting vegetation, controlling non-native or invasive species, and modifying site ellevations to alter hydro-periods.

Erosion: The process whereby wind, rain, water, and other natural agents mobilize and transport particles.

Estuary: The zone or area of water in which freshwater and saltwater mingle and water is usually brackish due to daily mixing and layering of fresh and saltwater.

Exempt development: Development listed in WAC 173-27-040 as exempt from the definition of "Substantial Development," and, therefore, exempt from the Substantial Development permit process of the SMA. An activity that is exempt from the substantial development provisions of the SMA must still be carried out in compliance with policies and standards of the SMA and the Master Program. Conditional use and/or variance permits may still be required even though the activity does not need a Substantial Development permit (RCW 90.58.030(3e)).

Extreme Low Tide: The lowest line on the land reached by a receding tide. [RCW 90.58.030(2a)]

Fair Market Value: The expected price at which the development can be sold to a willing buyer. For developments which involve nonstructural operations, such as dredging, drilling, dumping, or filling, the fair market value is the expected cost of hiring a contractor to perform the operation, or where no such value can be calculated, the total of labor, equipment use, transportation, and other costs incurred for the duration of the permitted project. [WAC 173-27-030(8)]

Feasible: Actions that meet all of the following conditions:

(a) The action can be accomplished with technologies and methods that have been used in the past in similar circumstances, or studies or tests have demonstrated in similar circumstances that such approaches are currently available and likely to achieve the intended results;

(b) The action provides a reasonable likelihood of achieving its intended purpose; and

(c) The action does not physically preclude achieving the project's primary intended legal use.

In cases where these guidelines require certain actions unless they are infeasible, the burden of proving infeasibility is on the applicant. In determining an action's infeasibility, the City may weigh the action's relative public costs and public benefits, considered in

short- and long-term time frames.

Fill: The addition of soil, sand, rock, gravel, sediment, earth retaining structure, or other material to an area that increases the natural surface elevation. For wetlands this includes areas waterward of the OHWM, or on shorelands in a manner that raises the elevation or creates dry land.

Floating Home: ~~A structure designed and operated substantially as a permanently based structure and not as a vessel and is typically characterized by permanent utilities, a semi-permanent anchorage/moorage design, and by the lack of adequate self-propulsion to operate as a vessel.~~ A single-family dwelling unit constructed on a float, that is moored anchored, or otherwise secured in waters, and is not a vessel, even though it may be capable of being towed.

Floating On-Water Residence. Any floating structure other than a floating home, as defined in this chapter that (a) is designed or used primarily as a residence on water and has detachable utilities; and (b) whose owner or primary occupant has held an ownership interest in space in a marina, or has held a lease or sublease to use space in a marina, since a date prior to July 1, 2014.

Floats (Rafts): Floating structures that are moored, anchored, or otherwise secured in the water that are not directly connected to the shoreline.

Floodway: For purposes of determining the jurisdiction of the Shoreline Master Program in conjunction with the definition of "shoreland," "floodway" means the area, as identified in a Master Program, that either: (i) Has been established in federal emergency management agency flood insurance rate maps or floodway maps; or (ii) consists of those portions of a river valley lying streamward from the outer limits of a watercourse upon which flood waters are carried during periods of flooding that occur with reasonable regularity, although not necessarily annually, said floodway being identified, under normal condition, by changes in surface soil conditions or changes in types or quality of vegetative ground cover condition, topography, or other indicators of flooding that occurs with reasonable regularity, although not necessarily annually. Regardless of the method used to identify the floodway, the floodway shall not include those lands that can reasonably be expected to be protected from flood waters by flood control devices maintained by or maintained under license from the federal government, the state, or a political subdivision of the state. (RCW 90.58.030 and WAC 173-26-020(18))

Forage fish: Small, schooling fish which serve as an important source of food for other fish species, birds, and marine mammals. Examples of forage fish species are herring, smelt, anchovies, and sardines.

Geotechnical Report: A scientific study or evaluation conducted by a qualified professional that includes a description of ground and surface hydrology and geology, the affected land form and its susceptibility to mass wasting, erosion, and other geologic hazards or processes, conclusions and recommendations regarding the effect of the proposed development on geologic conditions, the adequacy of the site to be developed, the impacts of the proposed development, alternative approaches to the proposed development, and measures to mitigate potential site specific and cumulative geological and hydrological impacts of the proposed development, including the potential adverse impacts to adjacent and down-current properties. Geotechnical reports shall conform to accepted technical standards and must be prepared by a qualified professional engineer or geologist who has professional expertise about the

regional and local shoreline geology and processes.

Grading: The movement or redistribution of the soil, sand, rock, gravel, sediment, or other material on a site in a manner that alters the natural contour of the land.

Grubbing: The removal of vegetative matter from underground, such as sod, stumps, roots, buried logs or other debris, and shall include the incidental removal of topsoil and earth.

Houseboat: A vessel used for living quarters but licensed and designed substantially as a mobile structure by means of detachable utilities or facilities, anchoring, and the presence of adequate self-propulsion to operate as a vessel.

Height: The distance measured from the average grade level to the highest point of a structure: Television antennas, chimneys, and similar appurtenances shall not be used in calculating height.

Hydraulic Project Approval (HPA): A permit issued by the Washington Department of Fish and Wildlife for modifications to waters of the State in accordance with RCW 77.55.011.

Invasive: A vegetative or animal species not native to a region and marked by a tendency to spread, especially with proclivity to replace healthy native species.

In-Water Structure: A structure located waterward of the ordinary high water mark.

Littoral drift: The mud, sand, or gravel materials moved parallel to the shoreline in the nearshore zone by waves and currents.

Marina: A water dependent facility that provides wet and/or dry moorage for over ten (10) boats, and related accessory boat launching facilities and supplies and services for small commercial and/or pleasure craft. Marinas may be designated for temporary day-use only or for permanent (long-term) moorage.

May: The action is acceptable provided it conforms to the provisions of the Program. Denotes the use of discretion by the Director in making a decision, provided the action conforms to the provisions of the Program and the policies of the SMA. ~~(WAC 173-26-03(21))~~

Mean Higher High Water (MHHW): The tidal elevation obtained by averaging each day's highest tide at a particular location over a period of nineteen years. It is measured from the mean lower low water = 0.0 tidal elevation.

Mooring Buoy: A floating object anchored to the bottom of a water body that provides tie up capabilities for vessels, often containing loops or chains attached to the top and float on the water. Mooring buoys are regulated separately from docks and piers.

Mixed-Use Commercial: Mixed-use commercial developments are shoreline developments which combine more than one separate but related activity into a coordinated package. Activities usually include one or more water-dependent uses with non-water dependent uses, and feature high amenity public access or recreational uses. The public benefit will be evaluated and weighed against the impact of the project in review of a mixed-use commercial development proposal.

Modification: An action that modifies the physical configuration or qualities of the

shoreline area, usually through the construction of a physical element such as a breakwater, dock, boat launch ramp, or other shoreline structures. A shoreline modification also can consist of other activities such as dredging and filling.

Must: A mandate; the action is required.

~~**Nonconforming Development:** A shoreline use, site, or structure which was lawfully constructed or established prior to the effective date of the Shoreline Management Act or the Bremerton Shoreline Master Program or amendments thereto, but which does not conform to present regulations or standards of the Master Program or policies of the Act. [WAC 173-14-040(1b)]~~

Nonconforming Lot: A lot that does not meet the lot area, width or street frontage requirements of the Shoreline Master Program or Zoning Code, but was lawfully created prior to the effective date of the adoption of the Shoreline Master Program and/or Zoning Code or subsequent amendments thereto.

Nonconforming Structure: A building or structure that does not comply with the required setbacks, height, lot coverage and other development requirements of the Shoreline Master Program or Zoning Code, but was lawfully constructed prior to the effective date of the Zoning Code and/or Shoreline Master Program or subsequent amendments thereto, and was continually maintained as defined in this chapter.

Nonconforming Use: Any activity, development or condition that is not permitted outright or as an accessory use, or is not permitted by a Conditional Use Permit or other special permitting process by the provisions of the Shoreline Master Program or Zoning Code; but was lawfully created prior to the effective date of the Shoreline Master Program or Zoning Code, or subsequent amendments thereto, and was continually maintained as defined in this chapter. A nonconforming use may or may not involve buildings or structures and may involve part of or all of a building or property.

No Net Loss: No Net Loss of ecological functions is the maintenance of existing shoreline ecological processes and functions at the level that existed at the time of approval of the major update to the shoreline master program in 2012 and reflected in the shoreline inventory and characterization dated December of, 2010, or for a development project, the conditions that existed prior to initiation of use or alterations of the shoreline that result in adverse impacts on ecological processes and functions.

On a Citywide basis No Net Loss means that the ecological processes and functions are maintained within a watershed or other functional catchment area. Regulations may result in localized cumulative impacts or loss of some localized ecological processes and functions, as long as the ecological processes and functions of the system are maintained. Maintenance of system ecological processes and functions may require compensating measures that offset localized degradation.

On a project basis, no net loss means that a permitted use or alteration of a shoreline will not result in deterioration of the existing condition of shoreline ecological functions. No net loss is achieved both through avoidance and minimization of adverse impacts as well as compensation for impacts that cannot be avoided. Compensation may include on-site

or off-site restoration of ecological functions to compensate for localized degradation.

Non-Water Oriented Use: A use which does not require or depend on a location on or near the waterfront, and which is neither a water-dependent, water-related, or water-enjoyment use as defined herein.

Ordinary High Water Mark (OHWM): The mark on all lakes, streams, and tidal waters which will be found by examining the beds and banks and ascertaining where the presence and action of waters are so common and usual, and so long continued in all ordinary years, as to mark upon the soil a character distinct from that of the abutting upland, in respect to vegetation, as that condition exists on June 1 1971, as it may naturally change thereafter, or as it may change thereafter in accordance with permits issued by a local government or the department (WAC 173-22-030).Provided that in any area where the ordinary high water mark cannot be found, the ordinary high water mark adjoining salt water shall be the line of mean higher high tide and the ordinary high water mark adjoining fresh water shall be the line of mean high water. (RCW 90.58.030)

Photic Zone: The upper layer of a body of water delineated by the depth to which enough sunlight can penetrate to permit photosynthesis.

Pier: A fixed, pile-supported structures extending over the water.

Primary Structure: Any permanent building, road, bridge or utility requiring a permit or approval which is necessary to support the primary use of a site.

Public Access, Limited (physical or visual): Access with restrictions that are deemed necessary to protect the health, safety or welfare of the public OR to protect and maintain a particular site. Restrictions may limit times of use, or allow access only to certain users. [A limitation to restrict access may not be based on race, sex, color, creed, age or physical disability.] For example, such restrictions may limit public use to daylight hours, limit use to residents of a private community, or restrict use of tidelands used for shellfish production.

Public Access, Physical: Unobstructed access with public use improvements which are available to the general public extending from the public right-of-way to the OHWM or to the wetland directly abutting the OHWM. This includes access to the navigable waters of any water body and to tidelands in marine waters.

Public Access, Visual: Access with public use improvements available to the general public which provide a view of the shoreline or water but do not allow physical public access to the shoreline.

~~**Qualified Professional:** A person with experience and training in the pertinent scientific discipline whose expertise is appropriate for the relevant critical area and meets the following criteria:~~

~~A qualified professional must have obtained a B.S. or B.A. or equivalent degree in biology, engineering, environmental studies, fisheries, geomorphology, or related field, and five (5) years of related work experience applicable to the scope of the project. AND~~

~~A qualified professional proposing a structural solution, such as a bulkhead or retaining wall, must be a civil engineer, geotechnical engineer, or geologist with experience in the field and must be licensed in the State of Washington.~~

A person with experience and training in the pertinent scientific discipline, and who is a qualified scientific expert with expertise appropriate for the relevant critical area subject in accordance with WAC 365-195-905(4). A qualified professional must have obtained a B.S. or B.A. or equivalent degree in biology, engineering, environmental studies, fisheries, geomorphology, or related field, and five (5) years of related work experience.

(a) A qualified professional for habitats or wetlands must have a degree in biology and professional experience related to the subject species, and meet the requirements set forth in BMC 20.14.360.

(b) A qualified professional for a geological hazard must be a professional civil or geotechnical engineer with experience in the field, or geologist, licensed in the State of Washington.

(c) A qualified professional for critical aquifer recharge areas means a hydrogeologist, geologist, engineer, or other scientist with experience in preparing hydrogeologic assessments, and meets the requirements set forth in BMC 20.14.450.

RCW: Revised Code of Washington.

Reach: A longshore segment of a shoreline where influences and impacts, such as wind direction, wave energy, littoral transport, etc. mutually interact.

Rehabilitation: The manipulation of the physical, chemical, or biological characteristics of a site with the goals of repairing natural or historic functions and processes of a degraded wetland. Rehabilitation results in a gain in wetland function but does not result in a gain in wetland acres. Activities could involve breaching a dike to reconnect wetlands to a floodplain or returning tidal influences to a wetland.

Restore, Restoration, or ecological restoration: The reestablishment or upgrading of impaired ecological shoreline processes or functions. This may be accomplished through measures including, but not limited to re-vegetation, removal of intrusive shoreline structures and removal or treatment of toxic materials. Restoration does not imply a requirement for returning the shoreline area to aboriginal or pre-European settlement conditions.

Sea Level Rise: An increase in the elevation of marine waters associated with changes in the state of the climate which can be identified by changes in the mean and/or variability of its properties and that persists for decades or longer.

Setback: For the purposes of this chapter, the setback is the horizontal distance required between the finished exterior wall of a structure and the buffer line. Setbacks are further ~~also~~ defined in BMC 20.42

Shall: A mandate; ~~an~~ the action ~~that must be done~~is required.

Should: A particular action that is required unless there is a demonstrated, compelling reason, based on policy of the Shoreline Management Act and this program against taking the action.

Shorelands or Shoreland Areas: Those lands extending landward for two hundred feet in all directions as measured on a horizontal plane from the Ordinary High Water Mark;

floodways and contiguous floodplain areas landward two hundred feed from such floodways; and all wetlands and river deltas associated with the streams, lakes, and tidal waters which are subject to the provisions of this chapter; the same to be designated as to location by the Department of Ecology.

Shoreline jurisdiction: All shorelines of the state and shorelands as defined in RCW 90.58.030; in Bremerton this includes shorelands and water bodies waterward of OHWM out to the middle of Sinclair Inlet and Port Orchard Bay, all of Port Washington Narrows, Ostrich Bay, Oyster Bay, Phinney Bay and Mud Bay, the portion of Kitsap Lake within the Bremerton City limits, Union Reservoir, Twin Lakes, one mile of Gorst Creek and one mile of Union River.

Shoreline Environment Designations: The categories of shorelines established by the City's Master Program in order to provide a uniform basis for applying policies and use regulations within physically distinct shoreline areas. The City's Shoreline Master Program classifies shorelines into the following environment designations: Aquatic, aquatic conservancy, commercial, downtown waterfront, industrial, isolated, multi-family residential, recreation, single family residential and urban conservancy.

~~**Shoreline Jurisdiction:** Those lands extending landward for 200' in all directions as measured on a horizontal plane from the OHWM; floodways and 100 year floodplains; and all wetlands and river deltas associated with the streams, lakes, tidal waters and all other areas as defined by RCW 90.58.030. In Bremerton these include shorelands and water bodies waterward of the OHWM out to the middle of Sinclair inlet and Port Orchard Bay, all of Port Washington Narrows, Ostrich Bay, Oyster Bay, Phinney Bay and Mud Bay, the portion of Kitsap Lake within the City limits, Union Reservoir, Twin Lakes, one mile of Gorst Creek and one mile of Union River.~~

Shoreline Master Program: The general term for shoreline comprehensive plans and regulations prepared under the jurisdiction of the Shoreline Management Act.

Shoreline Permit: A Substantial Development, conditional use, revision, or variance permit or any combination thereof. [WAC 173-27-13)

Shorelines: All of the water areas of the State, including reservoirs and their associated wetlands, together with the lands underlying them, except:

(a) Shorelines of state-wide significance (sub-tidal Puget Sound);

(b)Shorelines on segments of streams upstream of a point where the mean annual flow is twenty (20) cubic feet per second or less, and the wetlands associated with such upstream segments; and

(c) Shorelines on lakes less than twenty (20) acres in size, and wetlands associated with such small lakes.

Shorelines of Statewide Significance: Shorelines designated by the State of Washington that are major resources from which all people in the state derive benefit. Shoreline areas in the City that are designated as shorelines of statewide significance are portions of the Puget Sound adjacent to the city limits.

Shoreline Substantial Development: Any development of which the total cost, or fair market value, whichever is higher, exceeds ~~$5,000~~ $7,047 or as adjusted for inflation every five (5) years by the Office of Financial Management (WAC 173-27-040), or any development which materially interferes with the normal public use of the water or

shorelines of the state.

State Master Program: The cumulative total of all Shoreline Master Programs approved or adopted by the Department of Ecology.

Structure: A permanent or temporary edifice or building, or any piece of work artificially built or composed of parts joined together in some definite manner, whether installed on, above, or below the surface of the ground or water, except for vessels. (WAC 173-27-030).

Tender Dock: A dock structure whose purpose is to provide temporary moorage to a small watercraft used to access an offshore location, such as a mooring buoy.

Tidelands: Land on the shore of marine water bodies between the line of ordinary high tide and the line of extreme low tide.

Topography, Natural or Existing: The surface including the relief and position of natural or manmade features of the lot, parcel, or tract of real property immediately prior to any site preparation or grading, including excavation or filling.

Upland: Generally the area above and landward of the Ordinary High Water Mark.

Variance: A permit for the limited purposes of granting relief to specific bulk, dimensional, or performance standards set forth in the City's Shoreline Master Program.

Vessel: A ship, boat, barge, or any other floating craft which is designed and used for navigation and does not interfere with the normal public use of the water.

WAC: Washington Administrative Code.

Water Dependent Use: A use or portion of a use which cannot exist in any other location and is dependent on the water by reason of the intrinsic nature of its operations. Examples of water-dependent uses may include cargo terminal loading areas, ferry and passenger terminals, marinas, and sewer outfalls.

Water-Related Use: A use or portion of a use which is not intrinsically dependent on a waterfront location but whose operation cannot occur economically without a shoreline location. Examples of water-related uses may include warehousing of goods transported by water, seafood processing plants, or log storage. (Also see Non-water-oriented Use.)

Water-Enjoyment Use: A recreational use such as a park, pier, or other use facilitating public access as a primary character of the use; or, a use that provides for passive and active interaction of a large number of people with the shoreline for leisure and enjoyment as a general character of the use and which, through location, design and operation, assure the public's ability to interact with the shoreline. In order to qualify as a water-enjoyment use, the use must be open to the public and most if not all of the shoreline oriented space in the facility must be devoted to the specific aspects of the use that foster shoreline interaction. Water-enjoyment uses include, but are not limited to restaurants, museums, and mixed-use commercial, provided that such use conforms to the above requirements and the provisions of the Master Program.

Water Oriented Use: Any combination of water dependent, water related, and/or water enjoyment uses. Non-water oriented serves to describe those uses which have little or no relationship to the shoreline. Examples of non-water oriented uses include professional office, automobile sales or repair shops, mini storage facilities, multifamily residential development, department stores, and gas stations.

~~**Wetlands:** Areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. Wetlands do not include those artificial wetlands intentionally created from non-wetland sites, including, but not limited to irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds, and landscape amenities, or those wetlands created after July 1, 1990, that were unintentionally created as a result of the construction of a road, street, or highway. Wetlands include artificial wetlands created from non-wetland areas to mitigate the conversion of wetlands. Identification of wetlands and delineation of their boundaries pursuant to this chapter shall be done in accordance with the approved federal wetland delineation manual and applicable regional supplements. All areas within the City meeting the wetland designation criteria in that procedure are hereby designated critical areas and are subject to the provisions of this program.~~

Will: Used to express a command and or an inevitability.

Chapter 4 – Shoreline Maps and Designations

4.010 – Intent
4.020 – Maps
4.030 – Designations
4.040 – Shorelines of Statewide Significance

4.010 Intent:

City shorelines are classified into specific environment designations. These designations are based on existing physical, biological and development characteristics of the shorelines. These are separate from the Comprehensive Plan and the Zoning code in Title 20. Properties within any shoreline designation are required to comply with all applicable standards including provisions from both the more general zoning regulations and the shoreline specific requirements of the Shoreline Master Program. The local Shoreline Master Program is a function of the Shoreline Management Act, which represents statewide concerns and protects the rights of the people of the State of Washington. Therefore, in the case of a discrepancy between the local Comprehensive Plan, Zoning code or other development standard and the Shoreline Master Program, the Shoreline Master Program shall take precedence.

4.020 Maps:

The following maps are the official maps of the Shoreline Master Program depicting shorelines of the state. The following includes shorelands and water bodies waterward of OHWM out to the middle of Sinclair Inlet and Port Orchard Bay, all of Port Washington Narrows, Ostrich Bay, Oyster Bay, Phinney Bay and Mud Bay, the portion of Kitsap Lake within the Bremerton City limits, Union Reservoir, Twin Lakes, one mile of Gorst Creek and one mile of Union River.~~:~~

Exhibit A to SMP Ordinance

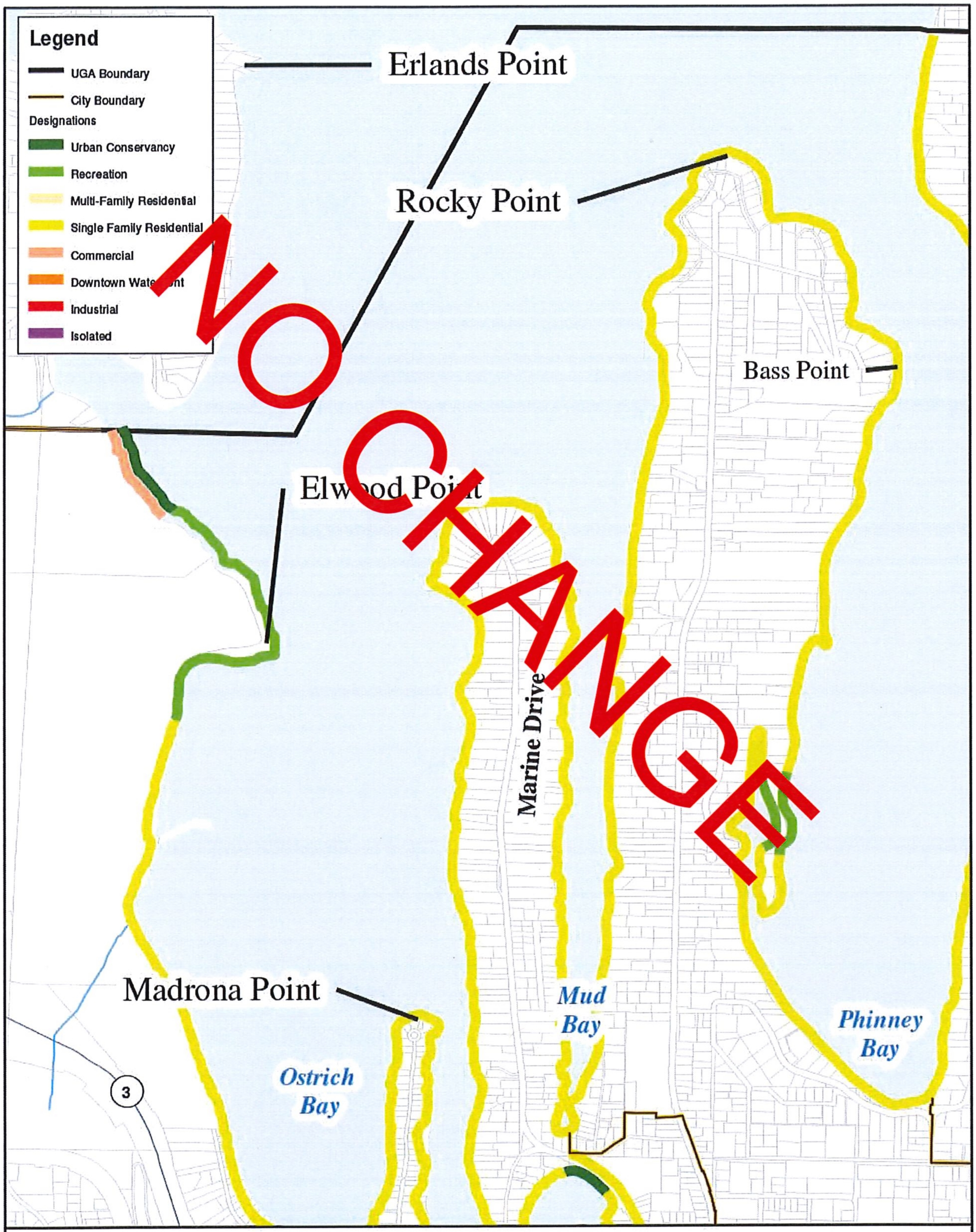
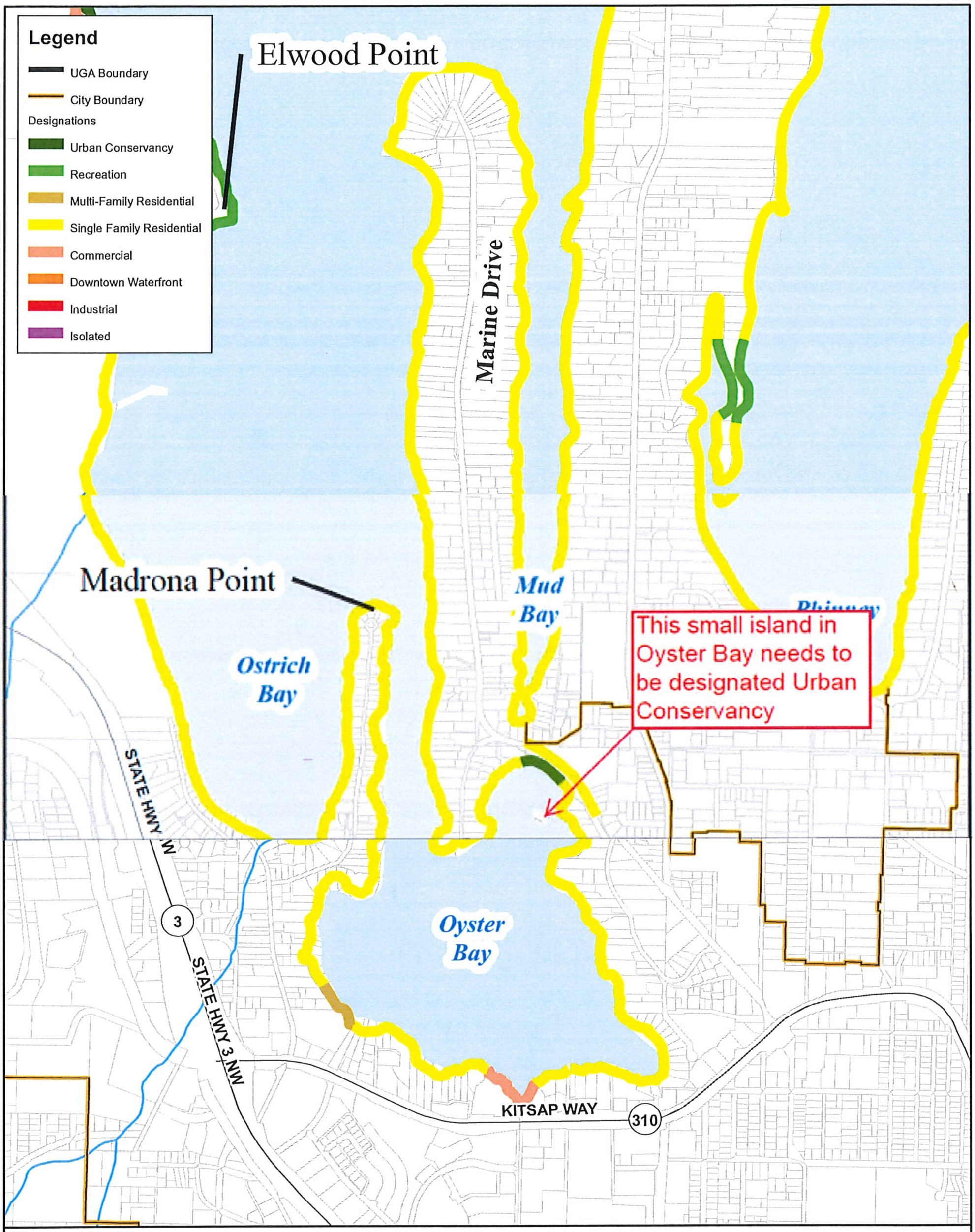


Exhibit A to SMP Ordinance



Data Sources: Kitsap County, City of Bremerton, Parametrix, Washington Department of Ecology, Washington Department of Natural Resources, Washington Department of Fish and Wildlife (WDFW) National Wetlands Inventory (NWI)

Note: Shoreline jurisdiction boundaries depicted on this map are approximate and are intended for planning purposes only. Additional site-specific evaluation may be needed to confirm/verify information shown on this map.

Bremerton Shoreline Master Program

Map B

Exhibit A to SMP Ordinance



Bremerton Shoreline Master Program

Map C

Exhibit A to SMP Ordinance

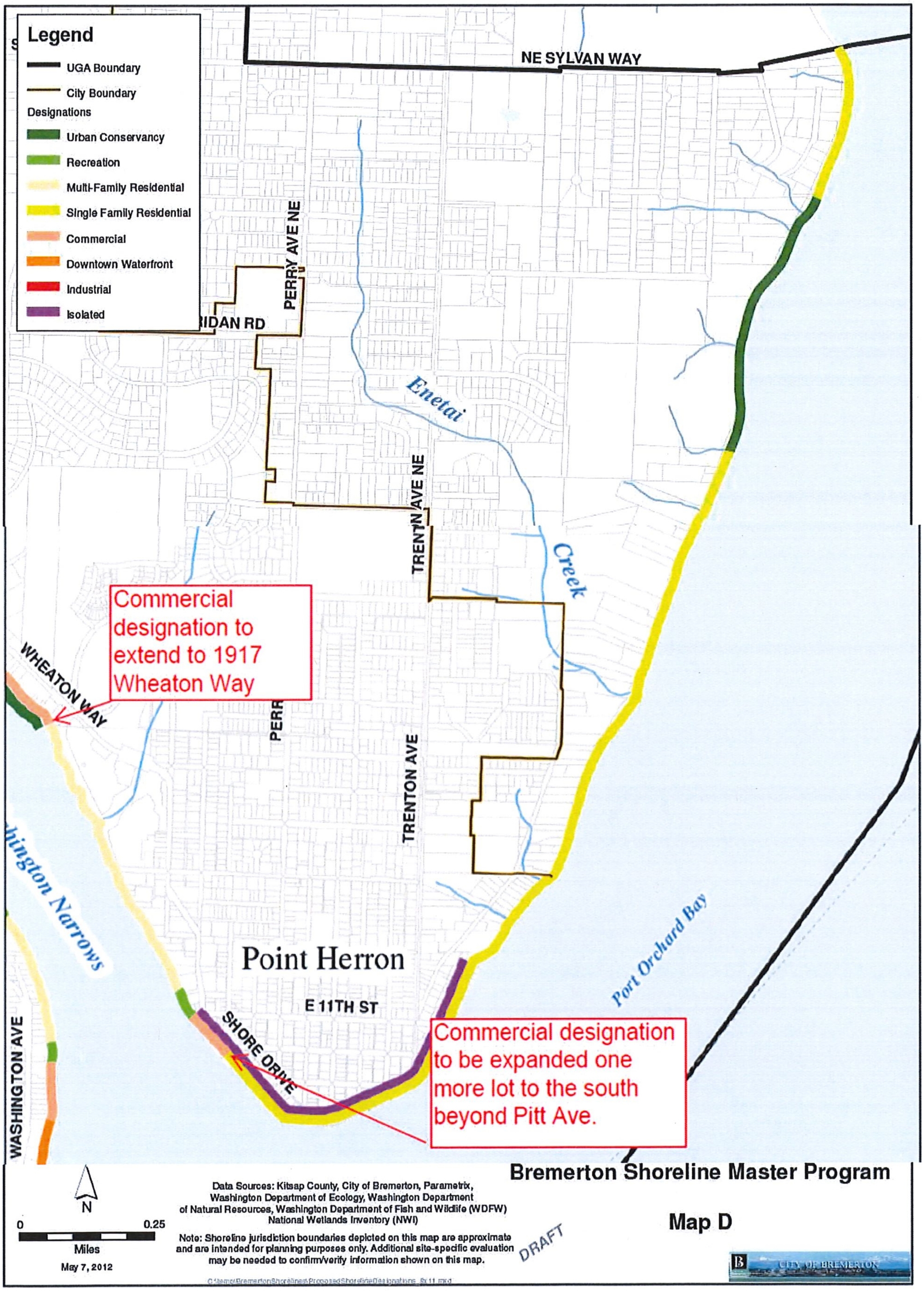


Exhibit A to SMP Ordinance

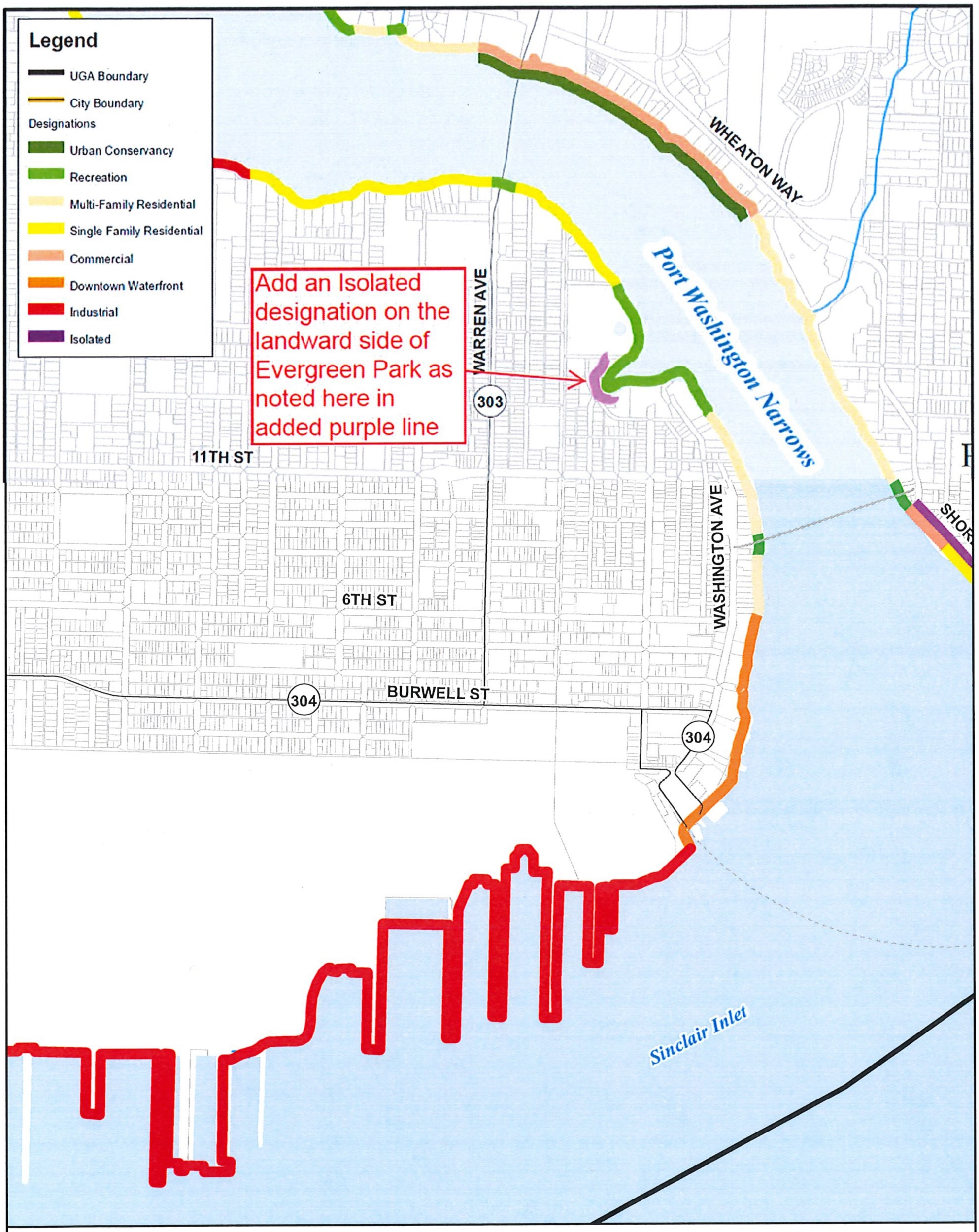


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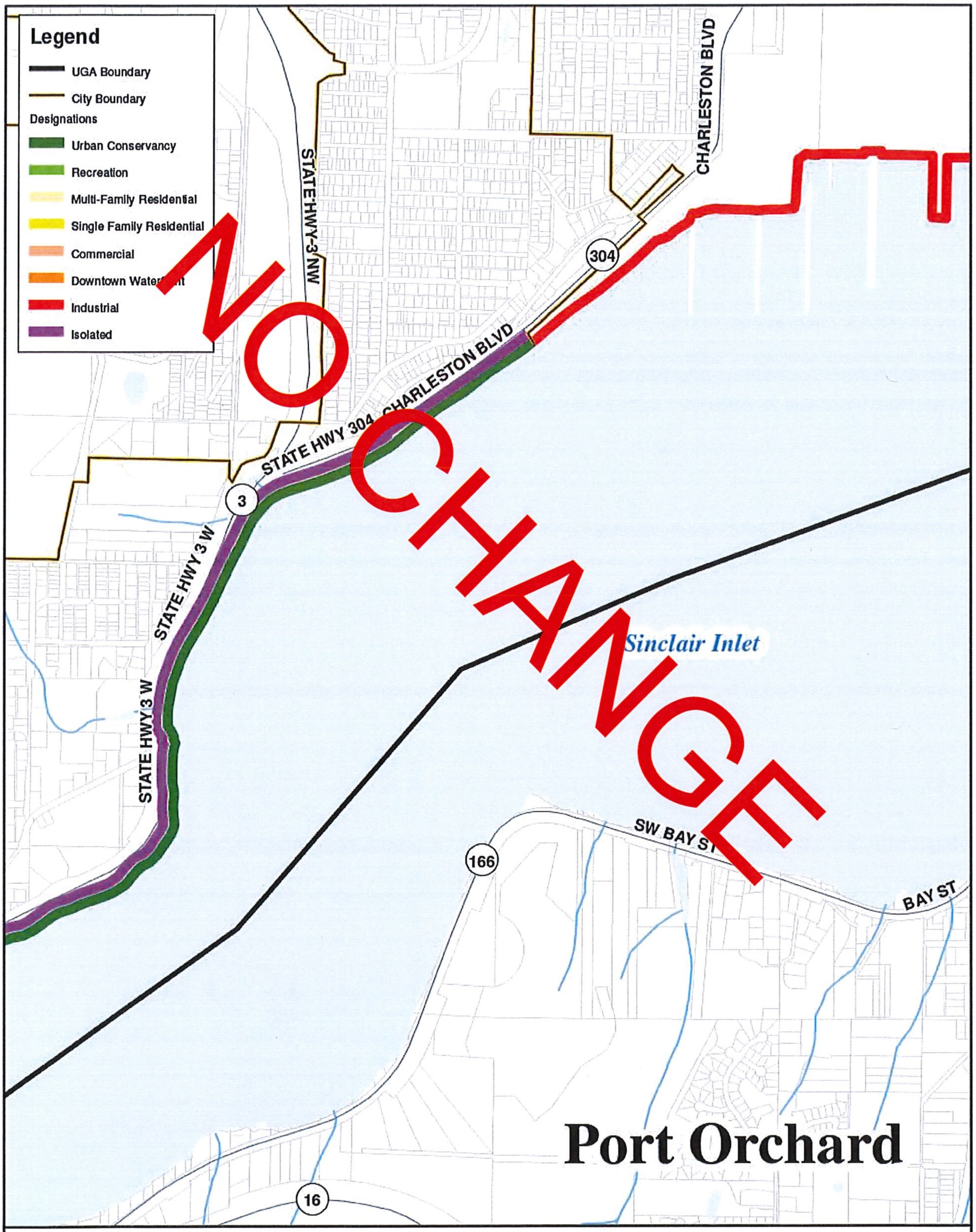


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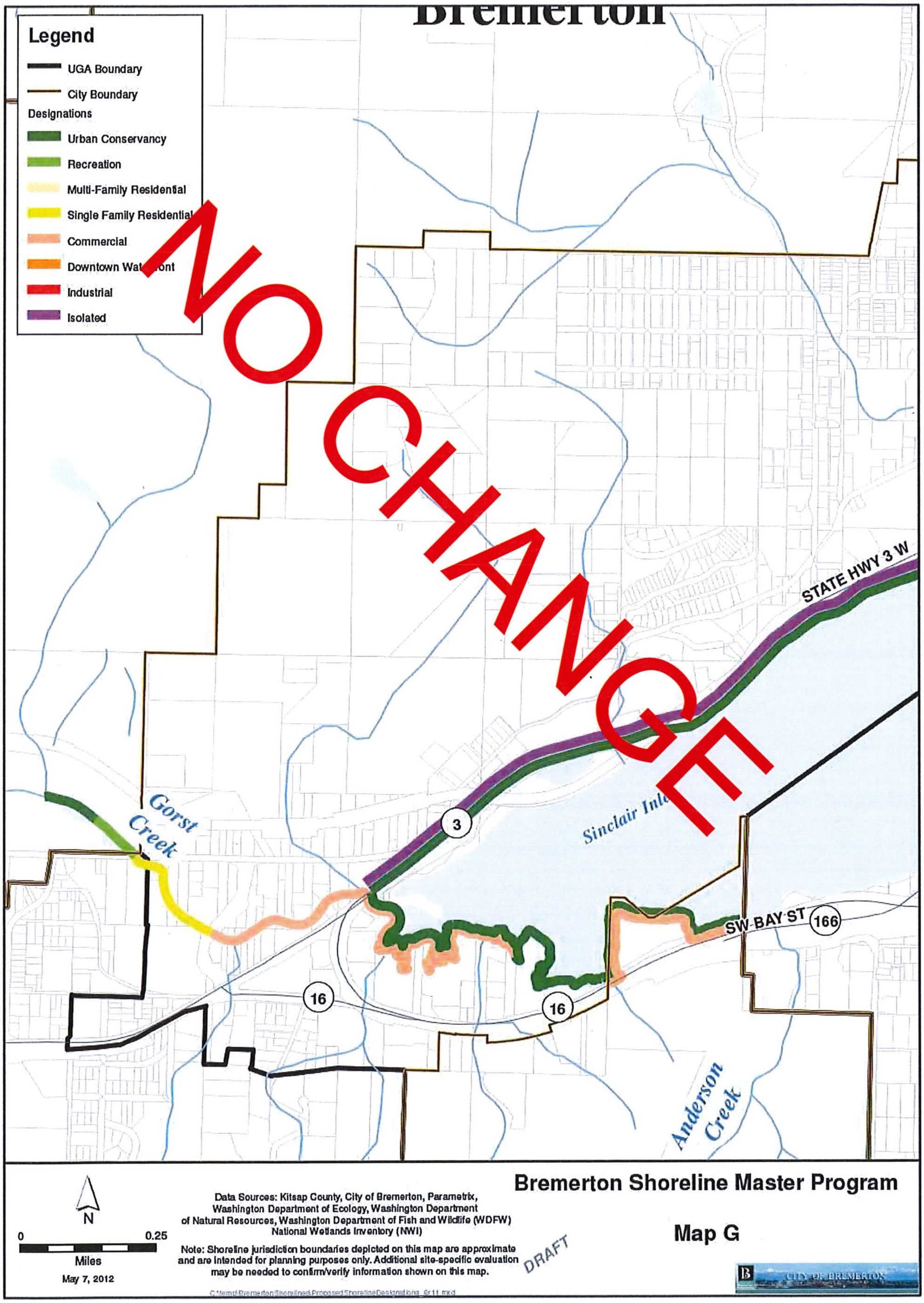


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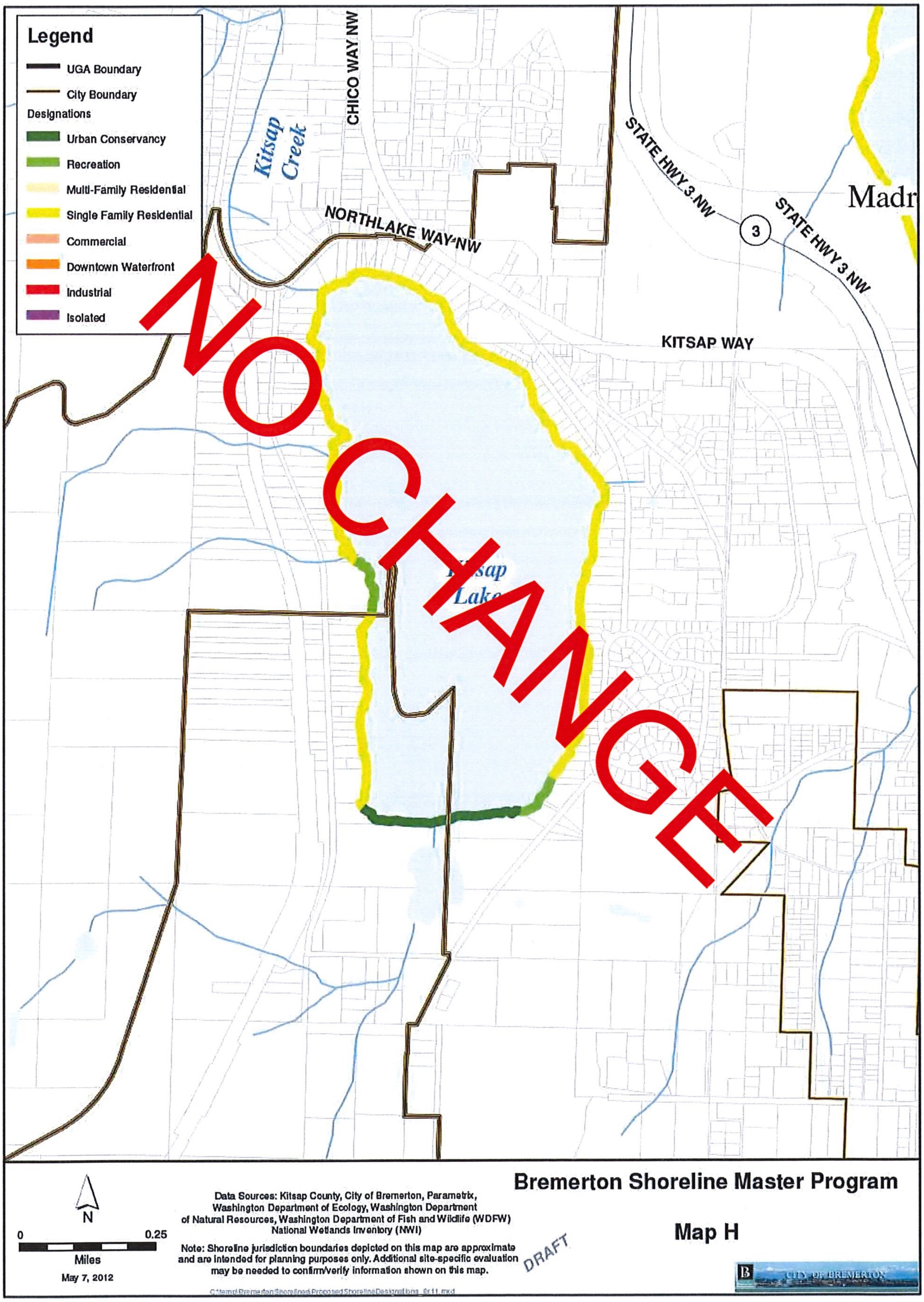


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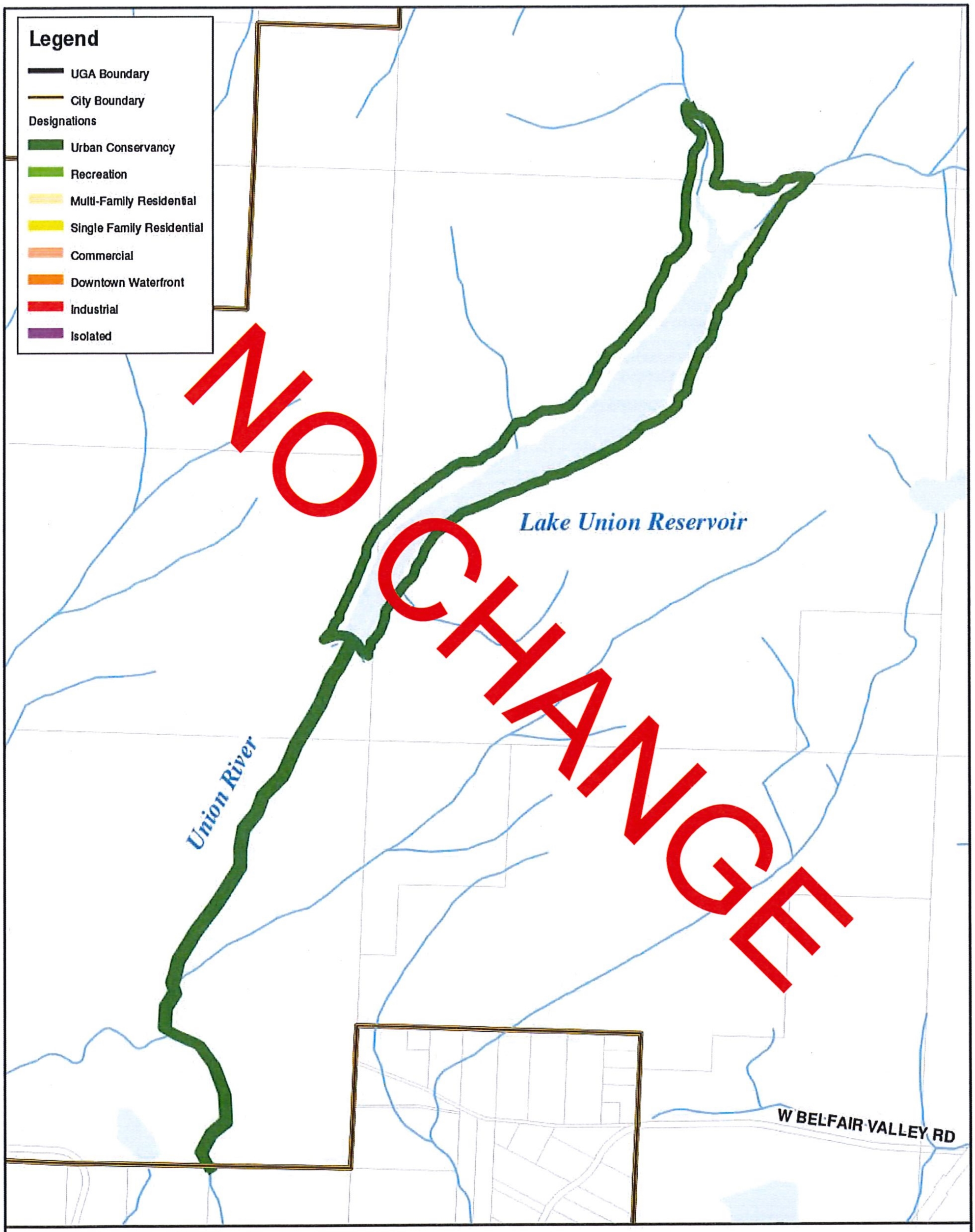


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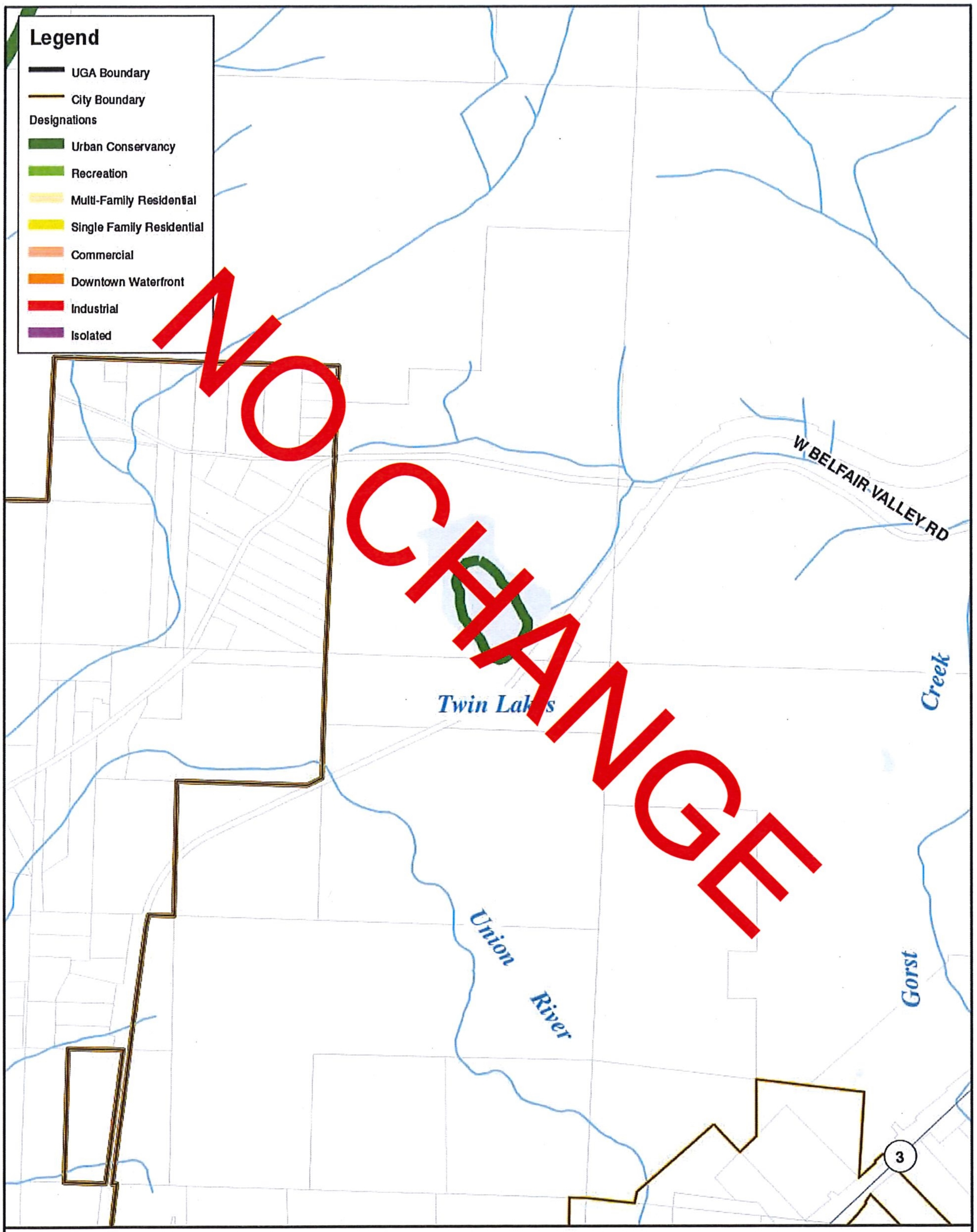


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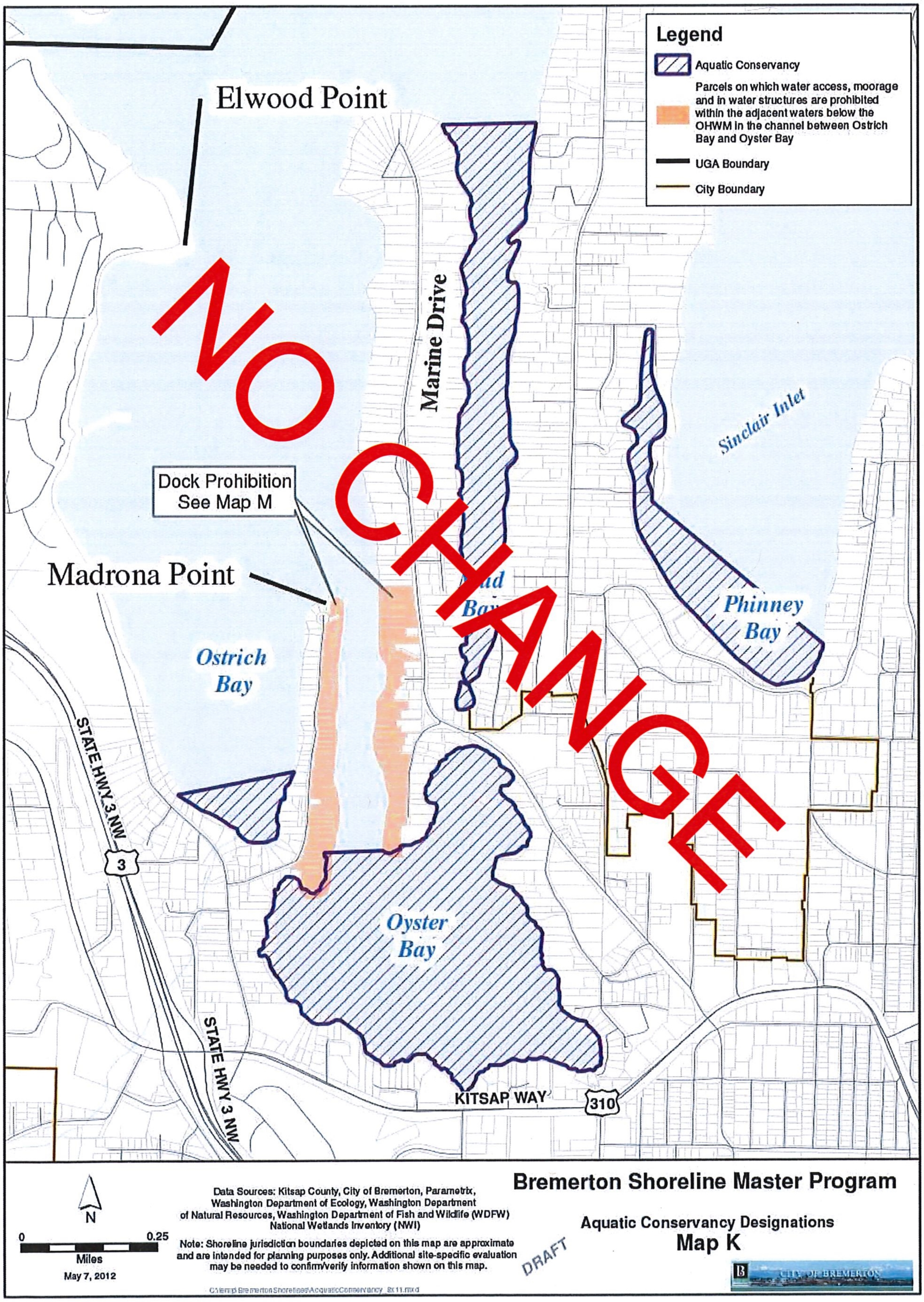
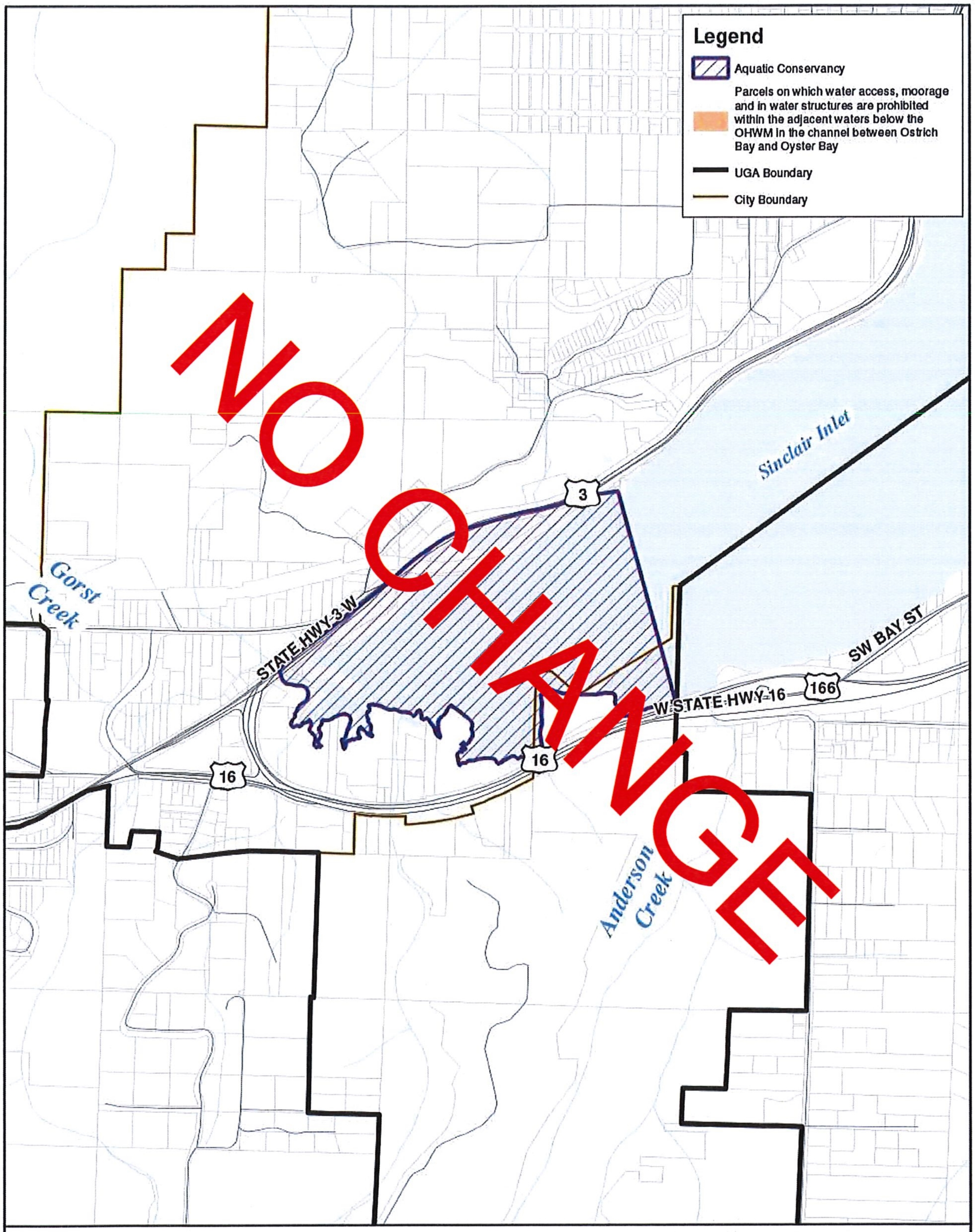


Exhibit A to SMP Ordinance





Data Sources: Kitsap County, City of Bremerton, Parametrix, Washington Department of Ecology, Washington Department of Natural Resources, Washington Department of Fish and Wildlife (WDFW), National Wetlands Inventory (NWI)

Note: Shoreline jurisdiction boundaries depicted on this map are approximate, and are intended for planning purposes only. Additional site-specific evaluation may be needed to confirm/verify information shown on this map.

Bremerton Shoreline Master Program

In-Water Structure Prohibitions
See Chapter 9 Sec 030

Map M

4.030 Designations:

Shoreline designations are listed in alphabetical order.

(a) Aquatic

Purpose: The Aquatic designation is intended to protect, restore, and manage the unique characteristics and resources of the areas waterward of the Ordinary High Water Mark. This designation applies to those area waterward of the Ordinary High Water Mark of all shorelines of the state, (which may include; streams, marine water bodies, and lakes) together with their underlying lands and their water column, other than those lands designated Aquatic Conservancy. This environment does not include associated wetlands and other shorelands shoreward of the Ordinary High Water Mark.

Policies: The following management policies should apply to all shorelines in the Aquatic environment:

(1) Allowed uses are those within the adjacent upland shoreline designation limited to water dependent use or public access.
(2) New uses and over water structures should be allowed only for water dependent uses, public access, or ecological restoration and only when no net loss of ecological functions will result.
(3) The size of new over water structures should be limited to the minimum necessary to support the structures intended use. In order to reduce the impacts of shoreline development and increase effective use of water resources, multiple use of over water facilities is encouraged.
(4) All developments and uses on navigable waters or their beds should be located and designed to minimize interference with surface navigation, to consider impacts to public views, and to allow for the safe, unobstructed passage of fish and wildlife, particularly those species dependent on migration.
(5) Shoreline uses and modifications should be designed and managed to prevent degradation of water quality, minimize alteration of natural conditions and processes, and result in no net loss of ecological functions.
(6) Uses and modification of public aquatic land should incorporate public access and ecological enhancement, except where inconsistent with the operation of water dependent uses.
(7) Fish and wildlife resource enhancement, including aquaculture related to fish propagation should be allowed and encouraged.

(b) Aquatic Conservancy

Purpose: The Aquatic Conservancy designation is intended to preserve marine tidelands and waters whose existing natural state is relatively free of human influence, or whose resources, biological diversity, or other features are particularly sensitive to human activity. The Aquatic Conservancy designation should be applied to those areas of marine water bodies, waterward of the Ordinary High Water Mark such as tidal lagoons, salt marshes and mudflats, as well as marine vegetation areas that support a significant community of kelp, eelgrass and/or other vegetation that provides special marine habitat value.

Policies: The following management policies should apply to all shorelines in the Aquatic Conservancy designation:

(1) Uses and activities which would potentially degrade or significantly alter the natural character of the shoreline should be severely restricted or prohibited.
(2) Access should be limited to scientific, historical, educational, and low intensity recreational purposes, provided that no significant, adverse impact on the areas will result.
(3) Physical alterations should be considered only when they serve to protect significant, unique, or highly valued features which might otherwise be degraded or destroyed.
(4) Uses and activities adjacent to shorelines designated Aquatic Conservancy should be compatible with and not compromise the integrity of the Aquatic Conservancy environment.
(5) Native vegetation zones should be preserved, enhanced or established to protect the functions and characteristics of the areas.

(c) Commercial

Purpose: This Commercial designation is intended to accommodate high intensity business districts, light industry, and various commercial operations located in the shoreline jurisdiction. The designation is suitable for existing and future high intensity water oriented uses and water oriented commercial uses. The designation encourages commercial development that could enhance visual and physical public access to the shoreline. A primary goal is to provide a setting for commercial operations that will be of economic benefit while protecting and/or restoring ecological functions in areas that have been previously degraded.

Policies: The following management policies should apply to all shorelines in the Commercial environment:

(1) Priority should be given to water dependent uses. Second priority should be given to water related and water enjoyment uses. Non-water oriented uses should not be allowed except in limited situations where they do not conflict with or limit opportunities for water oriented uses or on sites where there is no direct access to the shoreline and where public access and ecological restoration are provided.
(2) Policies and regulations should assure no net loss of shoreline ecological functions as a result of new development. Where applicable, new development shall include environmental cleanup and restoration of the shoreline in accordance with any relevant State and Federal laws.
(3) Visual and/or physical public access should be required as a condition of development.
(4) Aesthetic objectives should be implemented by means such as sign control regulations, appropriate development siting, screening and architectural standards, and maintenance of natural vegetative buffers.

(d) Downtown Waterfront

Purpose: The Downtown Waterfront designation is a commercial designation for the downtown shoreline area that is subject to the Downtown Sub Area Plan. The intent of this designation is to encourage development of the downtown waterfront into a vital, attractive water oriented area that maximizes opportunities for large numbers of people to

interact passively and actively with the shoreline for leisure and enjoyment uses. The designation provides for an array of uses related to the water, multimodal transportation facilities, residential, mixed uses, increased building height, and pedestrian orientation, while maintaining view corridors and encouraging public access to the water.

Policies: The following management policies should apply to all shorelines in the Downtown Waterfront environment:

(1) First priority should be given to water dependent uses. Second priority should be given to water related and water enjoyment uses. Non-water oriented uses should be permitted only when they do not conflict with or limit opportunities for water oriented uses or on sites where there is no direct access to the shoreline and where public access and ecological restoration are provided.
(2) Policies and regulations should assure no net loss of shoreline ecological functions as a result of new development. Where applicable, new development should include environmental cleanup and restoration of the shoreline in accordance with any relevant State and Federal laws.
(3) Visual and/or physical public access should be required as a condition of development.
(4) Aesthetic objectives should be implemented by means such as sign control regulations, appropriate development siting, screening and architectural standards, and maintenance of natural vegetative buffers.

(e) Industrial

Purpose: This Industrial designation is intended to provide for efficient utilization of suitable shoreline areas for water dependent commerce and industry consistent with the Shoreline Management Act. The Industrial designation is appropriate for high intensity uses related to manufacturing, transportation, or navigation, or suitable and planned for high intensity water oriented uses.

Policies: The following management policies should apply to all shorelines in the Industrial environment:

(1) Priority should be given to water dependent industrial uses. Second priority should be given to water related and water enjoyment uses. Non-water oriented uses should not be allowed except in limited situations where they do not conflict with or limit opportunities for water oriented uses or on sites where there is no direct access to the shoreline and where public access and ecological restoration are provided.
(2) Policies and regulations should assure no net loss of shoreline ecological functions as a result of new development. Where applicable, new development should include environmental cleanup and restoration of the shoreline in accordance with any relevant State and Federal laws.
(3) Visual and/or physical public access should be required as a condition of development.
(4) Aesthetic objectives should be implemented by means such as sign control regulations, appropriate development locations, screening and architectural standards, and maintenance of natural vegetative buffers.

(f) Isolated

Purpose: The objective of the ~~Shoreline~~ Isolated designation is to recognize that there are areas that are within 200' of the shoreline, but are isolated from the shoreline by intervening elements such as roads. In these areas the development standards outlined in the SMP, such as buffers, are not appropriate. This designation is appropriate for lands that are inherently isolated from the shoreline, however should the obstruction be removed so that the area is no longer isolated, the designation of ~~isolated~~ Isolated should also be removed.

Policies: In these specific areas, the development standards of the SMP shall not be applied; however mandatory permit requirements of the Shoreline Management Act do apply. It is the intent that this area will be governed by underlying provisions of the zoning code, Critical Area Ordinance, Subdivision standards and stormwater requirements. Local, State and Federal regulations are applicable.

(g) Multi-Family Residential

Purpose: This Multi-Family Residential designation is intended for areas which are currently primarily multi-family residential or intended for multi-family residential use. These areas are to maintain existing character in terms of open space, bulk, scale, and intensity of use within the guidelines of the zoning code. An additional purpose is to provide appropriate public access and recreational uses for public enjoyment.

Policies: The following management policies should apply to all shorelines in the Multi-Family Residential environment:

(1) Standards for density, minimum width, setbacks, building bulk, lot coverage, buffers, shoreline stabilization, vegetation conservation, critical area protection, and water quality should be set to maintain no net loss of shoreline ecological functions.
(2) New multi-family residential developments should provide public access and joint use community recreational facilities where appropriate.
(3) Access, utilities, and public services should be available and adequate to serve existing needs and/or planned future development.

(h) Recreation

Purpose: The Recreation designation is intended to provide recreational and public access opportunities along Bremerton's shorelines. It is an appropriate designation for areas occupied by recreational purposes such as parks and marinas. An additional purpose is to maintain and restore ecological functions to the area and preserve open space within the City.

Policies: The following management policies should apply to all shorelines in the Recreation designation:

(1) Both to the goal of recreational use and the goal of ecological stewardship ensuring no net loss of ecological function should be implemented in all development.
(2) Development should be related primarily to expanding recreational opportunities in the area. These activities include but are not limited to boating, swimming, walking, hiking, and recreational sports. Priority should be given to those developments related to a water dependent activity such as swimming or boating.

(3) Recreational opportunities should be accessible to all demographic populations in the City.
(4) Park management should encourage ecological stewardship as outlined in the Restoration Plan. This includes, but is not limited to such measures as setting picnic areas away from the water's edge, planting and maintaining native vegetation buffers along the water, and making floodplain connections where feasible.

(i) Single Family Residential

Purpose: The Single Family Residential designation is intended for areas which are currently primarily single family residential, are planned, or are platted for single family residential use. These areas are to maintain existing character and be consistent with that character in terms of open space, bulk, scale, and intensity of use within the guidelines of the zoning code. An additional purpose is to provide appropriate public access and recreational uses for public enjoyment.

Policies: The following management policies should apply to all shorelines in the Single Family Residential environment:

(1) Standards for density or minimum frontage width, setbacks, lot coverage limitations, buffers, shoreline stabilization, vegetation conservation, critical area protection, and water quality should be set to maintain no net loss of shoreline ecological functions.
(2) New single family residential developments should provide public access and joint use community recreational facilities where appropriate.
(3) Access, utilities, and public services should be available and adequate to serve existing needs and/or planned future development.

(j) Urban Conservancy

Purpose: The Urban Conservancy designation is intended to protect and restore ecological functions of lands within the shoreline jurisdiction. These areas are identified as having biological or physical limitations or other unique or hazardous characteristics that are incompatible with intense development. Activities permitted in these areas are intended to have minimal adverse impacts upon the shoreline. These areas are not generally suitable for intensive water dependent uses.

Policies: The following management polices apply to all shorelines in the Urban Conservancy environment:

(1) Primary allowed uses and their associated development standards should preserve the natural character of the area or promote preservation of open space, floodplain or sensitive lands where they exist in urban and developed settings, either directly or over the long term. Uses that result in restoration of ecological functions should be allowed if the use is otherwise compatible with the purpose of the environment and the setting.
(2) Standards should be established for shoreline stabilization measures, vegetation conservation, water quality, and shoreline modifications within the urban conservancy designation. These standards should ensure that new development does not result in a net loss of shoreline ecological functions or further degrade other shoreline values.

(3) Public access and public recreation objectives should be implemented whenever feasible and where significant ecological impacts can be mitigated.

4.040 Shorelines of Statewide Significance:

Purpose: The Shoreline Management Act of 1971 designated certain shoreline areas as "Shorelines of Statewide Significance". These shorelines are important to the entire state because they are a major resource from which all people in the state derive benefit. This Master Program gives preference to uses which favor public and long-range goals.
In the City of Bremerton, the portions of Puget Sound, lying seaward from the line of extreme low tide, are Shorelines of Statewide Significance. Accordingly, this Master Program shall give preference to uses which meet the principles outlined below in order of preference for these locations:

(a) Recognize and protect the Statewide interest over local interest through the use of the following measures:
  (1) Solicit comments and opinions from groups and individuals representing statewide interests by circulating the Master Program, Master Program amendments and requests for Substantial Development permits on Shorelines of Statewide significance to state agencies, adjacent jurisdictions, and applicable interest groups.
  (2) Recognize and take into account state agencies' policies, programs, and recommendations in developing and administering use regulations.

(b) Preserve the natural character of the shoreline through the following measures:
  (1) Designate and administer shoreline environments and use regulations to minimize manmade intrusions on shorelines;
  (2) Upgrade and redevelop those areas where intensive development already exists in order to reduce their adverse impact on the environment and to accommodate future growth, rather than allowing high intensity uses to extend into low intensity use or underdeveloped areas.

(c) Ensure long-term over short-term benefits through the following measures:
  (1) Preserve the shorelines for future generations. For example, actions that would convert resources into irreversible uses or detrimentally alter natural conditions characteristic of shorelines of statewide significance should be severely limited;
  (2) Evaluate the short-term economic gain or convenience of developments in relationship to long-term and potentially costly impairments to the natural environment;
  (3) Actively promote aesthetic considerations when contemplating new development, redevelopment of existing facilities or for the general enhancement of shoreline areas.

(d) Protect the resources and ecology of the shorelines through the following measures:
  (1) Leave undeveloped those areas which contain a unique or fragile resource;
  (2) Prevent erosion and sedimentation that would alter the natural function of the water system. In areas where erosion and sediment control practices will not be effective, severely limit excavations or other activities which increase erosion;
  (3) Restrict public access onto areas which cannot be maintained in a natural condition under human uses.

(e) Increase public access to publicly owned areas of the shorelines through the following measures:
   (1) Preserve the public's opportunity to enjoy the physical and aesthetic qualities of natural shorelines of the state consistent with the overall best interest of the people of the state;
   (2) Plan for a system of public access facilities that recognize exiting facilities, constraints, and opportunities. Identify appropriate public access provisions for specific shoreline reaches;
   (3) Improve pedestrian access to the shoreline through paths and trails to shoreline areas, linear access along the shorelines, and by developing connections to other trails and facilities;
   (4) Develop upland parking to serve public access areas where appropriate;
   (5) Design development to provide opportunities for public access compatible with other uses;

(f) Increase recreational opportunities for the public on the shorelines through the following measures:
   (1) Plan for and encourage development of public facilities for recreational use of the shorelines;
   (2) Integrate water-dependent recreation uses wherever possible as part of multiple use of private shoreline development.

Chapter 5 - Permit Administration

5.010 – Applicability
5.020 – Permit Application Types
5.030 – Noticing Requirements
5.040 – Criteria of Approval
5.050 – Appeals
5.060 – Time Periods
5.070– Violations and Penalties
5.080 – Shoreline Moratorium
5.090 – Restoration Project Relocation of OHWM
5.100 – Special Procedures for WSDOT Projects

5.010 Applicability:

(a) **Liberal Construction:** All regulations applied within the shoreline shall be liberally construed to give full effect to the objectives and purposes for which they have been enacted. Shoreline Master Program policies establish intent for the shoreline regulations in addition to RCW 90.58 and Chapter 173 of the Washington Administrative Code 173-26 and 173-27.

(b) **Burden of Proof:** The applicants for any permit shall have the burden of proving that the proposed development is consistent with the criteria as set out in the Shoreline Management Act.

(c) **Development Permit Compliance:**

(1) For all development within shoreline jurisdiction, the responsible official shall not issue a development or construction permit or an exemption for such development until compliance with the Shoreline Master Program has been documented. If a Shoreline Substantial Development Permit is required, no permit shall be issued until all comment and appeal periods have expired. Any development permit for work within the shoreline jurisdiction (200' from the OHWM) shall be subject to the same terms and conditions that apply to the shoreline permit.

~~(2) Critical Areas in the shoreline jurisdiction are regulated by the Critical Areas Regulations, (Ord. 5327 (exh B) (part), 2017: Ord. 4965 Section 7 (part) 2006)), codified under BMC 20.14 which is herein incorporated into this SMP however, the following sections of the Critical Area Ordinance do not apply:~~

~~(i) BMC 20.14.145(d) Exemptions for Forest Practices;~~
~~(ii) BMC 20.14.145(f) Exemptions for activities within improved Right-of-Way;~~
~~(iii)BMC 20.14.155 Reasonable Use Exception;~~
~~(iv)BMC 20.14.330(f) & (g) & (h)(3) Standard Wetland Buffers Widths;~~
~~(v) BMC 20.14.730(d)(5) Buffer Reduction;~~
~~(ix)BMC 20.14.730 (d)(8) Habitat Conservation Area Buffers;~~

(d) **Constitutional limitations**: Regulation of private property to implement any Program goals, such as public access and protection of ecological functions, must be

consistent with all relevant constitutional and other legal limitations. These include, but are not limited to, property rights guaranteed by the United States Constitution and the Washington State Constitution, applicable federal and state case law, and state statutes, such as RCW 34.05.328 and 43.21C.060.

(e) **Agency coordination:** The city will coordinate on issues relating to ecological conditions, functions and processes and on wetland and ordinary high water delineations with the Department of Ecology, the Department of Natural Resources, the Department of Fish and Wildlife, Suquamish Tribe, as well as other agencies with permit authority over a project to the extent that agencies are timely in their response and coordination does not interfere with meeting timelines for permit review.

(f) **Compliance with other regulatory requirements**: Compliance with the provisions of this chapter does not constitute compliance with other federal, state, and local regulations and permit requirements that may be required (for example, , Hydraulic Permit Act (HPA) permits, U.S. Army Corps of Engineers Section 404 permits, Washington State Department of Ecology Water Quality Certification (Section 401) National Pollution Discharge Elimination System permits). The applicant is responsible for complying with these requirements, apart from the process established in this chapter. (Ord. 1164 § 4, 2004).

~~(f)~~(g) **Local review exceptions:** Requirements to obtain a Substantial Development Permit, Conditional Use Permit, Variance, letter of exemption, or other review to implement the Shoreline Management Act do not apply to the following:

(1) Remedial actions. Pursuant to RCW 90.58.355, any person conducting a remedial action at a facility pursuant to a consent decree, order, or agreed order issued pursuant to chapter 70.105D RCW, or to the department of ecology when it conducts a remedial action under chapter 70.105D RCW. Periodic Review Checklist Guidance 6 September 2019

(2) Boatyard improvements to meet NPDES permit requirements. Pursuant to RCW 90.58.355, any person installing site improvements for storm water treatment in an existing boatyard facility to meet requirements of a national pollutant discharge elimination system storm water general permit.

(3) WSDOT facility maintenance and safety improvements. Pursuant to RCW 90.58.356, Washington State Department of Transportation projects and activities meeting the conditions of RCW 90.58.356 are not required to obtain a Substantial Development Permit, Conditional Use Permit, Variance, letter of exemption, or other local review.

(4) Projects consistent with an environmental excellence program agreement pursuant to RCW 90.58.045.

(5) Projects authorized through the Energy Facility Site Evaluation Council process, pursuant to chapter 80.50 RCW.

(h) **Federal Jurisdiction:** Areas and uses in those areas under exclusive federal jurisdiction and are established through federal or state statues are not subject to RCW 90.58. The Shoreline Management Act and Shoreline Master Program do not apply to Bremerton's federal lands including, but not limited to the Naval Base Kitsap-Bremerton, Naval Hospital, Jackson Park Housing Complex, Camp McKean, and Puget Sound Naval Shipyard and Intermediate Maintenance Facility.

~~(g)~~(i) **Permit Revisions**: An application for a permit revision is required whenever the applicant proposes substantive changes to the design, terms, or conditions of a project that has an approved permit. The City may approve a revision, rather than requiring a separate shoreline permit provided the revision is within the scope and intent of the original permit, and is consistent with all applicable standards within the SMP and SMA. Should the revision be found to be within the scope and intent of the original permit the City may approve the revision and submit it to the Department of Ecology. Pursuant to WAC 173-27-100 "Within the scope and intent of the original permit" means all of the following:

(1) No additional overwater construction is involved except that pier, dock or float construction may be increased by five hundred square feet or ten percent (10%) from the provisions of the original permit, whichever is less:

(2) Ground area coverage and height may be increased a maximum of ten percent (10%) from the provisions of the original permit;

(3) The revised permit does not authorize development toe exceed height, lot coverage, setback, or any other requirements of the SMP except as authorized under a variance granted as the original permit or a part thereof;

(4) Additional or revised landscaping is consistent with any conditions attached to the original permit and with the SMP;

(5) The use authorized pursuant to the original permit is not changed; and

(6) No adverse environmental impacts will be caused by the project revision.

~~(h)~~(j) **Exemptions**:

A Shoreline Substantial Development Permit shall be required for all proposed use and development within the shoreline jurisdiction unless the proposal is specifically exempt from permit requirements pursuant to WAC 173-27-040, as amended~~.~~ The City issues exemptions for all work that does not meet the threshold for a shoreline permit to be required. The following list of exemptions is an exact copy from the WAC, and is located here as a courtesy to the reader. Any exemptions adopted subsequently by the legislature shall apply without amendment to this program. An exemption from a shoreline permit is not an exemption from compliance with the Act or the Shoreline Master Program, or from any other regulatory requirements. Exemptions shall be construed narrowly. Only those developments that meet the precise terms of one or more of the listed exemptions may be granted exemption from the Shoreline Substantial Development Permit process.
Exemptions are as follows:

(1) Any development of which the total cost or fair market value, whichever is higher, does not exceed~~-~~ seven-thousand and forty-seven dollars ~~five thousand dollars~~, if such development does not materially interfere with the normal public use of the water or shorelines of the state. The dollar threshold established in this subsection must be adjusted for inflation by the office of financial management every five years, beginning July 1, 2007, based upon changes in the consumer price index during that time period. "Consumer price index" means, for any calendar year, that year's annual average consumer price index, Seattle,

Washington area, for urban wage earners and clerical workers, all items, compiled by the Bureau of Labor and Statistics, United States Department of Labor. The office of financial management must calculate the new dollar threshold and transmit it to the office of the code reviser for publication in the *Washington State Register* at least one month before the new dollar threshold is to take effect. For purposes of determining whether or not a permit is required, the total cost or fair market value shall be based on the value of development that is occurring on shorelines of the state as defined in RCW 90.58.030 (2)(c). The total cost or fair market value of the development shall include the fair market value of any donated, contributed or found labor, equipment or materials;

(2) Normal maintenance or repair of existing structures or developments, including damage by accident, fire or elements. "Normal maintenance" includes those usual acts to prevent a decline, lapse, or cessation from a lawfully established condition. "Normal repair" means to restore a development to a state comparable to its original condition, including but not limited to its size, shape, configuration, location and external appearance, within a reasonable period after decay or partial destruction, except where repair causes substantial adverse effects to shoreline resource or environment. Replacement of a structure or development may be authorized as repair where such replacement is the common method of repair for the type of structure or development and the replacement structure or development is comparable to the original structure or development, including but not limited to its size, shape, configuration, location and external appearance, and the replacement does not cause substantial adverse effects to shoreline resources or environment;

(3) Construction of the normal protective bulkhead common to single-family residences. A "normal protective" bulkhead includes those structural and nonstructural developments installed at or near, and parallel to, the ordinary high water mark for the sole purpose of protecting an existing single-family residence and appurtenant structures from loss or damage by erosion. A normal protective bulkhead is not exempt if constructed for the purpose of creating dry land. When a vertical or near vertical wall is being constructed or reconstructed, not more than one cubic yard of fill per one foot of wall may be used as backfill. When an existing bulkhead is being repaired by construction of a vertical wall fronting the existing wall, it shall be constructed no further waterward of the existing bulkhead than is necessary for construction of new footings.

When a bulkhead has deteriorated such that an ordinary high water mark has been established by the presence and action of water landward of the bulkhead then the replacement bulkhead must be located at or near the actual ordinary high water mark. Beach nourishment and bioengineered erosion control projects may be considered a normal protective bulkhead when any structural elements are consistent with the above requirements and when the project has been approved by the Department of Fish and Wildlife.

(4) Emergency construction necessary to protect property from damage by the elements. An "emergency" is an unanticipated and imminent threat to public health, safety, or the environment which requires immediate action within a time

too short to allow full compliance with this chapter. Emergency construction does not include development of new permanent protective structures where none previously existed. Where new protective structures are deemed by the administrator to be the appropriate means to address the emergency situation, upon abatement of the emergency situation the new structure shall be removed or any permit which would have been required, absent an emergency, pursuant to chapter 90.58 RCW, these regulations, or the local master program, obtained. All emergency construction shall be consistent with the policies of chapter 90.58 RCW and the local master program. As a general matter, flooding or other seasonal events that can be anticipated and may occur but that are not imminent are not an emergency;

(5) Construction and practices normal or necessary for farming, irrigation, and ranching activities, including agricultural service roads and utilities on shorelands, construction of a barn or similar agricultural structure, and the construction and maintenance of irrigation structures including but not limited to head gates, pumping facilities, and irrigation channels: Provided, That a feedlot of any size, all processing plants, other activities of a commercial nature, alteration of the contour of the shorelands by leveling or filling other than that which results from normal cultivation, shall not be considered normal or necessary farming or ranching activities. A feedlot shall be an enclosure or facility used or capable of being used for feeding livestock hay, grain, silage, or other livestock feed, but shall not include land for growing crops or vegetation for livestock feeding and/or grazing, nor shall it include normal livestock wintering operations;

(6) Construction or modification of navigational aids such as channel markers and anchor buoys;

(7) Construction on shorelands by an owner, lessee or contract purchaser of a single-family residence for their own use or for the use of their family, which residence does not exceed a height of thirty-five feet above average grade level and which meets all requirements of the state agency or local government having jurisdiction thereof, other

than requirements imposed pursuant to chapter 90.58 RCW. "Single-family residence" means a detached dwelling designed for and occupied by one family including those structures and developments within a contiguous ownership which are a normal appurtenance. An "appurtenance" is necessarily connected to the use and enjoyment of a single-family residence and is located landward of the ordinary high water mark and the perimeter of a wetland. On a statewide basis, normal appurtenances include a garage; deck; driveway; utilities; fences; installation of a septic tank and drainfield and grading which does not exceed two hundred fifty cubic yards and which does not involve placement of fill in any wetland or waterward of the ordinary high water mark. Local circumstances may dictate additional interpretations of normal appurtenances which shall be set forth and regulated within the applicable master program. Construction authorized under this exemption shall be located landward of the ordinary high water mark;

(8) Construction of a dock, including a community dock, designed for pleasure

craft only, for the private noncommercial use of the owner, lessee, or contract purchaser of single-family and multiple-family residences. A dock is a landing and moorage facility for watercraft and does not include recreational decks, storage facilities or other appurtenances. This exception applies if either:

(i) In salt waters, the fair market value of the dock does not exceed two thousand five hundred dollars; or

(ii) In fresh waters the fair market value of the dock does not exceed:

(A) Twenty-two thousand five hundred dollars ($22,500) for docks that are constructed to replace existing docks, are of equal or lesser square footage than the existing dock being replaced; or

(B) Eleven thousand two hundred ($11,200) dollars for all other docks constructed in fresh waters.

(C) However, if subsequent construction occurs within five years of completion of the prior construction, and the combined fair market value of the subsequent and prior construction exceeds the amount specified above, the subsequent construction shall be considered a substantial development for the purpose of this chapter.

~~ten thousand dollars, but if subsequent construction having a fair market value exceeding two thousand five hundred dollars occurs within five years of completion of the prior construction, the subsequent construction shall be considered a Substantial Development for the purpose of this chapter.~~

~~(ii)~~(iii) For purposes of this section salt water shall include the tidally influenced marine and estuarine water areas of the state including the Pacific Ocean, Strait of Juan de Fuca, Strait of Georgia and Puget Sound and all bays and inlets associated with any of the above;

(9) Operation, maintenance, or construction of canals, waterways, drains, reservoirs, or other facilities that now exist or are hereafter created or developed as a part of an irrigation system for the primary purpose of making use of system waters, including return flow and artificially stored groundwater from the irrigation of lands;

(10) The marking of property lines or corners on state-owned lands, when such marking does not significantly interfere with normal public use of the surface of the water;

(11) Operation and maintenance of any system of dikes, ditches, drains, or other facilities existing on September 8, 1975, which were created, developed or utilized primarily as a part of an agricultural drainage or diking system;

~~(12)~~ Any project with a certification from the governor pursuant to chapter 80.50 RCW Site exploration and investigation activities that are prerequisite to preparation of an application for development authorization under this chapter, if:

~~(13)~~(12)

(i) The activity does not interfere with the normal public use of the surface;

(ii) The activity will have no significant adverse impact on the environment including but not limited to fish, wildlife, fish or wildlife habitat, water quality, and aesthetic values;

(iii) The activity does not involve the installation of any structure, and upon completion of the activity the vegetation and land configuration of the site are restored to conditions existing before the activity;

(iv) A private entity seeking development authorization under this section first posts a performance bond or provides other evidence of financial responsibility to the local jurisdiction to ensure that the site is restored to preexisting conditions; and(v) The activity is not subject to the permit requirements of RCW 90.58.550;

~~(14)~~(13) The process of removing or controlling aquatic noxious weeds, as defined in RCW 17.26.020, through the use of an herbicide or other treatment methods applicable to weed control that are recommended by a final environmental impact statement published by the department of agriculture or Ecology jointly with other state agencies under chapter 43.21C RCW;

~~(15)~~(14) Watershed restoration projects as defined herein. Local government shall review the projects for consistency with the shoreline master program in an expeditious manner and shall issue its decision along with any conditions within forty-five days of receiving all materials necessary to review the request for exemption from the applicant. No fee may be charged for accepting and processing requests for exemption for watershed restoration projects as used in this section.

(i) "Watershed restoration project" means a public or private project authorized by the sponsor of a watershed restoration plan that implements the plan or a part of the plan and consists of one or more of the following activities:

(A) A project that involves less than ten miles of stream reach, in which less than twenty-five cubic yards of sand, gravel, or soil is removed, imported, disturbed or discharged, and in which no existing vegetation is removed except as minimally necessary to facilitate additional plantings;

(B) A project for the restoration of an eroded or unstable stream bank that employs the principles of bioengineering, including limited use of rock as a stabilization only at the toe of the bank, and with primary emphasis on using native vegetation to control the erosive forces of flowing water; or

(C) A project primarily designed to improve fish and wildlife habitat, remove or reduce impediments to migration of fish, or enhance the fishery resource available for use by all of the citizens of the state, provided that any structure, other than a bridge or culvert or in-stream habitat enhancement structure associated with the project, is less than two hundred square feet in floor area and is located above the ordinary high water mark of the stream.

(ii) "Watershed restoration plan" means a plan, developed or sponsored by the Department of Fish and Wildlife, Ecology, the department of natural resources, the department of transportation, a federally recognized Indian tribe acting within and pursuant to its authority, a city, a county, or a conservation district that provides a general program and implementation measures or actions for the preservation, restoration, re-creation, or enhancement of the natural resources, character, and ecology of a stream, stream segment, drainage area, or watershed for which agency and public review has been conducted pursuant to chapter 43.21C RCW, the State Environmental Policy Act;

~~(16)~~(15) Consistent with WAC 173-27-040, ~~A~~ public or private project that is designed to improve fish or wildlife habitat or fish passage (including restoration of native kelp and eelgrass beds and restoring native oysters), that conforms to the provision of RCW 77.55.181. ~~when all of the following apply:~~

~~(i) The project has been approved in writing by the Department of Fish and Wildlife;~~

~~(ii) The project has received hydraulic project approval by the Department of Fish and Wildlife pursuant to chapter 77.55 RCW; and~~

~~(iii) The local government has determined that the project is substantially consistent with the local shoreline master program. The local government shall make such determination in a timely manner and provide it by letter to the project proponent.~~

~~(iv) Fish habitat enhancement projects that conform to the provisions of RCW 77.55.181 are determined to be consistent with local shoreline master programs, as follows:~~

~~(A) In order to receive the permit review and approval process created in this section, a fish habitat enhancement project must meet the following and~~
~~(II) of this subsection:~~

~~(I) A fish habitat enhancement project must be a project to accomplish one or more of the following tasks: Elimination of human-made fish passage barriers, including culvert repair and replacement; or restoration of an eroded or unstable stream bank employing the principle of bioengineering, including limited use of rock as a stabilization only at the toe of the bank, and with primary emphasis on using native vegetation to control the erosive forces of flowing water; or Placement of woody debris or other in-stream~~

~~structures that benefit naturally reproducing fish stocks.~~

~~The Department of Fish and Wildlife shall develop size or scale threshold tests to determine if projects accomplishing any of these tasks should be evaluated under the process created in this section or under other project review and approval processes. A project proposal shall not be reviewed under the process created in this section if the department determines that the scale of the project raises concerns regarding public health and safety; and~~

~~(II) A fish habitat enhancement project must be approved in one of the following ways: By the Department of Fish and Wildlife pursuant to chapter 77.95 or 77.100 RCW; or By the sponsor of a watershed restoration plan as provided in chapter 89.08 RCW; or~~

- ~~By the department as a Department of Fish and Wildlife sponsored fish habitat enhancement or restoration project;~~
- ~~Through the review and approval process for the jobs for the environment program;~~
- ~~Through the review and approval process for conservation district sponsored projects, where the project complies with design standards established by the conservation commission through interagency agreement with the United States Fish and Wildlife Service and the natural resource conservation service;~~
- ~~Through a formal grant program established by the legislature or the Department of Fish and Wildlife for fish habitat enhancement or restoration; and~~
- ~~Through other formal review and approval processes established by the legislature.~~

~~(B) Fish habitat enhancement projects meeting the criteria of (p)(iii)(A) of this subsection are expected to result in beneficial impacts to the environment. Decisions pertaining to fish habitat enhancement projects meeting the criteria of (p)(iii)(A) of this subsection and being reviewed and approved according to the provisions of this section are not subject to the requirements of RCW 43.21C.030 (2)(c).~~

~~(C)(I) A hydraulic project approval permit is required for projects that meet the criteria of (p)(iii)(A) of this subsection and are being reviewed and approved under this section. An applicant shall use a joint aquatic resource permit application form developed by the Office of Regulatory Assistance to apply for approval. On the same day, the applicant shall provide copies of the completed application form to the Department of Fish and Wildlife and to each appropriate local government. Local governments shall accept the application as notice of the proposed project. The Department of Fish and Wildlife shall provide a fifteen-day comment period during which it will receive comments regarding environmental impacts. Within forty-five days, the department shall either, issue a permit, with or without conditions, deny approval, or make a determination that the review and approval process created by this section is not appropriate for the proposed project. The department shall base this determination on identification during the comment period of adverse impacts that cannot be mitigated by the conditioning of a permit. If the department~~

~~determines that the review and approval process created by this section is not appropriate for the proposed project, the department shall notify the applicant and the appropriate local governments of its determination. The applicant may reapply for approval of the project under other review and approval processes.~~

~~(C)(II) Any person aggrieved by the approval, denial, conditioning, or modification of a permit under this section may formally appeal the decision to the hydraulic appeals board pursuant to the provisions of this chapter.~~

~~(D) No local government may require permits or charge fees for fish habitat enhancement projects that meet the criteria of (p)(iii)(A) of this subsection and that are reviewed and approved according to the provisions of this section.~~

~~(17)~~(16) The external or internal retrofitting of an existing structure with the exclusive purpose of compliance with the American with Disabilities Act of 1990 (42 U.S.C. 12101 et. seq.) or to otherwise ~~porovide~~ provide physica~~cial~~l access to the structure by individuals with disabilities.

5.020 Permit Application Types:

(a) A permit for any action in shoreline jurisdiction not requiring a Shoreline Substantial Development Permit, Conditional Use Permit or Variance will be processed as a Type I permit pursuant to BMC 20.02, Chapter 90.58 RCW and Chapter 173-27 WAC. A Shoreline Exemption issued by the City is required for all such exempt activities. All uses and developments within the shoreline jurisdiction shall be carried out in a manner that is consistent with this Program and the policy of the Act as required by RCW 90.58.140(1), regardless of whether a permit, exemption, variance, or conditional use permit is required. The policies and provisions of chapter 90.58 RCW, including the permit system, shall apply statewide to all nonfederal developments and uses undertaken on federal lands and on lands subject to nonfederal ownership, lease, or easement, even though such lands may fall within the external boundaries of a federal ownership.

(b) All permits shall be submitted to the Department of Community Development and shall comply with the submittal requirements of BMC 20.02.

(c) A Shoreline Substantial Development Permit application shall be processed as a Type II permit pursuant BMC 20.02 and as otherwise required by Chapter 90.58 RCW and Chapter 173-27. Permits may be approved, approved with conditions or denied by the Director.

(d) A Shoreline Conditional Use Permit shall be processed as either a Type II or Type III permit depending on project scope. Permits shall be processed pursuant to BMC 20.02 or as otherwise required by Chapter 90.58 RCW and Chapter 173-27 WAC. Permits may be approved, approved with conditions, or denied by the Director or Administrative Hearing Examiner respectively.

(e) A Variance permit shall be processed as a Type III permit pursuant to BMC 20.02 and as otherwise required by Chapter 90.58 RCW and Chapter 173-27 WAC. Permits may be approved, approved with conditions, or denied by the Administrative Hearing Examiner.

5.030 Noticing Requirements:

When a notice of application is required, the following shall apply:

(a) Timeline: The notice shall be provided within fourteen (14) days after the determination of completeness is issued.

(b) Content: The notice of application shall include the following**:**

(1) The file number assigned;

(2) The date of application, date of the notice of completeness, and the date of the notice of application;

(3) A description of the proposed project action and a list of permits included with the application and, if applicable, a list of requested studies;

(4) Identification of known permits not included with the application;

(5) Identification of existing environmental documents that evaluate the proposal;

(6) The location where the application and any studies can be reviewed;

(7) A statement of the public comment period and which shall not be less than thirty (30) days;

(8) A statement of the rights of any person to comment on the application, receive notice of and participate in any hearings, request a copy of the decision and any appeal rights;

(9) Any other information determined appropriate by the City.

(c) Legal Notice: Notice shall be provided in the following manner as applicable:

(1) Mail. The notice shall be sent by email, first class or higher mail to the following:

(i) The applicant;

(ii) Affected City Departments;

(iii) State, federal, tribal, and local agencies with jurisdiction;

(iv) For Type III Permits mailed notice shall also be sent to all property owners of real property (as shown by the records of the Kitsap County Assessor's Office) within three hundred (300) feet of the subject property. Where any portion of a property abutting the subject property is owned, controlled, or under the option of purchase by the applicant, all property owners within a three hundred (300) foot radius of the total ownership interest shall be notified; and

(v) Any person who requests such notice in writing to the Department.

(2) **Posting of the Property:** Notice shall be posted according to the following:

(i) At least one (1) location on or adjacent to the subject property and that shall be clearly visible and legible from an adjacent street or public area;

(ii) The Director shall determine the specifications to the construction and installation of the notice boards.

(3) **Publishing Notice**: A published notice in the City's official newspaper of general circulation within the City boundaries is required. The content shall include the following:

(i) Project location;

(ii) Project description;

(iii)Type of permit(s) required;

(iv)Comment period and dates;

(v) Location where the complete application may be viewed.

(d) **Integration of Notices:** The City will integrate the notice of application with SEPA review whenever possible. Notification for a notice of application should be combined with the notification for threshold determination and the scoping for a determination of significance whenever possible.

(e) **Issuance of Decisions**: Except for a threshold determination, the City may not issue a decision or a recommendation on a permit until the expiration of the public comment period.

(f) **Public Comments**: Comments shall be as specific as possible. Comments shall be received by the last day of the comment period specified in the notice. If no comments are received by the date specified it is presumed that those notified have no comments.

5.040 Criteria of Approval:

(a) **Shoreline Substantial Development Permits**:

(1) A Shoreline Substantial Development Permit shall be granted only when the development proposed is consistent with:

(i) The policies and procedures of the Shoreline Management Act RCW 90.58; and the provisions of the Shoreline Guidelines WAC 173-26 and WAC 173-27, and

(ii) This Shoreline Master Program, as well as the Comprehensive Plan and Zoning Regulations, to the extent that they are consistent with the Shoreline Master Program.

(2) The City may attach conditions to the approval of permits as necessary to assure consistency of the project with the act and this Shoreline Master Program.

(3) Any ruling on an application for a Shoreline Substantial Development Permit under authority of this Master Program, whether it is an approval or denial, shall, with the transmittal of the ruling to the applicant, be filed concurrently with Ecology and the Attorney General by the Director. Filing shall occur in accordance with RCW 90.58.140(6) and WAC 173-27-130 for shoreline substantial development permits, shoreline exemptions are not required to be filed with Ecology unless Environmental review is required.

(b) **Conditional Use Permits**:

(1) Conditional Use Permits are issued for proposed Substantial Development activities when the activity is classified as a Conditional Use or is an unlisted use in the Shoreline Use/ Activity Matrix (Table 20.16.690). The purpose of the Conditional Use Permit is to allow greater flexibility in the application of the Shoreline Master Program. Conditional Use Permits are processed as an Administrative Type II Director's decision, but can at any point in the permit process be elevated to a ~~Nonadministrative~~ Type III Hearing~~s~~ Examiner decision

when the Director determines:

(i) The use or project has a significant impact beyond the immediate site;

(ii) The use or project is of a neighborhood or community wide interest; or

(iii)The use or project is of a controversial nature.

(2) Development activity considered a Conditional Use may be authorized if all ~~of the criteria in~~ WAC 173-27-160 criteria are met as follows: ~~. The criteria include:~~

(i) The proposed use is consistent with RCW 90.58.020 and the policies of Bremerton's Shoreline Master Program;

(ii) The proposed use will not interfere with the normal public use of public shorelines;

(iii)The proposed use of the site and design are compatible with other permitted uses in the area;

(iv)The proposed use will cause no net loss of ecological function to the shoreline environment; and

(v) The public interest will not suffer a detrimental effect.

(vi)When considering the application, consideration must be given to the cumulative impact of additional requests for similar actions in the area. After the City makes a final decision on a Conditional Use Permit, the permit and application must be reviewed and approved by Ecology and the Attorney General.

(c) **Variance:** Relief from specific bulk, dimensional or performance standards in the Shoreline Master Program can be granted only when there are extraordinary or unique circumstances relating to the property such that strict implementation of the Shoreline Master Program will impose unnecessary hardships on the applicant or thwart the policies set forth in RCW 90.58.020.

(1) Development activities considered a Variance may be authorized if all of the criteria in WAC 173-27-170 are met. The criteria include:

(i) The strict application of the bulk, dimensional, or performance standards would preclude or significantly interfere with the reasonable use of the property not otherwise prohibited by the Shoreline Master Program;

(ii) The hardship is specifically related to the property, and is the result of unique conditions such as lot shape, size or natural features, and the application of the Shoreline Master Program;

(iii) The project design is compatible with other permitted uses in the area, and will not cause adverse effects to adjacent properties or the shoreline environment;

(iv) The Variance will not constitute a grant of special privilege, and is the minimum necessary to afford relief;

(v) The public interest will suffer no substantial detrimental effect; and

(vi) If the development is waterward of the ordinary high-water mark, the public rights of navigation and use of the shorelines will not be adversely affected.

(2) After the City makes a final decision on a variance permit, the permit and

application must be reviewed and approved by Ecology.

5.050 Appeals:

(a) **Applicability:** Any person aggrieved by the granting, denying, or rescinding of a permit on shorelines of the state pursuant to RCW 90.58.140 may, except as otherwise provided in chapter 43.21B RCW, seek review from the Shorelines Hearings Board by filing a petition for review within twenty-one days of the decision as provided for in RCW 90.58.140(6).

(b) **Type II Decisions**: Type II decisions on Shoreline Substantial Development Permits, Conditional Use Permits, and revisions to shoreline permits may be appealed to the Administrative Hearing Examiner pursuant to Chapter 20.02 BMC within fourteen (14) calendar days of the date of the decision, provided that the applicant agrees to this local appeal. In the case of a Conditional Use Permit the Director may request that Ecology delay action in the approval until the local appeal process has been completed. In lieu of an appeal to the Administrative Hearing Examiner, or in the case where the applicant does not agree to a local appeal, an appeal of the local shoreline permit decision shall be heard by the Shorelines Hearings Board (SHB). Any person may file a Petition for Review to the SHB within twenty-one (21) calendar days of the date of filing of the decision with Ecology and the Attorney General pursuant to RCW 90.58.180(1).

(c) **Type III Decisions and Decisions on Appeals**: Type III decisions, and decisions on appeal of Type II decisions may be appealed to the Shorelines Hearings Board by filing a Petition for Review within twenty-one (21) calendar days of the date of filing of the decision with Ecology and the Attorney General pursuant to RCW 90.58.180(1).

(d) **Ecology Approval:** An appeal of a Conditional Use Permit or Variance by Ecology shall be filed with the Shoreline Hearings Board within twenty one (21) calendar days of notice of the Ecology Decision, pursuant to RCW 90.58.180(1).

(e) **Shoreline Master Program Adoption and Amendments**. The decision of Ecology pertaining to the adoption of, or amendment to, the Shoreline Master Program may be appealed to the Central Puget Sound Growth Management Hearing Board per Chapter 36.70A RCW.

5.060 Time Periods:

(a) **Type II Permits**: No construction pursuant to such permit shall begin or be authorized and no building, grading or other construction permits or use permits shall be issued by the City until 21 days from the date a Shoreline Substantial Development Permit was filed with Ecology and the Attorney General, or until all review proceedings are completed as were initiated within the twenty one (21) days of the date of filing. Filing shall occur in accordance with RCW 90.58.140(6) and WAC 173-27-130.

(b) **Type III Permits or Type II Conditional Use Permits**: No permits and construction shall begin or be authorized until 21 days from the date of notification of approval by Ecology, or until all review proceedings are completed as were initiated within the twenty one (21) days of the date of filing. Filing shall occur in accordance with RCW

90.58.140(6) and WAC 173-27-130.

(c) **Expiration:** Unless a different time period is specified in the shoreline permit as authorized by RCW 90.58.143, construction activities, or a use or activity for which a permit has been granted pursuant to this Master Program, must be commenced within two (2) ~~years~~ and completed within five (5) years of the effective date of a shoreline permit, or the shoreline permit shall terminate and a new permit shall be necessary. ~~However, t~~The Director may authorize a single extension for ~~a period~~commencing activity and a single extension for completing the activity, n~~either~~~~ot~~ to exceed one year ~~-~~based on reasonable factors if an extension request is ~~a request for extension has been~~ filed with the City within thirty days of the permit expiry ~~before the expiration date and~~ . A notice of the proposed extension shall be forwarded to parties of record and Ecology. ~~is given to parties of record and Ecology. Construction activities or commencement of construction means that construction applications must be submitted, permits must be issued, and foundation inspections must be approved and completed.~~

(d) **Extensions:** A permit authorizing construction shall extend for a term of no more than five (5) years after the effective date of a shoreline permit, unless a longer period has been specified pursuant to RCW 90.58.143, or as authorized above. If an applicant files a request for an extension prior to expiration of the shoreline permit, the Director shall review the permit and upon a showing of good cause may authorize a single extension of the shoreline permit for a period of up to one year. Otherwise said permit shall terminate. Notice of the proposed permit extension shall be given to parties of record and Ecology. To maintain the validity of a shoreline permit, it is the applicant's responsibility to maintain valid construction permits in accordance with adopted Building Codes.

(e) **Reductions:** If it is determined that standard time requirements of subsections c and d should not be applied, the Hearing Examiner, upon a finding of good cause, may establish shorter time limits, provided that as a part of action on a conditional use or variance permit the approval of Ecology shall be required. "Good cause" means that the time limits established are reasonably related to the time actually necessary to perform the development on the ground and complete the project that is being permitted.

(f) **Timing:** For purposes of determining the life of a shoreline permit, the effective date of a Shoreline Substantial Development Permit, shoreline conditional use permit, or shoreline variance permit shall be the date of filing as provided in RCW 90.58.140(6). The permit time periods do not include the time during which a use or activity was not actually pursued due to the pendency of appeals or legal actions, or due to the need to obtain any other government permits and approvals for the development that authorize the development to proceed.

(g) **Responsibility:** It is the responsibility of the applicant to inform the director of other permit applications filed with agencies other than the City and of any related administrative or legal actions on any permit or approval.

(h) If an appeal is filed, construction may not commence until disposition of the appeal unless otherwise established by the Shoreline Hearings Board pursuant to RCW 90.58.140(5)(b).

5.070 Violations and Penalties:

(a) Any person who fails to conform to the terms of a Shoreline Substantial Development Permit, conditional use permit, variance or other permit issued under the Shoreline Master Program, or who undertakes a development or use on shorelines of the state without first obtaining a permit, or violates any other provision of the Shoreline Master Program, or who fails to comply with a cease and desist order or notice of violation issued under Chapter 1.04 BMC may be subject to enforcement and penalties as follows:

(b) Any violation, as noted above, constitutes a civil violation under Chapter 1.04 BMC, as currently enacted or hereinafter amended, for which a monetary penalty may be assessed and enforcement may be required, as provided therein.

(c) In addition to or as an alternative to any other penalty provided herein or by law, any person who commits a violation, as noted above, shall be guilty of a gross misdemeanor pursuant to RCW 90.58.220.

(d) In lieu of or in addition to the above, the City may utilize the enforcement procedures and remedies, including requiring appropriate correction action, contained in WAC 173-27-240 through 173-27-300.

(e) Any person subject to the regulatory program of this Master Program who violates any provision of this Master Program or the provisions of a permit issued pursuant thereto shall be liable for all damages to public or private property arising from such violation, including the cost of restoring the affected area to its condition prior to such violation. If a suit is pursued the City Attorney shall bring suit for damages under this subsection on behalf of the City. Private persons shall have the right to bring suit for damages under this subsection on their own behalf and on behalf of all persons similarly situated. If liability has been established for the cost of restoring an area affected by violation the Court shall make provision to assure that restoration will be accomplished within a reasonable time at the expense of the violator. In addition to such relief, including monetary damages, the Court in its discretion may award attorney's fees and costs of the suit to the prevailing party.

5.080 Shoreline Moratorium:

The City Council may adopt moratoria or other interim official controls as necessary and appropriate to implement the provisions of the Shoreline Management Act as outlined in RCW 90.58.590.

5.090 Restoration Project Relocation of Ordinary High Water Mark:

The City may grant relief from Shoreline Master Program development standards and use regulations when the following apply:

(a) A shoreline restoration project causes, or would cause, a landward shift in the ordinary high water mark, resulting in the following:

(1) Land that had not been regulated under this chapter prior to construction of the restoration project is brought under shoreline jurisdiction; or

(2) Additional regulatory requirements apply due to a landward shift in required shoreline buffers or other regulations of the applicable Shoreline Master

Program; and

(3) Application of Shoreline Master Program regulations would preclude or interfere with use of the property permitted by local development regulations, thus presenting a hardship to the project proponent.

(b) The proposed relief meets all of the following criteria:

(1) The proposed relief is the minimum necessary to relieve the hardship; ~~and~~

(2) After granting the proposed relief, there is net environmental benefit from the restoration project; ~~and~~

(3) Granting the proposed relief is consistent with the objectives of the shoreline restoration project and consistent with the Shoreline Master Program; and

(4) Where a shoreline restoration project is created as mitigation to obtain a development permit, the project proponent required to perform the mitigation is not eligible for relief under this section.

(c) If approved by the city, the application for relief must be submitted to Ecology for written approval or disapproval.

(1) This review must occur during Ecology's normal review of a shoreline Substantial Development Permit, conditional use permit, or variance. If no such permit is required, then the department shall conduct its review when the local government provides a copy of a complete application and all supporting information necessary to conduct the review consistent with submittal and decision procedures of WAC 173-27-215.

(2) Except as otherwise provided in subsection d of this section, Ecology shall provide at least 20-day notice to parties that have indicated interest to the department in reviewing applications for relief under this section, and post the notice on to their website.

(3) The Department shall act within 30 calendar days of close of the Public Notice period, or within 30 days of receipt of the proposal from the local government if additional public notice is not required.

(d) The public notice requirements of subsection c of this section do not apply if the relevant shoreline restoration project was included in a Shoreline Master Program or shoreline restoration plan as defined in WAC 173-26-201, as follows:

> The restoration plan has been approved by the department under applicable Shoreline Master Program guidelines; and the shoreline restoration project is specifically identified in the Shoreline Master Program or restoration plan or is located along a shoreline reach identified in the Shoreline Master Program or restoration plan as appropriate for granting relief from shoreline regulations; and the Shoreline Master Program or restoration plan includes policies addressing the nature of the relief and why, when, and how it would be applied.

5.100 Special Procedures for WSDOT projects

(a) Permit review time for projects on a state highway. Pursuant to RCW 47.01.485, the Legislature established a target of 90 days review time for local governments.

(b) Optional process allowing construction to commence twenty-one days after date of filing. Pursuant to RCW 90.58.140, Washington State Department of Transportation projects that address significant public safety risks may begin twenty-one days after the date of filing if all components of the project will achieve no net loss of shoreline ecological functions.

Chapter 6 - Nonconforming Provisions

6.010 – Intent
6.020 – Establishment of a Legal Nonconformity and Applicability
6.030 – Annexations
6.040 – ~~Definitions~~Substantial Destruction
6.050 – Nonconforming Lots
6.060 – Nonconforming Structures
~~6.070 – Unsuitable Structure for Uses~~
6.07~~0~~80 – Unlawful Uses and Structures

6.010 Intent:

(a) To avoid undue hardship to property owners whose existing lots, structures, or uses were lawful at the time of their establishment, but are prohibited, regulated, or restricted under the Shoreline Master Program and Zoning Code.

(b) To set forth conditions under which these nonconformities may continue to exist until such a time they are discontinued as prescribed by law. Nothing in this chapter shall be deemed to require a change in the plans, construction or designated use of any building or site legally established.

6.020 Establishment of a Legal Nonconformity and Applicability:

(a) A party asserting the existence of a lawfully established nonconforming lot, use or structure has the burden of proof that the lot, use or structure was not substandard in meeting the requirements of the Shoreline Master Program or Zoning Code that were in effect at its creation.

(b) The rules of this chapter are applied by first reviewing which provisions are applicable to the nonconformity. When a combination of nonconforming lot, structure or use exists, each segment of the nonconformity is reviewed independently of the others.

(c) Subject to the provisions of this Chapter, a use, lot, or structure lawfully existing prior to the effective date of this Shoreline Master Program or any amendment thereto, which is rendered nonconforming by this Shoreline Master Program may continue and may also be repaired, remodeled, and/or restored in the manner and to the extent that it existed upon the effective date of this Shoreline Master Program.

~~(b)~~

6.030 Annexation:

(a) Lots, structures, uses of land, and structures that were legally in existence prior to annexation to the City, but that do not conform to the requirements of the Shoreline Master Program or Zoning Code following the date of annexation, shall become a legal nonconformity subject to the requirements of this chapter.

6.040 ~~Definitions~~Substantial Destruction:

~~(a) Nonconforming Lots: A lot that does not meet the lot area, width or street~~

~~frontage requirements of the Shoreline Master Program or Zoning Code, but was lawfully created prior to the effective date of the adoption of the Shoreline Master Program and/or Zoning Code or subsequent amendments thereto.~~

~~(b) Nonconforming Use: Any activity, development or condition that is not permitted outright or as an accessory use, or is not permitted by a Conditional Use Permit or other special permitting process by the provisions of the Shoreline Master Program or Zoning Code; but was lawfully created prior to the effective date of the Shoreline~~

~~Master Program or Zoning Code, or subsequent amendments thereto, and was continually maintained as defined in this chapter. A nonconforming use may or may not involve buildings or structures and may involve part of or all of a building or property.~~

~~(c) Nonconforming Structure: A building or structure that does not comply with the required setbacks, height, lot coverage and other development requirements of the Shoreline Master Program or Zoning Code, but was lawfully constructed prior to the effective date of the Zoning Code and/or Shoreline Master Program or subsequent amendments thereto, and was continually maintained as defined in this chapter.~~

~~(d)~~(a) ~~Substantial Destruction:~~ For the purpose of this chapter, "substantial destruction" means the repair or replacement of a building or structure which exceeds one of the following:

(1) Seventy five percent (75%) of the assessed value of the structure as determined by the Kitsap County Assessor. An appraised value may be substituted for the assessed value at the request of the applicant and at the ~~as deemed appropriate by the~~ Director's discretion.

(2) For accessory structures which are typically not assessed (such as decks, sheds, garages, bulkheads, docks, and retaining walls) and the value cannot be determined, substantial destruction will occur at the point that seventy five percent (75%) or more of the structure is replaced. This does not include in-water structures as they are addressed in SMP section 6.070(d) of the SMP.

(3) For both 1 and 2 above, all repair and maintenance work conducted within a five (5) year period on the structure shall be included in the calculation.

6.050 Nonconforming Lots:

(a) **Continuation and Development**: A nonconforming lot may be developed for any use allowed by the Shoreline Master Program and Zoning Code provided the development meets, through design or by an approved variance the applicable development standards within.

(b) **Illegal Lot Modifications or Split**: The following is applicable to all lots:

(1) No lot may be modified, divided or adjusted in a manner that would violate the dimensional or area requirements of the Shoreline Master Program or Zoning Code.

(2) A government agency may lawfully modify a lot in a manner that would result in nonconformity, if portions of a lot are acquired for a public use or

purpose, or is allowed otherwise by law.

6.060 Nonconforming ~~uses~~Uses:

(a) **Continuation:** Any legally established nonconforming use may be continued until such time that it is discontinued as prescribed in subsection (d) or (e) of this section.

(b) **Change of Use**: A structure or property containing a nonconforming use may be changed to the following:

(1) A use that conforms to the requirements of the Shoreline Master Program and Zoning Code; or

(2) Another nonconforming use; provided, that all of the following criteria are met:

(i) A Shoreline Conditional Use Permit is approved pursuant to Chapter 5, and

(ii) The existing nonconforming use was not discontinued as prescribed in subsection (d) or (e) of this section (see below under discontinuation / damage and destruction); and

(iii) The new use is clearly a reduction in the nonconformity and intensity of the existing nonconforming use; and

(iv) There is no net loss of ecological processes and functions resulting from the change in use.

(c) **Use Expansion**: A nonconforming use may be expanded or enlarged only in the following circumstances:

(1) If the existing nonconformity is not utilizing the entire structure, it may be expanded to other portions of the structure provided the enlargement is within the existing physical space of the building or use and all of the following criteria are met:

(i) There is no increase outside the building walls of noise, light and glare and other proximity impacts that may adversely affect adjacent uses or elements of the natural environment; and

(ii) There is no net loss of ecological processes and functions resulting from the alteration; and

(iii) The expansion or enlargement does not restore the structure from substantial destruction.

(2) Residential dwellings may have the building area expanded if all of the following criteria are met:

(i) The number of dwelling units is not increased; and

(ii) There is no decrease in the number of off-street parking spaces below the minimum requirements of the current code and the addition complies with all applicable development standards; and

(iii) There is no expansion into an area designated as a critical area or shoreline buffer or building setback; and

(iv) There is no net loss of ecological processes and functions resulting from the expansion.

(3) Acquisition of additional accessory off-street parking may be allowed

provided the additional parking is not located in the shoreline buffer.

(d) **Discontinuation**: A nonconforming use that is discontinued pursuant to the items below shall have its legal nonconforming status terminated and any subsequent use of the property or building shall be that of a use that conforms to all applicable development standards. ~~A nonconforming use is determined to be discontinued if any of the following circumstances apply:~~

(1) The nonconforming use is changed to a conforming use; or

(2) Another nonconforming use is approved pursuant to subsection (b)(2) of this section; or

(3) The nonconforming use has ceased for a period of more than twelve (12) consecutive months or for twelve (12) months during a two-year period~~one (1) year~~.

(4) Aquaculture occurring on nonconforming aquaculture sites is not considered discontinued until the use has ceased for a period of more than 5 years.

(e) **Damage or Destruction**: If a structure containing a nonconforming use experiences substantial destruction, it shall constitute a discontinuation of the nonconforming use, except the nonconforming use may be allowed to continue under either of the following circumstances:

(1) The structure has suffered substantial destruction as a result of fire or other casualty not intentionally caused by the owner and a complete building permit application is filed within one (1) year of such fire or other casualty; or

(2) The nonconforming use is a detached or attached single-family dwelling located in a zone in which they are prohibited. The use may be re-established provided a complete building permit application is filed within one (1) year of substantial destruction.

(f) **Repair and Maintenance**: A building or structure containing a nonconforming use may be repaired and maintained, if the work does not restore it from substantial destruction.

6.070 Nonconforming Structures:

(a) Continuation: Any legally established nonconforming structure may be continued until such time that it experiences substantial destruction. If a structure experiences substantial destruction it shall constitute a discontinuation of the nonconforming structure and have its nonconforming status terminated. Any repair or reconstruction of the structure shall comply with the requirements of the Shoreline Master Program and the Zoning Code, except as follows:

~~—~~The nonconforming structure may be allowed to be rebuilt within the same footprint and size if the structure has suffered substantial destruction as a result of fire or other casualty not intentionally caused by the owner/parties of interest.~~,~~ ~~and a~~ A complete building permit application shall be ~~is~~ filed within one (1) year~~. of such fire or other casualty.~~

(1)

(b) **Expansion:** A nonconforming structure may be enlarged or extended, provided the enlargement complies with the applicable setback, height, lot coverage, and other site development requirements of the Shoreline Master Program and the Zoning Code, and provided that such work does not restore the structure from substantial destruction. Such expansions shall comply with the following:

~~(1) Expansions located outside of the setback and or buffer, but within the shoreline jurisdiction, may have a footprint expansion of up to five hundred (500) square feet without being required to provide vegetation enhancement~~a Vegetation Management Plan per SMP section 7.020. However, Ssuch an addition must ~~comply with all~~ other ~~applicable development standards, including mitigation sequencing and tree retention requirements.~~

~~(2) Expansions located outside of the setback and or buffer but within the shoreline jurisdiction with a footprint larger than five hundred (500) square feet may be permitted provided the existing buffer is densely vegetated with a native plant community. Should the vegetation within the buffer not be a dense community of native vegetation, enhancement shall be provided as follows~~per the Vegetation Management Plan required in SMP section 7.020. ~~(*These provisions are not applicable to that portion of a water dependent use which requires direct access to the shoreline.*)~~

~~(i) A native community of vegetation shall be provided on the waterward twenty five percent (25%) of the required buffers width, with a minimum required width of ten feet (10').~~

~~(ii) The area to be planted shall comply with the vegetation management plan requirements of the SMP section 7.20.~~

~~(3) There is no net loss of ecological processes and functions resulting from the alteration.~~

~~(4)~~(1) Expansions, including expansion of ~~and~~ structures meeting substantial destruction status as a result of an approved active building permit, located within the setback/buffer may be permitted provided:

(i) Such expansion is located no further waterward than the existing foundation. In the case that no foundation exists, the expansion shall not exceed the existing building line.

(ii) The expansion shall be limited to a footprint of two hundred and fifty (250) square feet.

(iii) At least fifty percent (50%) of the required buffer shall be restored with natural vegetation per the requirements of ~~Chapter 7 section 020~~SMP section 7.020; if the buffer is not currently characterized by a dense community of native vegetation. The Director may approve the natural vegetation as required in SMP section 7.020 of 50% of the distance between the structure and the shoreline. All proposed vegetation shall be located as close to the shoreline as possible.

(iv) Natural vegetation to be planted must comply with the requirements for vegetation management plans as established in SMP section 7.020 for the

portion of the buffer to be planted.

(v) There is no net loss of ecological processes and functions resulting from the alteration.

~~(v)~~(vi) These expansion provisions do not apply to overwater homes, including but not limited to floating homes and floating on-water residences.

(c) **Repair and Maintenance**: Normal repair and maintenance of a nonconforming structure and vacant nonconforming structures which are not vacant for twelve (12) consecutive months or a total of twelve (12) months during a two-year period, may be performed that maintains continued safe and sanitary conditions, provided such work does not restore the structure from substantial destruction as defined above in SMP section 6.040.

(d) **Repair and Maintenance of in-water structures**:

(1) When repairing and maintaining in-water structures, each component type (decking, pilings, or structural members) shall be reviewed independently for compliance with the "substantial destruction" criteria, as the replacement of each component must comply with current regulations when replacing more than 75% of that component. For example, the replacement of more than 75% of the decking on a dock requires that the new decking material provide light penetration as outlined in SMP section 8.060.

(2) The use of creosote, arsenic and pentachlorophenol treated materials commonly used for in-water structures shall be prohibited. All new or replaced boards, piers, structural members etc. must comply with this prohibition regardless of the total percent of the structure being replaced, due to the long term impacts to water quality.

~~**6.080 Unsuitable Structures for Uses:**~~

~~(a) An existing structure constructed for a use no longer allowed by the Shoreline Master Program or Zoning Code, which has lost its legal nonconforming status, and is not suited for other uses permitted by the Shoreline Master Program or Zoning Code, may have its use re-established if a shoreline Conditional Use Permit is approved pursuant to Chapter 5; provided the applicant demonstrates that:~~

~~(1) The remaining life of the structure is adequate to warrant the proposed use of the structure; and~~

~~(2) An use that is allowed in the zone and shoreline designation cannot be established; and~~

~~(3) There is a demand for the use in the community or region that provides a public benefit; and~~

~~(4) The use and renovation to the structure is not inconsistent with the goals and policies of the Shoreline Master Program and Comprehensive Plan; and~~

~~(5) The Critical Area/Shoreline buffers are restored with native vegetation to the extent feasible, as established by a qualified professional, as provided in vegetation management plan requirements (see section 7.20); and~~

~~(6) There is no net loss of ecological processes and functions resulting from the use.~~

6.0890 Unlawful Uses and Structures:

(a) Nothing in this chapter shall be interpreted to be authorization for, or approval of, the continuation of the use of a structure that is in violation of any ordinance in effect at the time of the passage of the ordinance codified in this chapter. The intermittent, temporary, or illegal use of land or structures shall not be sufficient to establish the existence of a nonconforming use and/or structure.

(b) Any use, structure or lot which did not comply with the all applicable development standards at the time it was established or constructed and does not comply with the current development standards is illegal and shall be brought into compliance with all applicable development standards.

Chapter 7 – General Standards and Regulations

7.010 – Buffers and Setbacks
7.020 – Vegetation Conservation
7.030 – Mitigation Sequencing for No Net Loss of Habitat Function
7.040 – Public Access
7.050 – Water Quality, Stormwater, and Non-Point Pollution
7.060 – Archaeologically Sensitive Areas
7.070 – Lighting Requirements
7.080 – Parking Requirements
7.090 – Use and Modifications Matrix and Height Table

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 ~~policies and~~ regulations will supersede those within the Critical Area Regulations:

~~**Policies:**~~

~~(a) The critical areas that are within the shoreline jurisdiction are to be protected and managed in such a manner that the result of any use, activity, or development is no net loss of shoreline ecological functions.~~

~~(b) The City should protect critical areas and their existing shoreline ecological functions so they continue to contribute to existing ecosystem wide processes.~~

~~(c) The City should promote uses and values that are compatible with other objectives of this section, such as public access and native vegetation management, provided there is no significant adverse impact to shoreline ecological functions.~~

~~**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), 2020; ~~Ord. 5327 Section 3 (Exh B) (part), 2016; Ord. 4965 Section 7 (part). 2006~~), 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~~(d)~~ Exemptions ~~for Forest Practices~~;
- BMC 20.14.150 Public Agency Exception; ~~45(f) Exemptions for activities within improved Right-of-Way;~~
- 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 20.14.330(h)(3) Reducing Wetland Buffer Widths; and~~

- BMC 20.14.730(d)(5) Buffer Reductions

(b) Shoreline Buffers and Setbacks:

(1) The following table (Figure 7.010 (a)) defines required shoreline buffers and setbacks for Type S waters. Buffers and setbacks for all other non-shoreline waters (Type F, Type Np, and Type Ns) are defined in BMC 20.14.730(d), Table 1.

Figure 7.010 (a): Shoreline Buffers and Setbacks

DESIGNATION	Standard Shoreline Buffer Width	Minimum Building Setback
URBAN CONSERVANCY	175 feet	15 feet beyond buffer
SINGLE-FAMILY & MULTI-FAMILY RESIDENTIAL		
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

~~1. Please note: For all designations, setbacks and buffers listed above the following shall apply~~The following additional notes apply to all designations unless specifically listed:

1. Where parallel designations exist, the buffer for the waterward designation shall not apply to the landward designation. The buffer for the landward designation would be measured from the OHWM.
2. Where lot depth is less than 150 feet on lots within the Commercial or Recreational designations ~~lots~~, the buffers listed above may be reduced to 20% of the lot depth, but in no case less than 10’, with an approved Habitat Management Plan per subsection (5) below.
3. In no case shall a buffer be less than 10’ or greater than 100’ in the Shoreline Residential Designation under shoreline buffer reduction options per subsection (6) below and listed in Figure 7.010(b)
4. Buffers are measured from the Ordinary High Water Mark (OHWM).
5. The standard buffers may be reduced by averaging the existing development setbacks on neighboring properties per subsection (6) below.
6. ~~4.~~ Water-dependent uses do not require shoreline buffers. Apply mitigation sequencing to avoid and minimize adverse impacts during development siting.

(2) **Buffers and Associated Building Setback Areas**: ~~The distance of the buffer shall be measured from the Ordinary High Water Mark (OHWM).~~ Buffers shall remain undisturbed natural beach or vegetation areas except where the buffer can be enhanced to improve its functional attributes, as approved by the Department. Buffers shall be

maintained along the perimeter of ~~Fish and Wildlife Habitat Conservation Areas~~the shoreline, as outlined in the table above. Refuse, garbage, or debris shall not be placed in the buffers or on the beach.

(3) **Interrupted buffer:** When a buffer contains an existing legally established public or private road, the Director may allow development on the landward side of the road provided that the development will not have a detrimental impact to the shoreline. The applicant may be required to provide a report to describe the potential impacts. In determining whether a report is necessary, the City shall consider the extent and permanence of the buffer interruption and potential impact on shoreline ecological functions.

~~(3)~~(4) **Determining Lot Depth**: Areas inundated with water are not included in the calculation for lot depth, therefore the measurement may be taken from the OHWM. For lots with varying lot depth, the average depth may be used.

~~(4)~~(5) **Habitat Management Plans:** Within shoreline jurisdiction, the requirements for a Habitat Management Plan as provided in BMC 20.14.730(e) and depicted within Table 2: Wildlife Habitat Conservation Areas shall be ~~determined on a case-by-case basis only as needed to incorporate Fish & Wildlife Conservation Areas not addressed by the requirements of 7.030 Mitigation Sequencing for No Net Loss of Ecological Functions. The provisions of the Critical Area Ordinance (BMC 20.14.740) relating to Habitat Management Plans may also be used~~ required to justify a reduction in the width of a standard shoreline buffer ~~to no less than ten (10) feet~~ provided enhancement features are installed that will provide a greater habitat function than the prescribed buffer would.

~~(5)~~(6) **Setback and Buffer ~~Averaging~~Reduction:** The Director may grant modifications to the ~~Fish and Wildlife Habitat Conservation Area~~standard shoreline buffer and setbacks required provided:

(i) ~~Sixty (60%) percent or more of like structures along the shoreline within the same numbered block as the subject property~~The nearest adjacent like structure on either side of the subject property that are in the same shoreline designation are setback less than the ~~required~~ standard buffer/setback required by the SMP. The average total setback of the like structures may be used as a ~~modified~~ reduced buffer for the proposal; ~~and~~

(ii) In addition to the reduced buffer, a minimum of a 5' building setback shall be required for the proposed structure; ~~and~~

(iii) No new structure may have a reduced buffer of less than ten (10') feet;~~.~~

~~(iii)~~(iv) A Vegetation Management Plan is prepared per SMP section 7.020 and includes a native community of vegetation on the waterward twenty five percent (25%) of the reduced buffer width, with a minimum required width of ten feet (10');

(v) One or more shoreline buffer reduction mitigation options included in Figure 7.010 (b) must be implemented, unless demonstrated infeasible or not applicable;

~~(iv)~~

Figure 7.010 (b): Shoreline Buffer Reduction Mitigation Options

Shoreline Buffer Reduction Mitigation Options
(i) Removal of at least 50 percent of an existing hard structural shoreline stabilization measure and subsequent shoreline restoration to a natural or semi-natural state.
(ii) Setting back at least 50 percent of an existing bulkhead a minimum of 10 horizontal feet based on feasibility of existing conditions and sloped a maximum three (3) vertical: one (1) horizontal to provide a dissipation of wave energy.
(iii) Removal of creosote piling
(iv) Installation of biofiltration/infiltration mechanisms in lieu of piped discharge, such as mechanisms that infiltrate or disperse surface water on the surface of the subject property. These mechanisms shall be sized to store a minimum of 70 percent of the annual volume of runoff water from the subject property, for sites with poor soils, or 99 percent of the annual volume of runoff water from the subject property, for sites with well-draining soils. The mechanisms shall be designed to meet the requirements in the City's current surface water design manual.
(v) Removal of one or more overwater structures.
(vi) Any alternative jointly agreed upon by the Director and the Washington Department of Fish & Wildlife

~~(1)~~

(7) **Fences:** Fences are allowed within shoreline buffers and setbacks according to the following conditions:

(i) Fences to be erected in the side yard ~~abutting the fish and wildlife conservation area buffer, but are prohibited~~may be permitted within the buffer, subject to subsection (iv).

(ii) Fences may also be erected upland of the buffer including within the shoreline setback area.

(iii) General development standards for fences are located in BMC 20.464.020. ~~Guardrails~~ Safety or hand rails may be erected in association with pedestrian access areas provided they do not function as a fence and comply with the International Building Code.

~~(v)~~(iv) A fence may be constructed within the outer half of the shoreline buffer when the fence has wildlife passable gaps or reductions to 42" in height every 100' linear feet within the buffer.

~~(6)~~

~~(b)~~(a) **Exemptions:** The following development activities are not subject to ~~fish and wildlife habitat area~~ shoreline buffers and setbacks, provided they are constructed and maintained in a manner that minimizes adverse impacts on shoreline ecological functions, and further provided that they comply with all the applicable regulations in BMC Title 20 and this Program:

(2) Those portions of an approved water-oriented development that require a location waterward of the ordinary high water mark, and/or within their associated buffers and setbacks;

(3) Development activities on lots that are physically and functionally separated from shoreline by an improved paved public or private road or railroad or similar facility and/or by one or more existing developed lots under separate ownership such that the ecological functions provided by buffers do not occur. This provision shall not apply to such a facility within a development proposal or contiguous ownership that can be feasibly relocated to accommodate buffers.

(4) Underground utilities;
(5) Modifications to existing development that are necessary to comply with environmental requirements of any agency when otherwise consistent with this Program, provided that the City determines that:
(i) The facility cannot meet the dimensional standard and accomplish the purpose for which it is intended; and
(ii) The facility is located, designed, and constructed to meet specified dimensional standards to the maximum extent feasible; and
(iii) The modification is in conformance with the provisions for non-conforming development and uses.
(6) Roads, railways, and other essential public facilities that must cross shorelines and are necessary to access approved water-dependent development uses are subject to development standards in ~~Chapter 8,~~SMP section 8.090.
(7) Stairs, ADA ramps, and walkways no~~t~~ greater than 5 feet in width or 18 inches in height above grade, not including railings.
(8) Shared moorages shall not be subject to side yard setbacks when located on or adjacent to a property line shared in common by the project proponents and where appropriate easements or other legal instruments have been executed providing for ingress and egress to the facility.
(9) Water enjoyment elements associated with an approved upland use that result in less than fifty (50) square feet of development footprint within the buffer.

7.020 Vegetation Conservation:

~~**Policies:**~~

~~(1) The City should protect, conserve and establish native vegetation near shorelines in order to protect and restore the ecological functions and ecosystem wide processes performed within riparian and near shore areas which include but are not limited to:~~
- ~~Protecting plant and animal species and their habitats;~~
- ~~Providing food sources for aquatic and terrestrial species in the form of various insects and benthic macro invertebrates;~~
- ~~Providing shade necessary to maintain water temperatures for salmonids, forage fish, and other aquatic biota;~~
- ~~Protecting and increasing stability of banks and bluffs;~~
- ~~Reducing the hazard of slope failures or accelerated erosion;~~
- ~~Reducing the need for structural shoreline stabilization measures;~~
- ~~Improving the visual and aesthetic qualities of the shoreline;~~
- ~~Protecting and improving water quality through filtration and vegetative uptake of nutrients and pollutants;~~
- ~~Providing habitat corridors parallel and perpendicular to the water body.~~

~~**Regulations:**~~

(a) **Vegetation Management Plan**: A plan shall be submitted for all new development and redevelopment within the shoreline jurisdiction. Development proposed exclusively outside the buffer must provide a site plan, to scale, documenting existing native vegetation within the buffer and Notice to Title provisions per SMP 7.020(a)(8) below to protect this existing native vegetation. Development that is proposed within a shoreline buffer shall submit a Vegetation

Management Plan that provides for ~~substantial~~ enhancement of shoreline ecological functions and no net loss ~~and provides the maximum ecological functions feasible~~, in accordance with the following:

(1) The plan shall preserve, enhance or establish native vegetation within the entire specified ~~critical area~~ buffer. ~~Vegetation management~~ Unless otherwise specified, plans shall be prepared by a qualified professional and ~~shall~~ describe actions that will be implemented to ensure that buffer areas provide ecological functions equivalent to a naturally occurring ~~a dense~~ native vegetation community on the shoreline. ~~to the maximum extent feasible.~~ The Director may waive the requirement for a qualified professional for minor single-family development.

(2) The p~~P~~lan shall depict ~~provide for~~ planting of native trees, shrubs, and ground cover to a sufficient density to provide effective canopy cover and erosion control ~~purposes throughout the~~ in the buffer. The Director may allow for the trees and shrubs to be ~~placed~~ positioned and spaced ~~in natural groups~~ to allow for view preservation and a shoreline access trail.

(3) The ~~Plan~~ plan shall include a sheet depicting existing vegetation conditions, including ~~specify the predevelopment~~ quantities~~y~~, species type, distribution, approximate height of native vegetation, tree diameter/driplines ~~at four (4) feet in height~~, general successional stage of ~~overall~~ vegetative cover, ~~potential native vegetation types,~~ soil type ~~/ characteristics~~, and any existing hazard trees ~~on the entire site~~. Said information shall be indicated and represented on a site plan drawn to scale and shall be reflected on an accompanying species and count matrix.

(4) Identify existing~~ication of native~~ vegetation to be removed ~~and protected~~ as a result of the proposal ~~must be shown on the site plan~~, as well as any noxious vegetation onsite. See tree replacement standards per subsection (b)(3) below.

(5) ~~At least 25% of new~~New evergreen trees shall be a minimum height of four (4) feet and new deciduous trees shall have a two (2) inch minimum caliper. Planting plans must include plant spacing no less than the following densities: eight (8) feet on center for deciduous trees, sixteen (16) feet on center for coniferous trees, and three (3) feet on center for shrubs. Shrubs shall be of at least four different varieties.

(6) Methodology shall be identified for removal of noxious vegetation. ~~and for long term maintenance.~~ The Director, as a condition of approval, may require the removal of all noxious species.

(7) A financial surety (an assignment of funds or surety bond with no expiration date) shall be provided that accounts for 150% of the cost for improvements such as installation of plantings or other features identified in the plan. The Director may waive this requirement for single-family residential development where the cost of such improvements is less than five thousand ($5,000) dollars. The financial surety is intended to ensure implementation of a five year maintenance, performance and monitoring plan that ensures a survival rate of 100% for trees and 85% for all other vegetation. The five year ~~maintenance and monitoring~~ period shall begin at the time the required native vegetation has been installed, and verified by a representative from the Department of Community Development. Monitoring shall consist of site inspection documentation ~~surveys~~ and photographs taken by the applicant yearly indicating ~~to indicate the continued survival of the~~ plant survivals~~.~~ The~~Said~~ documents ~~surveys and photos~~ shall be submitted at the end of the 5 years to the City ~~Department of Community Development~~ for release of the financial surety.

(i) Civil violations are not exempt from bonding requirements.

(ii) Single-family proposals that do not request a buffer reduction or vegetation alteration in the buffer are not required to provide the financial surety.

(iii) Failure to comply with a required plan shall result in a code violation. The City ~~will~~may not issue active permits or land use requests on the subject property.

(8) Required vegetation shall be maintained over the life of the use and/or development. In order to ensure such maintenance, prior to permit issuance a recorded conservation easement or a Notice to Title shall be placed on the deed of the property identifying the buffer area and required plantings and remain in perpetuity. ~~so that a record of the plan is available to all future property owners.~~ The Notice to Title shall be recorded with the Kitsap County Auditor's Office. ~~prior to issuance of the permit.~~

~~(9) Repair, maintenance, and minor expansions of existing development may not be required to provide a vegetation management plan dependent upon the scope of the project. Please review section 6.70 to evaluate the requirements for expanding a nonconforming structure.~~

(9) ~~Removal of or alteration of native vegetation within the shoreline jurisdiction is strictly prohibited unless such activity is required for a permitted use or is determined to be hazardous by a qualified professional.~~

~~(i)~~(10) Removal of trees greater than 6 inches in diameter at four (4) feet in height shall be replaced at a ratio of 3:1 with native species and shall be re-established within any required buffer on the project site.

(b) **Existing Landscaping:**

(1) In the absence of a development proposal ~~requiring a permit~~, existing landscaping and gardens within the buffer may be maintained in their existing condition including but not limited to mowing lawns, weeding, removal of noxious and invasive species, harvesting and replanting of garden crops, pruning and replacement planting of ornamental vegetation or indigenous native species to maintain the condition and appearance of such areas as they existed prior to adoption of this code.

(2) Removal of or alteration of native vegetation within the shoreline jurisdiction is strictly prohibited unless such activity is required for a permitted use or is determined to be hazardous by a qualified professional.

(3) Tree removal and replacement. Removal of trees greater than 6 inches in diameter at four (4) feet in height shall be replaced according to the following:

(i) ~~at a ratio of 3:1 with native species~~ For trees removed within a shoreline buffer, replacement ~~and~~ shall ~~be re-established~~occur within ~~any required~~the buffer on the project site at a ratio of 3:1 with native species.~~.~~

(ii) For new development located outside of the shoreline buffer, tree replacement shall occur onsite within shoreline jurisdiction at a 2:1 ratio with native species for all trees removed outside the proposed building footprint.

(iii)For trees removed outside of the shoreline buffer which are not associated with a new development proposal, replacement shall occur onsite within shoreline jurisdiction at a 2:1 ratio with native species

~~(b)~~(iv) All replacement trees shall be a minimum of five-gallon or two-inch caliper in size at

the time of planting.

7.030 Mitigation Sequencing for No Net Loss of Ecological Functions:

~~**Policy:** For all developments, applicants must demonstrate that all alternatives have been examined with the intent to avoid and minimize impacts to shoreline ecological functions.~~

~~**Regulations:**~~

(a) Shoreline use, development, and re-development shall be carried out in a manner that prevents or mitigates adverse impacts to ensure no net loss of ecological functions and processes in all developments and uses. Permitted uses shall be designed and conducted to minimize, in so far as practical, any resultant damage to the ecology and environment. Shoreline ecological functions that shall be protected include, but are not limited to, fish and wildlife habitat, food chain support, and water temperature maintenance. Shoreline processes that shall be protected include, but are not limited to, water flow; erosion and accretion; infiltration; ground water recharge and discharge; sediment delivery, transport, and storage; large woody debris recruitment; organic matter input; nutrient and pathogen removal; and stream channel formation/maintenance.

(b) Mitigation Requirement. If a proposed shoreline use or development is entirely addressed by specific, objective standards (such as, but not limited to, setback distances, structural dimensions, or materials requirements) contained in this Master Program, then the mitigation sequencing analysis described in subsection (c) is not required. In the following circumstances, the applicant must provide a mitigation sequencing analysis as described in subsection (c):

(1) If a proposed shoreline use or development is addressed in any part by discretionary standards (such as standards requiring a particular action "if feasible", requires the minimization of development size, or includes the reduction of a standard buffer) contained in this Master Program, then the mitigation sequencing analysis is required for the discretionary standard(s); or

(2) When an action requires a Shoreline Conditional Use Permit or Shoreline Variance Permit; or

(3) When specifically required by regulations contained in this Master Program;

~~(b)~~(c) When required, ~~A~~an application for ~~any~~ permit or approval shall demonstrate all reasonable efforts have been taken to provide sufficient mitigation such that the activity does not result in net loss of ecological functions. Mitigation shall occur in the following prioritized order:

(1) Avoiding the adverse impact altogether by not taking a certain action or parts of an action, or moving the action outside the shoreline area;

(2) Minimizing adverse impacts by limiting the degree or magnitude of the action and its implementation by using appropriate technology and engineering, or by taking affirmative steps to avoid or reduce adverse impacts;

(3) Rectifying the adverse impact by repairing, rehabilitating, or restoring the affected environment;

(4) Reducing or eliminating the adverse impact over time by preservation and

maintenance operations during the life of the action;

(5) Compensating for the adverse impact by following the mitigation sequence outlined herein;

(6) Monitoring the adverse impact and taking appropriate corrective measures.

~~(e)~~(d) Applicants for permits have the burden of proving that the proposed development is consistent with the criteria set forth in the Shoreline Master Program and the Act, including demonstrating that all reasonable efforts have been taken to provide sufficient mitigation such that the activity does not result in net loss of ecological functions.

7.040 Public Access:

Public access includes the ability of the general public to reach, touch, and enjoy the water's edge, to travel on the waters of the state, and to view the water and the shoreline from adjacent locations.

~~**Policies:**~~

~~(a) Public access, in its variety of forms, should be promoted whenever feasible provided the result is no net loss of the shoreline's ecological function.~~

~~(b) Public access should be provided to the shoreline as a primary use or as development occurs, while protecting private property rights and public safety.~~

~~(c) Public access should not compromise the rights of navigation and space necessary for water-dependent and water-related uses.~~

~~(d) To the greatest extent feasible consistent with the overall best interest of the state and the people generally, the public's opportunity to enjoy the physical and aesthetic qualities of shorelines of the state should be protected.~~

~~(e) Property owners should implement a variety of techniques including acquisition, leases, easements, and design and development innovations to achieve public access goals and to provide diverse public access opportunities~~

~~**Regulations:**~~

(a) **Applicability:** Public Access shall be incorporated into a development in all of the following circumstances:

(1) New development that will generate a demand for one or more forms of public access,

(2) Water-dependent uses and developments that:

(i) Increase public use of the shorelines and public aquatic lands, or

(ii) Impair existing legal access opportunities, or

(iii) Utilize public harbor or aquatic lands, or

(iv) Are developed with public funding or other public resources.

(3) Non-water-oriented commercial and industrial uses,

(4) Non-single family development or use, or more than four (4) single-family residential lots or single-family dwelling units, including subdivision, within a proposal or a contiguously owned parcel,

(5) Any development located on public aquatic lands, except as related to single- family residential use of the shoreline,

(6) Publicly financed or subsidized flood control and shoreline stabilization facilities or measures.

(b) **Location and Design Criteria:** Required public access shall incorporate the following location and design criteria:

(1) **Proximity to water's edge:** Design of public access shall provide the general public with opportunity to reach, touch, view, and enjoy the water's edge and shall be as close to the shoreline's edge as feasible; provided that public access does not adversely affect sensitive ecological features or lead to an unmitigated reduction in ecological functions.

(2) **Public access inside the buffer:** Public access may be located inside the buffer provided the applicant demonstrates compliance with the mitigation sequencing requirements established above in SMP section 7.030. Walkways shall be buffered from sensitive ecological features and may provide limited and controlled access to sensitive features and the water's edge where appropriate. Fencing no taller than four (4) feet in height may be provided to control damage to plants and other sensitive ecological features where appropriate.

Trails shall be constructed of permeable materials for example non-treated elevated wooden walkways and limited to six (6) feet in width. The Director may consider public access alternatives with an approved report demonstrating no net loss and adherence to the Public Access policies in SMP section 2.040. ~~to reduce impacts to ecologically sensitive resources.~~

~~(2)~~(3) **Public access locations outside of buffers shall include:**

(i) Not less than ten (10) percent of the developed area within the shoreline jurisdiction or three thousand (3,000) square feet, whichever is greater. Water dependent uses are exempt from this requirement; and

(ii) Public access shall extend along the entire water frontage, unless such access will interfere with the functions of water-dependent uses. The minimum width of public access facilities shall be ten (10) feet and shall be constructed of materials consistent with the design of the development.

~~(3)~~(4) **General Design Criteria:** The entire public access area shall be:

(i) Landscaped, preserving and enhancing native vegetation where feasible, and maintained by the property owner;

(ii) Connected to a nearby public street, an adjacent existing public walkway, or a future walkway; and

(iii) Compliant with the requirements of the American's with Disabilities Act and other applicable standards for barrier free for the physically disabled, where feasible.

(iv) The dedicated area shall generally be open to public access 24 hours a day unless specific exceptions are granted. If an exception is granted, access hours shall not be restricted from 10:00 a.m. to dusk (one-half hour after sunset) each day. Changes in access hours must meet the criteria of SMP ~~Chapter 7 Section~~section 7.040(c).

(v) A submittal shall include specific design features of the walkway, landscaping, signs and other features as applicable.

(5) ~~(7)~~ **Access Requirements for Overwater Structures:** Public access is required on

over-water structures that are located on public aquatic lands. Access shall include common use of walkway areas in accordance with all applicable requirements within this section. For instances triggering public access requirements, refer to applicability section 7.040(a).

(c) ~~(f)~~ **Modification of Public Access:** Public access requirements may be modified only when one or more of the following criteria are met:

(1) Unavoidable health or safety hazards to the public will occur which cannot be prevented by any practical means;

(2) Inherent security requirements of the use cannot be satisfied through the application of alternative design features or other reasonable solutions;

(3) Unacceptable environmental harm will result from the public access that cannot be mitigated;

(4) Significant undue and unavoidable conflict between any access provisions and the proposed use and/or adjacent uses would occur and cannot be mitigated;

(5) Significant unavoidable environmental impacts will result from the public access.

(6) Should any one of the abovementioned criteria impede the ability to provide public access the applicant must demonstrate that all reasonable alternatives have been pursued, including but not limited to:

(i) Providing "limited public access" to protect specific identified features or limiting hours of use;

(ii) Designing separation of uses and activities (e.g. terracing, use of one-way glazing, hedges, landscaping, etc.) to provide security for and protect adjacent sites from unreasonable intrusions into their privacy; and

(iii) Providing for specific facilities for public visual access, including viewing platforms that may be physically separated from the water's edge. Viewing platforms shall be utilized only if access adjacent to the water is not possible.

~~(g)~~ (d) **Public Access Easements:** Access easements are required for all developments requiring a Shoreline Substantial Development Permit, Shoreline Conditional Use Permit, or Shoreline Variance and shall meet the following standards:

(1) Size and Design: Public access easements along shorelines are to be waterward of the Ordinary High Water Mark (OHWM) to allow for improved lateral beach access and shall be a minimum of thirty (30) feet in width.

(2) Easements: Public access easements should connect to the nearest right-of-way through an easement of no less than ten (10) feet.

(3) Minimum Width Exception: When the applicant demonstrates that undue hardship would result from minimum width standards, easement width may be reduced only to the minimum extent necessary to relieve the hardship.

(4) Recording: Public access easements and permit conditions shall be recorded on the deed of title. Recording with the Kitsap County Auditor's Office shall occur prior to permit approval.

(5) Signs: The sign(s) that indicate the public's right of access and hours of access shall be constructed, installed and maintained by the property owner in conspicuous

locations at public access sites and at the nearest connection to an off-site public right of way. These sign(s) shall identify the public right of access and hours of access.

(6) Occupancy: Required public access sites shall be fully developed and available for public use prior to occupancy of the use or activity.

(7) No diminution: Future actions by the applicant or other parties shall not diminish the usefulness or value of the public access provided.

~~(h)~~ (e) **View Corridor Requirements:** View corridors shall apply to proposals within the shoreline environment for multi-family and commercial development between Evergreen Park and the Puget Sound Naval Shipyard and shall include the following:

(1) View Corridors are applicable only on sites with over 100 feet in width as measured parallel to the shoreline.

(2) The View Corridor shall be no less than 20% of the building site width for buildings equal to or less than 40 feet in height.

(3) The View Corridor shall be no less than 30% of the building site width for buildings greater than 40 feet in height.

(4) View Corridors may contain structures no higher than 10 feet and may include parking areas and landscaping, if topography permits.

(5) The Director, at their discretion, may require ~~T~~the view corridor ~~must~~ to remain ~~be~~ in one continuous piece.

7.050 Water Quality, Stormwater, and Non-Point Pollution:

~~**Policies:**~~

~~(a) Prevent impacts to water quality and stormwater quantity that would result in a net loss of shoreline ecological functions, or a significant impact to aesthetic qualities, or recreational opportunities.~~

~~(b) Ensure mutual consistency between shoreline management provisions and other regulations that address water quality and stormwater quantity, including public health, stormwater, and water discharge standards.~~

~~(c) Protect aquatic resources from non-point pollution, such as water runoff from contaminated surfaces, contaminated groundwater, chemical fertilizers, herbicides, pesticides, and petrochemicals, including, but not limited to discharge from failing onsite septic systems.~~

~~**Regulations:**~~

(a) Development within the City's shoreline shall conform to all requirements of the most current version of the Bremerton Stormwater Management Plan and the most current Stormwater Management Manual for Western Washington.

(b) The construction of new outfalls into water bodies and improvements to existing facilities shall comply with all appropriate Federal, State, and City regulations for water quality.

(c) Pesticides applied using aerial spraying techniques within the shoreline jurisdiction,

including over water bodies or wetlands, shall be prohibited unless specifically permitted under the Washington Departments of Agriculture and Ecology.

7.060 Archaeologically Sensitive Areas:

~~**Policies:**~~

~~(a) Prevent the destruction of or damage to any cultural resources and any site having historic, cultural, scientific, or educational value as identified by the appropriate authorities, including The Suquamish Tribe, and the Washington State Department of Archaeology and Historic Preservation.~~

~~(b) Land owners should provide access to qualified professionals and the general public if appropriate for the purpose of public education related to a cultural resource identified on a property.~~

~~**Regulations:**~~

(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.

(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.

(d) 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.

7.070 Lighting Requirements:

~~**Policies:**~~

~~(a) Lighting within shorelines and lands adjacent to shorelines if not properly managed can have an adverse impact on the ecological function, most notably the migration patterns of salmonids and terrestrial species.~~

~~(b) Lighting should be minimized within shorelines, especially within close proximity to the~~

~~water.~~

~~(c) Development should implement site lighting techniques that minimize the amount of spill-over into riparian and aquatic environments. These techniques should include but are not limited to reduction of pole heights, pole locations, and fixture designs including shading / shielding devices, bulb types and reduced wattages.~~

~~**Regulations:**~~

(a) Development proposals requiring a permit within shorelines shall include a lighting plan that provides and or meets the following standards:

(1) The location of all outdoor lighting and building security lighting and associated wattages;

(2) Pole heights shall not exceed 20 feet in height;

(3) Fixture designs for all outdoor lighting shall shield the source or bulb of the light; and

(4) A Photometric plan is required and shall not exceed a strength of 1 foot-candle at the property lines or OHWM.

(b) Where lighting is required for new streets, driveways or public access features, the lowest level lighting possible shall be used.

(c) The lighting plan is required with the permit application and shall be reviewed as a component of the shoreline permit.

7.080 Parking Requirements:

~~**Policies:**~~

~~(a) Parking includes private on-site, public lots/structures and loading areas. Parking within shorelines is a low priority. Converting land within shorelines for the sole use of vehicles is not an efficient land use.~~

~~(b) Parking as a primary use (stand-alone use) within the shoreline jurisdiction should be prohibited.~~

~~(c) Parking should not be allowed between development and the adjacent water body.~~

~~(d) Where surface parking is developed within the shoreline jurisdiction, Low Impact Development techniques should be implemented.~~

~~(e) Lighting for parking areas should be minimized.~~

~~**Regulations:**~~

(a) Parking as a primary or stand-alone use shall not be permitted within the shorelines jurisdiction of a property.

(b) Parking shall not be located between shorelines and development unless no other location is feasible and it can be demonstrated that it will have no negative impact on ecological functions.

(c) Parking facilities shall minimize the amount of impervious surface within the shoreline jurisdiction and should not disrupt planned public access or habitat restoration objectives.

(d) Required parking for a permitted use on shorelines shall not be permitted between the

development and the adjacent shoreline with the exception of parking that is required for water-dependent uses. Loading and unloading zones that are an inherent element of a water-dependent or a water-related use are allowed between the shoreline and the use area when it is adjacent to the shoreline but, when feasible, should not be adjacent to a required buffer.

(e) Parking ratios for all uses within the shoreline shall follow BMC 20.48 parking standards. The applicant may provide a parking analysis that demonstrates the parking need for the use. This analysis shall include examples of other existing similar uses and how the parking demand has been met in those locations and/or in other jurisdiction.

(f) When surface parking areas for permitted uses are designed and constructed, they shall achieve the following objectives:

(1) Landscape screening around the perimeter and within the parking area to soften edges and break up large parking areas;

(2) Implementation of Low Impact Development techniques for stormwater management; and

(3) Located as far from a required shoreline or critical area buffer as possible.

7.090 Use and Modifications Matrix and Height Table:

(a) Use and Modifications Matrix: ~~The table~~ Figure 7.090 (a) determines which shoreline modifications and shoreline uses are allowed or prohibited in each Shoreline Designation.

(1) Except for the land uses prohibited in this table, land uses allowed in the underlying zoning are allowed in the Master Program, subject to the preference for water-oriented uses and subject to specific criteria for uses included in these regulations. This chart is not exhaustive of all uses addressed in the zoning code. When referring to unlisted uses, the code is referring neither to uses listed here nor in the zoning code. If a use is prohibited in the underlying zoning district, it is also prohibited within the shoreline.

(2) Aquatic Uses are determined by the adjacent Designation and are limited to water-dependent uses and public access.

(3) Land uses in the underlying zoning that require a Conditional Use Permit, require a Shoreline Conditional Use Permit.

(4) Land uses are defined in BMC 20.42 the definitions section of the zoning code. Shoreline activities are defined in the definitions section of this code.

(5) A use located within the "Isolated" designation shall not be governed by the performance standards within SMP Chapter 7, General Standards and Regulations; Chapter 8, Shoreline Use Regulations, or Chapter 9 Shoreline Modifications, however the Director may determine the proposed development or use is clearly contrary to the intent of this program, and relevant elements of this program may be applied. Development and land use within this designation shall be governed by all other regulations of BMC Title 20 Land Use. The mandatory permit and procedural requirements of this program contained in Chapter 5, Permit Administration, shall apply to said development or uses.

Figure 7.090 (a): Use and Modifications Matrix

KEY: X= Prohibited P= Permitted CU= Conditional Use	Urban Conservancy	Single Family Residential	Multi-Family Residential	Recreation	Commercial	Downtown Waterfront	Industrial
Unlisted Uses:	CU	CU	CU	CU	CU	CU	CU
UPLAND USES							
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
PARKING, TRANSPORTATION & UTILITIES							
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
RESIDENTIAL							
Adult Family Homes, Daycare, & Bed and Breakfasts	CU	P	P	X	P	P	X
Commercial/Residential mixed	X	X	X	X	P	P	X
Multi-Family Residential	X	X	P	X	P	P	X
Single Family Residential	P	P	P	P	P	P	X
SHORELINE MODIFICATIONS (All uses must meet applicable code criteria see Ch. 9)							
Boat Launch	CU	CU	CU	CU	CU	CU	CU

KEY: X= Prohibited P= Permitted CU= Conditional Use	Urban Conservancy	Single Family Residential	Multi-Family Residential	Recreation	Commercial	Downtown Waterfront	Industrial
Aquaculture (including commercial, non-commercial, and geoduck)	CU	X	X	CU	CU	CU	CU
Ecological Restoration / Enhancement	P	P	P	P	P	P	P
Docks, Piers and Other In-Water Structures	P	P	P	P	P	P	P
Dredging	P	P	P	P	P	P	P
Flood Hazard Reduction	P	P	P	P	P	P	P
Mooring Buoys	P	P	P	P	P	P	P
Marinas	CU	CU	CU	CU	CU	CU	CU
Stabilization - New and Replacement	P	P	P	P	P	P	P
Stormwater Management Facilities	P	P	P	P	P	P	P
RECREATION AND PUBLIC ACCESS							
Recreation, Non-Water-Oriented	CU	CU	CU	CU	CU	CU	CU
Recreation, Water-Oriented	P	P	P	P	P	P	P
Trails, public pedestrian and bicycle not including overwater trails	P	P	P	P	P	P	P
OUTRIGHTLY PROHIBITED USES							
Adult Entertainment	X	X	X	X	X	X	X
Agriculture	X	X	X	X	X	X	X
Automobile Sales Service & Repair	X	X	X	X	X	X	X

(b) Height restrictions: Figure 7.090 (b) establishes the allowable height in each designation based on the type of use. All the applicable City standards still apply. In the event the provisions of this Program conflict with provisions of other regulations, the more restrictive shall prevail. Height measurement is defined in Chapter 3.

~~(b)~~(c) ~~This table establishes the allowable height in each designation based on the type of use. All the applicable City standards still apply. In the event the provisions of this Program conflict with provisions of other regulations, the more restrictive shall prevail. Height measurement is defined in Chapter 3.~~

Figure 7.090 (b) Height Restrictions:

ENVIRONMENT DESIGNATION	HEIGHT
Commercial	35 feet
Downtown Waterfront*	175 feet
Industrial	35 feet

ENVIRONMENT DESIGNATION	HEIGHT
Multi-Family Residential	40 feet
Over-Water Structures** (All Designations)	15 feet
Recreation	35 feet
Single Family Residential	30 -35 feet
Urban Conservancy	25 feet
Table Notes: The height limit is restricted to that portion of the building physically located within the shoreline jurisdiction.	

* Heights in the Downtown Waterfront. Within the MFR 1 Waterfront Overlay Zone of the Downtown Subarea plan, maximum height shall be calculated from an average of the existing grade on Washington Avenue from the front property line of each parcel.

** Public Bridges. Height restrictions do not apply to public bridges: compliance with all other code provisions shall apply.

(1) Heights in the ~~commercial~~Commercial, ~~& industrial~~Industrial, and Multi-Family designations~~districts~~ may be increased outright to the ~~to the~~ zoning district height limit ~~through a Conditional Use Permit~~ pursuant to the following ~~provided~~ criteria:

(i) The increase does not substantially block views from a substantial number of upland residential properties, per RCW 90.58.320.

(ii) Greater height is demonstrated to be needed for an essential element of an allowed use.

(iii) The project may be required to include compensating elements that substantially enhance the visual and physical public access to the shoreline.

(iv) It is demonstrated that No Net Loss of habitat function will be achieved.

~~(iv)~~

~~(2)~~ Single-Family Residential heights may be increased to 35' with the employment of a pitched roof when:

(2)

(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.

(3) Exceptions: The following structures listed below may be erected above the height limits established in Figure 7.090 (b):

(i) Cranes, gantries, mobile conveyors and similar equipment necessary for the functions of marinas, marine manufacturing, permitted commercial, industrial or port activities and servicing vehicles.

(ii) Flagpoles or masts, transmission towers, chimneys, smokestacks, aerials or stairwells, when part of a permitted use.

(iii) Belfries, monuments, spires or steeples, transmission towers, provided such structures must be designed to minimize obstruction of views.

Chapter 8 – Shoreline Use Regulations

8.010 – Intent
8.020 – Aquaculture
8.030 – Commercial Development
8.040 – Forest Practices
8.050 – Industrial Development
8.060 – Marinas and Boating Facilities
8.070 – Recreational Development
8.080 – Residential Development
8.090 – Roads, Railways, and Utilities

8.010 Intent:

The policies and regulations within this chapter shall apply to the specific common uses and types of development to the extent they occur within the shoreline jurisdiction. These policies and regulations are intended to achieve no net loss of shoreline ecological function. Each use or development type includes a brief explanation and examples of the subject use, policies which are intended to guide and interpret the accompanying regulations, and then the regulations themselves.

8.020 Aquaculture:

~~Aquaculture is the culture, or farming of fish, shellfish or other aquatic plants and animals. Activities include, but are not limited to the hatching, cultivating, planting, feeding, raising, harvesting, and processing of aquatic plants and animals and the maintenance and construction of necessary equipment, buildings, and growing areas. Cultivation methods include, but are not limited to fish pens, fish hatcheries, shellfish rafts, racks and long lines, seaweed floats, and nets and the culture of clams and oysters on tidelands and sub-tidal areas. Aquaculture does not include the harvest of wild geoduck associated with a state managed wild stock geoduck fishery. Aquaculture is a preferred water-dependent use. It should be encouraged to locate where it will not significantly conflict with navigation and other water dependent uses, and/or result in a net loss of ecological functions, and/or adversely impact eelgrass and microalgae. Harvest of wild stock free swimming fish, and/or harvest of wild stock geoducks on state owned aquatic lands do not require a shoreline Substantial Development permit.~~

~~Policies:~~

~~(a) Aquaculture should not be located in areas where it would result in a net loss of ecological functions.~~

~~Aquaculture should not be permitted in areas where it would significantly conflict with navigation and other water-dependent uses.~~

~~Regulations:~~

(a) Aquaculture shall not be located in areas where it would result in the net loss of ecological functions., especially in near-shore areas where water quality, aquatic vegetation and co-occupying species habitats and migration corridors could be

impacted.

(b) Aquaculture shall meet all applicable State and Federal requirements including, but not limited to: Federal Clean Water Act, Section 401, and the Washington State Water Pollution Control Act (RCW 90.48), local health codes and the applicable requirements of the Washington State Department of Fish and Wildlife for said facilities.

(c) Aquaculture shall not be detrimental to visual access of the water body. Aquaculture shall not significantly impact the aesthetic qualities of the shoreline.

(d) Aquaculture shall not significantly conflict with navigation.

(e) The proponent shall demonstrate that the proposed location is suitable for aquaculture with little or no modification to the shoreline environment. Aquaculture shall not displace native plant or animal communities important to the food chain, particularly surf smelt spawning beaches, or areas important to the rearing of threatened or endangered species.

(f) Aquaculture sites may be required to be separated from other aquaculture sites to prevent cumulative impacts upon shoreline processes. Appropriate separation shall be determined by the City in consultation with State and federal agencies, and tribal interests, based upon attributes such as water body characteristics, drift cell patterns, and upland development patterns.

(g) Harvest activities shall be conducted in a manner that minimizes turbidity and the risk of impacts to aquatic vegetation and the intertidal bed by complying with State water quality standards and permit requirements. If a State water quality permit is not required, harvest activities must utilize the following methods:

(1) Where water pumps are used, they must be placed on floating rafts and shall only be temporarily anchored to ensure water depths that avoid grounding.

(2) Pump intakes shall be screened to minimize the capture of marine organisms.

(3) Harvest activities within fine-grained beaches that are susceptible to sediment transport may be required to utilize sediment containment methods such as fencing or cloth tubes.

(h) The installation of submerged or intertidal structures, or over-water structures shall be allowed only when the applicant demonstrates that no alternative method of operation is feasible and must comply with the view protection requirements below in ~~Chapter 8, Section 020~~subsection (j).

(i) Navigational access must be guaranteed for floating or submerged aquaculture structures. The applicant must provide evidence that the proposal will not interfere with general navigation lanes and traffic and that all structures remain shoreward of principal navigation channels.

(j) View Protection: Aquaculture structures and equipment, EXCEPT navigation aids, shall be designed, operated, and maintained to blend into their surroundings through the use of appropriate colors and materials.

(1) Over-water aquaculture structures shall be constructed of materials that blend in with the shoreline environment.

(2) Storage of necessary tools and apparatus seaward of the OHWM shall be limited

to containers of not more than three feet in height, as measured from the surface of the raft or dock; except as permitted through a variance.

(3) Materials which are not necessary for the immediate and regular operation of the facility shall not be stored seaward of the OHWM.

(4) The applicant shall submit a visual impact analysis assessing the aesthetic, light, and glare impacts on adjacent uses and may condition a project to mitigate impacts or may deny a project if adverse impacts cannot be feasibly mitigated.

(k) Aquaculture development shall control nuisance factors, such as noise and odor, and shall comply with all applicable regulations. No garbage, wastes or debris shall be allowed to accumulate at the site of any aquaculture operation.

(l) Structures or activities associated with aquaculture that are not water-dependent, such as an office, shall be located upland, away from the shoreline and shall comply with all buffers and setback requirements.

(m) Equipment, structures, and material shall not be abandoned in the shoreline or wetland area. The City may require that a bond be posted to help to ensure that this regulation is implemented.

(n) All commercial aquaculture requires a Shoreline Conditional Use Permit. All new commercial geoduck aquaculture or conversions from existing non-geoduck aquaculture to geoduck aquaculture requires a Conditional Use Permit and will be administered consistent with WAC 173-26-241(3)(b)(ii), (iii), and (iv). Included with the CUP application, a complete baseline description of existing conditions, including characteristics of the water, substrate, vegetation and aquatic species, shall be provided by the applicant. This analysis shall include a monitoring plan establishing how the proposal will not negatively impact existing ecological functions.

(o) All aquaculture proposals shall comply with the public access requirements found in ~~Chapter 7 Section~~SMP section 7.040.

(p) The applicant shall coordinate with the Suquamish Tribe regarding treaty rights to ensure the proposal does not negatively impact the tribes Usual and Accustomed areas.

8.030 Commercial Development:

~~Commercial development on the shorelines should be designed to bring large numbers of citizens to the shoreline.~~

~~**Policies:**~~

~~(a) Commercial development should be designed and constructed in such a manner as to result in no net loss of ecological functions. including implementation of Low Impact Development techniques, to the maximum extent feasible.~~

~~(b) Public access should be provided in all locations, except where it is demonstrated to conflict with the intended use for reasons of safety, or security; or if it adversely impact the ecological function of the shoreline.~~

~~(c) Non-water-oriented commercial uses within the shoreline jurisdiction should be allowed to locate and operate within existing structures.~~

~~Regulations:~~

(a) Priority of uses shall be in the following order: Water-dependent uses, water-related uses, water-enjoyment uses, and non-water related uses.

(b) Water-dependent commercial development shall not interfere with or compromise the operation of existing adjacent water-oriented development or decrease opportunities for the general public to access adjacent shorelines.

(c) Water-related uses shall not be approved if they displace existing water-dependent uses and must comply with the following:

(1) All water-related uses shall be reviewed to ensure that the use has a functional requirement for a waterfront location, or the use provides a necessary service supportive of the water-dependent uses, and/or the proximity of the use to its customers makes its services less expensive and/or more convenient.

~~(2) Mixed use development within 100 feet of the OHWM that incorporates water-dependent use may not include non-water-oriented uses at the ground level within 100 feet of the OHWM.~~

~~(3)~~(2) Allowed water-related commercial uses shall be evaluated in terms of whether the use facilitates a community wide interest, including increasing public access and public recreational opportunities in the shoreline.

(d) Water-enjoyment uses may not be approved if they displace existing water-dependent or water-related use. The applicant must demonstrate that the use will provide for the public's ability to enjoy the physical and aesthetic qualities of the shoreline as a primary characteristic of the proposal and must include the following:

(1) The water-enjoyment use must be open to the general public.

(2) The shoreline-oriented space within the project must be devoted to specifically foster shoreline enjoyment for a substantial number of people.

(3) Development within 100 feet of the OHWM that incorporates water-enjoyment use may not include non-water-oriented uses on the ground floor within 100' of the OHWM.

(e) Non-water-oriented uses can be located in the shoreline jurisdiction when:

(1) The site is physically separated from the shoreline by another private property or a public right-of-way such that access for water-oriented use is precluded. Such conditions must be lawfully established prior to the effective date of this Program.

(2) A site where navigability is severely limited.

(3) The developable portion of the site is physically separated from the shoreline in such a way access is infeasible, or

(4) The use is part of a mixed-use project that includes water-dependent uses; and

(5) In cases (2), (3 or (4) directly above, when the use provides significant public benefit with respect to the objectives of the Act by:

(i) Restoring the ecological functions both in aquatic and upland environments that provide native vegetation buffers as specified in SMP section ~~20.16.610~~7.010 and in accordance with the Restoration Element of this plan.

(ii) The balance of the water frontage not devoted to ecological restoration and associated buffers shall be provided as public access where feasible.

(f) All development shall provide opportunities for the public to access the shoreline adjacent to the subject use. Where public access has already been provided as part of a prior project or action, the said use shall be designed and constructed to be oriented towards the shoreline. ('Oriented towards the shoreline' means that the active space for customers and passersby is facing or directed towards the shoreline. Active space does not include service entries or load / unload areas.) Where physical access is unfeasible, visual access is required.

(g) Parking shall be upland of the associated use whenever possible, and located, designed and screened so as to have minimum visual impact.

(h) When parking or circulation elements must be located adjacent to the shoreline, they shall be designed to enable pedestrian access to and along the shoreline.

(i) All development shall implement a range of Low Impact Development techniques as feasible to minimize the impacts on riparian, near-shore and upland areas.

8.040 Forest Practices:

~~Forest practices within the City along shorelines would occur as a conversion of forested areas to a certain level of urban development (Class IV – General per the Forest Practices Act, RCW 76.09).~~

~~**Policy:** Forested areas within shorelines should be preserved and protected where feasible.~~

~~**Regulations:**~~

(a) A forest practice that only involves timber harvesting is not a development under the Act and does not require a substantial development permit or a shoreline exemption. A forest practice that includes activities other than timber cutting may be a development under the Act and may require a substantial development permit, as required by WAC 222-50-020.

~~(a)~~(b) Conversion of forested areas to urban development shall implement the mitigation sequencing as specified in ~~Chapter 7,~~SMP section 7.030~~040~~.

~~(b)~~(c) Forest practices for the sole purpose of timber harvesting shall not be allowed in the shoreline jurisdiction, except within the City Watershed and City Utility Lands.

~~(c)~~(d) Any forest practice activity on shorelines of statewide significance shall comply with RCW 90.58.150.

8.050 Industrial Development:

~~Water-dependent industrial uses are preferred and encouraged within shoreline areas.~~

~~**Policies:**~~

~~(a) Where necessary depth for industrial uses is adjacent, water-dependent industrial development should be given priority over water-related industrial uses provided, however, that in both instances, they do not conflict with planned or existing public access and habitat restoration.~~

~~(b) Redevelopment of water-dependent industrial facilities and areas should be encouraged, provided it will not create a net loss of shoreline ecological function and processes.~~

~~(c) New water-dependent industrial development should incorporate physical and/or visual public access to the water except when such access causes significant interference with operations or hazards to life or property.~~

~~(d) On upland industrial sites, environmental cleanup and/or remediation should be implemented to serve a variety of future land uses.~~

~~(e) Water-dependent and water-related industrial redevelopment is encouraged.~~

~~(f) Priorities of uses are to be in the following order: Water-dependent uses, water-related uses, and water-enjoyment uses.~~

~~**Regulations:**~~

(a) Water-dependent and water-related industrial development shall not degrade the ecological function of the shorelines or disrupt existing or proposed public access amenities.

(b) Water-dependent development shall not interfere with or compromise the operation of existing adjacent water-oriented development or decrease opportunities for the general public to access adjacent shorelines.

(c) Industrial uses proposed over the water shall be limited to water-dependent uses, limited to the smallest feasible dimensions and shall require a Conditional Use Permit.

(d) Non-water-oriented uses may be located in the shoreline jurisdiction when:

(1) The site is physically separated from the shoreline by another private property or a public right-of-way such that access for water-oriented use is precluded. Such conditions must be lawfully established prior to the effective date of this Program.

(2) A site where navigability is severely limited.

(3) The developable portion of the site is physically separated from the shoreline in such a way access is infeasible or

(4) The use is part of a mixed-use project that includes water-dependent uses; and

(5) In all cases (2), (3) and (4) directly above, when the use provides significant public benefit with respect to the objectives of the Act by:

(i) Restoring the ecological functions both in aquatic and upland environments that provide native vegetation buffers as specified in ~~section 20.16.610~~SMP section 7.010 and in accordance with the Restoration Element of this plan.

(ii) The balance of the water frontage not devoted to ecological restoration and

associated buffers shall be provided as public access where feasible.

(e) Water-dependent and water-related industrial uses shall provide public access to the shoreline per the standards in ~~Chapter 7, Section 060~~ SMP section 7.040 provided said access does not compromise the integrity or operation of the use, does not threaten the safety and welfare of the general public, does not interfere with an existing adjacent use and does not compromise existing ecological functions.

(1) If a property is a designated EPA Superfund site, it may be considered exempt from public access requirements.

~~(e)~~

(f) Any type of industrial development on shorelines shall implement a range of Low Impact Development techniques to minimize the impacts on riparian and near-shore environments and upland areas.

(g) Areas between industrial development and adjacent land uses and public access areas shall be located and landscaped so as to provide a transitional area as required for visual landscaped screening in BMC 20.50.050.

(h) Ports with water-dependent and/or water-related uses shall also comply with the sections in this Master Program including, but not limited to: Transportation Facilities; Utilities; Water Access and Moorage Facilities.

(i) Only water-dependent features shall be located on the shoreline within the buffer. All other features associated to an industrial use including, but not limited to waste treatment facilities, utilities, and transportation facilities not associated with water dependent elements of industrial shall be located as far away from the water's edge and recreational beaches as practical and must meet setbacks and buffers.

(j) Outdoor storage is prohibited within shoreline jurisdiction, except by approval of a Shoreline Conditional Use permit. The applicant must demonstrate that the exterior storage is essential to the use and will not significantly impact shoreline views.

(k) All proposed uses shall demonstrate that no spill or discharge to surface waters will result. The application must include a specific program to contain and clean up spills or discharges of pollutants associated with the activity.

(l) Offshore log storage shall be allowed only to serve a processing use and shall be located where:
(1) Water depth is sufficient without dredging; and
(2) Water circulation is adequate to disperse polluting wastes; and
(3) Log storage will not provide habitat for salmonid predators.

(m) If a property is designated an EPA Superfund Site, shoreline armoring may be utilized as a means to prevent chemicals from leaching into the waterbody.

~~(3)~~

8.060 Marinas and Boating Facilities:

~~Marinas and boating facilities are water-dependent uses and are a preferred use on shorelines. Bremerton has a variety of such facilities that are both privately owned commercial and industrial facilities and those that are available to the general public. Boating facilities can include uses such as marinas, shipping and ferry terminals, transient mooring facilities, boat ramps, upland dry stack storage, boat construction, and boat~~

~~maintenance facilities.~~

~~**Policies:**~~

~~(a) New or expanded boating facilities should include restoration of ecological functions within the riparian and near-shore environment, especially for migrating salmonids and other aquatic species.~~

~~(b) New or expanded boating facilities should be designed, constructed and managed such that there is no net loss of shoreline ecological function.~~

~~(c) New or expanded boating facilities should provide the maximum amount of public access in a variety of forms. (Trail, view overlooks, transient and hand-carry craft moorage.)~~

~~(d) New boating facilities should be located in areas where other water-oriented uses presently exist or could be established within close proximity.~~

~~(e) New or expanded boating facilities should minimize the amount of associated parking and impervious surface within the shoreline jurisdiction.~~

~~(f) New boating facilities should not include covered moorage and boathouses.~~

~~(g) New boating facilities that require dredging for proper depth and/or removal of contaminated sediments should be consistent with all federal and state requirements for management of contaminated sediments and~~

~~(h) Existing boating facilities, when retrofitted or as upgrades are necessary, should improve the existing ecological function by minimizing impacts to water quality, restoring hydrologic function and maintaining the viability of aquatic organisms.~~

~~**Regulations:**~~

(a) Boating facilities shall be designed to provide opportunities for aquatic ecological functions to establish and succeed. In order to do so, boating facilities shall be designed and located in areas that are previously disturbed or where impacts to existing ecological function can be avoided or minimized.

(b) Boating facilities should be managed consistent with the Department of Ecology document titled "Resource Manual for Pollution Prevention in Marinas," May 1998, Revised August 2009, Publication #9811.

(c) Dry upland boat storage is preferred rather than over-water facilities in order to protect shoreline ecological functions, efficiently use shoreline space, and minimize consumption of public water surface areas unless:
   (1) No suitable upland locations exist for such facilities, or
   (2) It is demonstrated that wet moorage would result in fewer impacts to ecological functions, or
   (3) It is demonstrated that wet moorage would enhance public use of the shoreline.

(d) New or expanded marinas shall be permitted only when the applicant has demonstrated that a specific need exists and there is not adequate supply in current facilities, permitted facilities, or facilities planned by public agencies, including Port Districts. Consideration of facilities shall include boat launching facilities and upland boat storage for smaller boats.

(e) Marinas shall be permitted only on sites where it is demonstrated that:

(1) That they will not result in a net loss of ecological functions and specifically will not interfere with natural geomorphic processes including delta formation, water quality; water circulation and flushing or adversely affect native and anadromous fish.
(2) Shoreline armoring is not required.
(3) Future dredging is not required to accommodate navigability.
(4) Shallow water embayments with poor flushing action or areas with extensive tidelands should not be considered.

(f) Breakwaters constructed for protection of boating facilities shall be designed to allow public access along the top, where feasible. Pile or floating breakwater designs shall be used unless the proponent demonstrates that there are specific safety considerations that warrant alternative approaches. A Conditional Use Permit shall be required for any boating facility that utilizes any construction other than piles or floating breakwaters.

(g) Accessory uses at boating facilities shall be limited to those which are water-dependent, necessary for operation, or which provide physical or visual shoreline access to substantial numbers of the general public. Accessory uses shall be consistent in scale and intensity with surrounding boating uses.

(h) New covered moorage is prohibited. Removal of existing covered moorage may be required as a condition of expansion or reconstruction of existing boating facilities.

(i) Extended moorage is restricted on waters of the State except as allowed by applicable State regulations and unless a lease or permission is obtained from the State.

(j) Boating facilities shall be permitted only when it is demonstrated that:

(1) A specific need exists and there is not adequate supply in current facilities, permitted facilities, or facilities planned by public agencies, including Port Districts.

(2) They will not result in a net loss of ecological functions and specifically will not interfere with natural geomorphic processes including processes including erosion, transport, and deposition of materials, water quality and adverse impacts on aquatic species. Areas with extensive tidelands should not be considered

(3) They are served by adequate access over a public road that will not adversely impact residential uses; shall provide adequate on-site parking, including trailer parking, to assure that parking spillover does not occur on adjacent streets and uses; and shall be served by adequate utilities and public facilities, including restrooms.

(4) Over water facilities, such as docks, shall be limited to the size and configuration needed to serve the boat launch function.

(k) **Application Materials:** The following must be adequately addressed with the permit application submittal for a boating facility:

(1) Provide adequate onsite parking as provided in BMC 20.48 and ~~Chapter 6, Section 080.~~SMP section 7.080.

(2) Provide adequate Utilities,

(3) Address existing adjacent water-oriented uses, ensure new structures will not

impact such uses.

(4) Provide documentation showing that the use will not impair block or introduce a hazard to existing or potential public access along beaches.

(5) Ensure the use will not unreasonably impair shoreline views from upland residences and adjacent uses.

(6) Include multiple uses such as dock fishing, boat lunching, and wet dry boat storage, and hand carry craft storage, as applicable for the boating facilities size and scope.

(7) For marinas over forty (40) slips pump-out, holding, and waste treatment facilities and services shall be provided.

(8) Provide public access as outlined in ~~Chapter 6, Section 040~~SMP section 7.040. A public access plan is required and must address both visual and physical access and may be required to provide the following:

(i) All marinas using public aquatic lands shall provide public access over at least twenty (20) percent of structures over aquatic lands, not including individual slips.

(ii) Public restroom facilities shall be provided on marinas with more than 40 slips.

(9) Address operational procedures for fuel handling and storage in order to minimize accidental spillage and to provide satisfactory means for handling spills that may occur.

8.070 Recreational Development:

~~Water-oriented recreational development can include but is not limited to parks, trails, open spaces, beaches, boat or other watercraft rentals, fishing piers, aquariums, view platforms and over-water boardwalks.~~

~~**Policies:**~~

~~(a) Water-oriented recreational development is encouraged on shorelines provided it results in no net loss of ecological function and is a preferred use along shorelines of statewide significance.~~

~~(b) Water-oriented recreational development on the shorelines should be consistent with the Comprehensive Plan and the City of Bremerton Park, Recreation and Open Space Plan in terms of satisfying future demand and design.~~

~~(c) Water-oriented recreational development should take precedence over non-water-oriented recreational uses.~~

~~(d) Wherever possible, shoreline recreational facilities should be linked to other adjacent recreational attractions by pedestrian and/or bicycle trails.~~

~~(e) Recreational development, where applicable, should include interpretive displays describing cultural, historical and scientific information.~~

~~(f) Non-water-oriented recreational development uses should not be located on shorelines.~~

~~Regulations:~~

(a) Water-oriented recreation facilities shall be located and designed such that there is no net loss of shoreline ecological function.

(b) Recreation activities are allowed when they do not displace water-dependent uses and are consistent with existing water-related and water-enjoyment uses. State-owned shorelines shall be recognized as particularly adapted to providing wilderness beaches, ecological study areas, and other recreational uses for the public in accordance with RCW 90.58.100(4).

(c) Development of water-oriented recreation facilities shall comply with the mitigation sequencing specified in ~~Chapter 7, Section~~SMP section 7.030.

(d) Development of recreation facilities shall implement, where applicable, the elements within the City of Bremerton Park, Recreation and Open Space Plan.

(e) Recreational development shall be oriented towards the shoreline and shall provide the maximum possible amount of public access to the shoreline as follows:

(1) Water-dependent recreation such as fishing, swimming, boating, and wading should be located on the shoreline.

(2) Water-related recreation as picnicking, hiking, and walking should be located near the shoreline.

(3) Non-water-related recreation facilities shall be located inland. Recreational facilities with large grass areas, such as golf courses and playing fields, and facilities with extensive impervious surfaces shall observe critical area buffers and vegetation conservation standards providing for native vegetation buffer areas along the shoreline.

(f) New over-water structures for recreation use shall be allowed only when:

(1) They allow opportunities for substantial numbers of people to enjoy the shorelines of the state.

(2) They are not located in or adjacent to areas of exceptional ecological sensitivity, especially aquatic and wildlife habitat areas.

(3) They are integrated with other public access features, particularly when they provide limited opportunities to approach the water's edge in areas where public access is set back to protect sensitive ecological features at the water's edge.

(4) No net loss of ecological functions will be achieved.

(5) The specific location and design is approved as a Shoreline Conditional Use.

(g) Location and design of recreation facilities shall meet the following criteria:

(1) The development shall provide parking and other necessary facilities to handle the designed public use.

(2) Accessory facilities, such as restrooms, recreational halls and gymnasiums, commercial services, access roads and parking areas, shall be set back from the OHWM and shall meet ~~Critical Area~~ buffers unless it can be shown that such facilities are shoreline dependent. These areas may be linked to the shoreline by pedestrian walkways.

(3) The development shall be located and designed to minimize detrimental impact on existing and planned use of nearby property.

(4) The proposal will not create a net loss of ecological functions.

(h) Street-end parks, where developed to serve community needs, shall be limited to walking on the beach, carry craft boat launching, waterfront viewing, swimming, or fishing, and shall be designed so as not to interfere with privacy of adjacent residential uses.

(i) Private recreation uses and facilities that exclude the public from public aquatic lands are permitted only when the following additional criteria are met:

(1) Reasonable public access shall be provided to the shoreline at no fee for sites providing recreational uses that are fee supported, including access along the water's edge where appropriate. In the case of facilities on public aquatic lands, no-fee access shall be provided to the public in common with any private use.

(2) The development is located and designed to have no substantial detrimental impact on existing and planned use of nearby property.

(j) Motorized vehicular access including the use of all-terrain and off-road vehicles in the shoreline area is prohibited, EXCEPT for boat launching and maintenance activities and EXCEPT where specific areas for such use are set aside and controlled, and then only when it can be demonstrated that demand is sufficient to warrant such activity. Provided that the exceptions above shall not apply to beaches, bars, spits, and streambeds.

(k) Signs indicating the public's right of access to shoreline areas shall be installed and maintained in conspicuous locations at the point of access and the entrance.

8.080 Residential Development:

~~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. Residential uses, however, can cause significant damage to the shoreline area through cumulative impacts resulting from vegetation loss, shoreline armoring, increased amount of impervious surfaces and resulting stormwater runoff, septic system failure, and additional vehicular trips.~~

~~**Policies:**~~

~~(a) Development of residential units should result in no net loss of ecological function.~~

~~(b) Any residential development along the shoreline should be set back from steep slopes and eroding shoreline areas so that the shoreline is not further eroded nor structural improvements required to protect property.~~

~~(c) In cases where either large tracts are subdivided into single-family residential parcels or where contiguous individual building sites are developed for single family residences, common public access areas and one joint-use dock, rather than single-family docks, should be developed for the use of residents of the subject subdivision.~~

~~(d) Design of residential development should include preservation of existing native vegetation to the greatest extent possible.~~

~~(e) Residential development should be designed to minimize the amount of impervious area and should utilize Low Impact Development techniques to the greatest extent practicable (e.g., permeable pavers, stormwater infiltration and filtration).~~

~~(f) New multi-unit residential development and the subdivision of land into more than five parcels should incorporate into the overall design planned public access amenities whenever feasible.~~

~~**Regulations:**~~

(a) **Single Family Use Priority**: Single family residential development is a priority use on the shoreline when developed in a manner consistent with control of pollution and prevention of damage to the natural environment

(b) **Multi-Family Use Priority**: Multi-family residential use is not a priority for location on the shoreline under the Shoreline Management Act and is subject to the preference for water-dependent and water-oriented use and must provide for meeting the requirements for ecological productivity and public access.

(c) **Water-Dependent Use Priority**: Multi-family development may not be approved if it displaces existing water-dependent uses. Multi-family development is preferred as part of mixed used development including water-dependent, water-related and water-enjoyment use. Multi-family development uses may be permitted only where it provides significant public benefit with respect to the objectives of the Act by:

(1) Restoration of ecological functions, both in aquatic and upland environments, shall provide native vegetation buffers according to the standards provided for critical areas or in accordance with the Restoration Element of this document.

(2) Provision of public access in accordance with ~~Chapter 7, Section 040~~ SMP section 7.040- Public Access.

(d) **Over-Water Homes**: Over-water residences and floating homes are prohibited. Existing floating on-water residences legally established and moored within a marina within the City of Bremerton prior to July 1, 2014 are considered a conforming use and should be accommodated through reasonable permit conditions, or mitigation that will not effectively preclude maintenance, repair, replacement, and remodeling of existing floating on-water residences and their moorages by rendering these actions impracticable.

(e) **Shore Stabilization**: New residential development shall not require shoreline stabilization. Prior to approval, a qualified professional must provide a site analysis establishing that shoreline stabilization is unlikely to be necessary for each new lot to

support intended development during the life of the development.

(f) **Fills:** New residential development shall meet all critical area provisions of this program. Filling of, or into, water bodies or their associated wetlands for the purpose of subdivision or multi-family construction shall not be permitted.

(g) **Public Access**: Residential developments, including subdivisions, and planned unit developments, of five (5) or more lots/units shall provide "improved public access" for all residents of the development and the general public, in compliance with public access standards contained in ~~Chapter 7, Section~~SMP section 7.040 - Public Access.

(h) **Private Docks**: All new subdivisions shall record a prohibition on new private individual docks on the face of the plat in accordance with ~~Chapter 9, Section~~SMP section 9.030 - Docks, Piers, and In-Water Structures. An area reserved for shared moorage may be designated if it meets all requirements of this Program.

(i) **Low Impact Development**: Residential development shall be designed to minimize the amount of impervious area and shall utilize Low Impact Development techniques to the greatest extent feasible (e.g., permeable pavers, stormwater infiltration and filtration).

(j) **Residential Subdivision:** All subdivisions that create a new lot on the shoreline shall comply with applicable standard shoreline buffer and setbacks. In all cases, all new lots on the shoreline shall fully populate the standard buffer area with native vegetation, however, planting may be accomplished after final plat at the time the lot is developed; in these instances conditions shall be placed on the face of the recorded final subdivision document specifying conditions of approval.

~~(j)~~(k) **Application Requirements**: Applications for development of subdivisions and multi-family developments shall include the following information (at minimum) in addition to other submittal requirements:

(1) Details (graphic and textual) of any proposed alteration in the natural character of the shoreline;

(2) Provisions for lot owner or occupant access to the water body;

(3) Provisions for public access to the water body.

8.090 Roads, Railways, and Utilities:

~~Roads, railways and utilities are necessary to provide efficient public circulation and the shipment of goods and services. These transportation circuits can include but are not limited to roads, highways and interstates, rail lines and spurs, public service water and sewer mains, power generation, transmission and distribution facilities, and wireless communication facilities.~~

~~**Policies:**~~

~~(a) All new roadways, arterials, utilities and railways, including expansions of these systems, should be located and designed to avoid shorelands, unless no feasible alternative is feasible, and should minimize impacts to shoreline ecological functions.~~

~~(b) Location and design of new roadways including arterials should not compromise existing and planned shoreline public access or existing and planned habitat~~

~~restoration and enhancement.~~

~~(c) New roadways, when necessary within shorelines, should be located and designed in such a manner that the minimum width and length of travel-way for vehicles is provided and appropriate provision made for pedestrian and multi-modal forms of transportation.~~

~~(d) New roadways should be designed and constructed to implement a range of available Low Impact Development techniques.~~

~~(e) New utilities for the delivery of services and products such as, but not limited to public sewer, water and storm mains and services, pipelines, power and transmission facilities should be located outside of shorelines, critical areas and their associated buffers unless intended specifically for a permitted use.~~

~~(f) Whenever feasible, utilities should be co-located within existing right-of-way corridors.~~

~~(g) Installation of utilities, including maintenance and expansion of existing utilities, should improve the project area from its original condition by native vegetation installation and management.~~

~~(h) Utilities should provide public access to the shoreline when practical.~~

~~**Regulations:**~~

(a) **Ecological Function**: New roadways, utilities and railways shall mitigate their impacts such that the result is a no net loss of shoreline ecological function.

(b) **Location Priority**: New or substantially expanded roads, railroads and bridges may be located within shoreline jurisdiction only if:

(1) The facility is needed within the shoreline jurisdiction to support permitted shoreline activities.

(2) No feasible upland alternative exists based on analysis of system options that assess the potential for alternative routes outside shoreline jurisdiction or set back further from the land/water interface.

(c) **Transportation Facilities**: Transportation facilities shall be located and designed to avoid significant natural, historic, archaeological or cultural sites to the maximum extent feasible, and mitigate unavoidable impacts to result in no net loss of ecological processes and functions.

(d) **Design Criteria**: Where permitted, transportation facilities shall meet the following design criteria:

(1) Roads, railroads, and bridges shall cross the shoreline area by the shortest most direct route, unless such route would cause substantial environmental damage.

(2) The project shall be located and designed to fit the existing topography as much as possible, thus minimizing alterations to the natural environment.

(3) Facilities located within critical areas, particularly in wetlands areas, should be designed to avoid the resource and may be permitted only if in compliance with standards for those areas.

(4) Construction of facilities shall be designed to protect the shoreline against erosion, uncontrolled or polluting drainage and other factors detrimental to the environment, both during and after construction.

(5) All debris, cut and fill material, overburden, and other waste materials from construction shall be disposed of in such a way as to prevent their entry by erosion from drainage into any water body.

(6) Facilities shall provide for passage of high flows, flood waters, debris, fish passage, and wildlife movement by providing bridges with the longest span feasible and the greatest height feasible. When bridges are not feasible, culverts or other features shall be utilized that are large enough to provide for these functions.

(7) The project shall provide the minimum width and length of travel-way for vehicles and provide facilities for safe pedestrian and other non-motorized travel along all public integrated with trail and bicycle systems along shorelines to the maximum extent feasible. When public roads will afford scenic vistas, viewpoint areas shall be provided.

(8) New roadways should be designed and constructed to implement Low Impact Development techniques.

(9) Landscape planting is required along all shoreline roads, parking, and turnout facilities to:

(i) Provide buffers between pedestrian and auto users;

(ii) Enhance the shoreline driving experience; and

(iii) Enhance and complement potential views of shoreline areas.

(10) Height restrictions do not apply to public bridges. Compliance with all other code provisions shall apply.

(e) **Unused ROW**: ~~In order to improve public access to the shoreline~~ Tthe City should ~~acquire and/or~~ retain abandoned or unused road or railroad rights-of-way for public access to and/or along the water to improve public shoreline access.

(f) **Road Ends:** Road ends abutting water bodies shall be reviewed for potential use and development for public access to the water, and be incorporated into the City's Comprehensive Public Access Plan as appropriate.

(g) **Vacations:** The City shall not vacate any public right-of-way in a shoreline location until adopting a Comprehensive Public Access plan for the area showing that the subject right-of-way cannot be used as a contributing element in that plan. The City shall vacate public right-of-way abutting a body of salt or fresh water only in compliance with RCW 35.79.035 which allows vacations of streets abutting bodies of water pursuant to state law criteria, or as amended. ~~only when:~~

~~(1) The vacation will enable acquisition of the property for public purposes;~~

~~(2) The street or alley is not suitable for certain purposes (e.g. port, park, education); or~~

~~(3) The vacation will enable implementation of a public access plan.~~

(h) **Utility Location Criteria**: New or substantially expanded utilities may be located within shoreline jurisdiction only if:

(1) The facility is needed within the shoreline jurisdiction to support permitted shoreline activities;

(2) No feasible upland alternative exists based on analysis of system options that assess the potential for alternative routes outside shoreline jurisdiction or is set back further from the land/water interface; and

(3) Facilities will not degrade or obstruct scenic views.

(i) **Utilities:** Utilities shall be located and designed to avoid significant natural, historic, archaeological or cultural sites to the maximum extent feasible, and mitigate unavoidable impacts to result in no net loss of ecological processes and functions.

(j) **Utility Design Criteria**: Utilities, where permitted, shall meet the following design criteria:

(1) Facilities should occupy as little of the shoreline as feasible. Utility installation parallel to the shoreline should be avoided to the maximum extent feasible. Utilities shall cross the shoreline area by the shortest most direct route, unless such route would cause substantial environmental damage.

(2) Utilities shall be located and designed to fit the existing topography as much as possible, thus minimizing alterations to the natural environment.

(3) Facilities shall be located and designed to minimize obstruction of scenic views.

(4) Utility crossings of water bodies shall be attached to bridges or located in other existing facilities, if feasible. If new installations are required to cross water bodies or wetlands, they should avoid disturbing banks and streambeds and shall be designed to avoid the need for shoreline stabilization. Crossings shall be tunneled or bored where feasible. Installations shall be deep enough to avoid failures or need for protection due to exposure due to stream bed mobilization, aggregation or lateral migration. Underwater utilities shall be placed in a sleeve if feasible to avoid the need for excavation in the event of the need for maintenance or replacement.

(k) **Architectural Compatibility**: Facilities involving buildings, such as pump stations, electrical substation, or other facilities, shall be architecturally compatible and landscaped to assure compatibility with natural features, public access facilities, and adjacent uses.

(l) **Construction Practices**: Construction shall be designed to protect the shoreline against erosion, uncontrolled or polluting drainage and other factors detrimental to the environment, both during and after construction.

(m) **Easements**: Access easements to utility installations shall be no wider than needed to construct, maintain, or repair the utility.

(n) **Public Access**: Utility development shall provide for compatible, multiple use of sites and rights-of-way through coordination with local government agencies. Such uses include shoreline access points, trail systems, and other forms of recreation and transportation, providing that public access will not unduly interfere with utility operations, endangers public health and safety, or create a significant and

disproportionate liability for the owner.

(o) **Landscape Restoration~~Maintenance Projects~~**: Upon completion of installation of projects on shorelines, disturbed non-impervious areas shall be restored to pre-project configuration, replanted with native species, and provided maintenance care until the newly planted vegetation is established. A landscape restoration plan is required.

(p) **Storm Drainage/Sewer Outfalls**: Storm drainage and sewer outfalls are encouraged to locate ~~shall be located~~ beyond the extreme low tide line/mean low lower water. However, at the discretion of Director on a case-by-case basis storm facilities may locate above the extreme low tide line in order to mitigate maintenance and sediment infill for the City. In addition, storm drainage and sewer outfalls must be located to avoid and minimize impacts to submerged aquatic vegetation, forage fish spawning beds, and shellfish beds. If this provision cannot be met, the applicant will demonstrate that alternatives with less to no impact on aquatic vegetation and shellfish beds are not feasible due to design constraints.

(q) **Applications**: All applications for installation of utility facilities shall include the following information prepared by a qualified professional:

(1) Reason why facility must be located in a shoreline area;
(2) Alternative locations considered, including the feasibility of location within existing utility right-of-way, and reasons for their rejection;
(3) Location of other facilities near the proposed project and if the location is to include other types of facilities;
(4) Proposed method of construction and plans to control erosion and turbidity during construction;
(5) Plans for reclamation of areas disturbed during construction;
(6) Any other information deemed necessary.

Chapter 9 – Shoreline Modifications

9.010 – Intent
9.020 – Clearing and Grading
9.030 – Docks, Piers, and In-Water structures
9.040 – Dredging
9.050 – Flood Hazard Reduction
9.060 – Landfills
9.070 – Restoration and Conservation
9.080 – Shoreline Stabilization
9.090 – Stormwater ~~Control~~ Management Facilities

9.010 Intent:

These policies and regulations relate to land use proposals that are typically accessory and in support of primary land uses. Shoreline modifications should ensure no net loss of ecological functions and should be as natural as feasible.

9.020 Clearing and Grading:

~~Clearing and grading are permitted as an element of development or re-development for an authorized activity or as otherwise allowed in this Title.~~

~~**Policies:**~~

~~(a) Disturbance to and removal of native soils should be minimized within shorelines.~~

~~(b) Uses and site design should incorporate protection or reestablishment of the maximum amount of native vegetation on a particular site.~~

~~(c) Vegetation that is removed as part of a permitted use should be reestablished within a required buffer.~~

~~**Regulations:**~~

(a) Clearing, grading, and shoreline native vegetation protection and removal shall comply with the standards in the general ~~policies~~ standards section (Chapter 7).

(b) Disturbance to soils shall adhere to the following standards:

(1) Land clearing, filling, and grading activities that are associated with a permitted use below the OHWM ~~that~~ shall be allowed only between May 1 and October 1 unless the City or Department of Fish and Wildlife extends or shortens the allowable work ~~time~~ window per ~~on a case-by-case basis based on actual weather conditions as applied in~~ BMC 20.14.700, which requires shoreline erosion control measures ~~and a qualified professionals~~ according to an approved report prepared by a qualified professional.

(2) Filling or grading including excavation within or modification to a critical area is permitted only as part of an approved activity subject to the applicable requirements within this Title.

(3) The soil duff layer (the matted, partly decomposed organic surface layer of forest

soils) shall remain undisturbed to the maximum extent possible. Where feasible any soil disturbed shall be redistributed to other areas of the project site.

(4) The moisture holding capacity of the topsoil layer shall be maintained by minimizing soil compaction or reestablishing natural soil structure and infiltration capacity on all areas of the project area not covered by impervious surfaces.

(5) Erosion control shall comply with the requirements in BMC 15.04.

9.030 Docks, Piers, and Other In-Water Structures:

~~In-water (marine and freshwater) structures include but are not limited to jetties, pilings, fish ladders, mooring buoys, docks, piers, breakwaters, groins, marine railways, weirs, baffles, and similar structures .~~

~~**Policies:**~~

~~(a) In-water structures should be designed to minimize impacts to ecological functions of the water body including, but not limited to water quality, anadromous and forage fish habitat, spawning and rearing areas, migration, and passage.~~

~~(b) In-water structures should not adversely affect hydrologic function including light penetration within the photic zone, sediment transport, and current and water circulation patterns.~~

~~(c) The location and planning of in-water structures should give due consideration to the full range of public interests and environmental concerns.~~

~~(d) Analysis of cumulative impacts of in-water structures should be conducted such that the connectivity between habitats for migrating salmonids is maintained and restored where feasible.~~

~~**Regulations:**~~

(a) **Ecological Function**:

(1) New in-water structures shall be designed and constructed such that the result is no net loss of shoreline ecological function. New in-water structures shall not adversely affect hydrologic function, ability for light to penetrate within the photic zone, sediment transport and water-circulation patterns.

(2) Piers and docks, including those accessory to single-family residences, shall be designed and constructed to avoid, or if that is not possible, to minimize and mitigate the impacts to ecological functions, critical areas resources such as eelgrass beds and fish habitats and processes such as currents and littoral drift.

(3) Creosote, arsenic and pentachlorophenol treated materials used for in-water structures shall be prohibited.

(b) **Light Penetration**: All piers~~, and~~ docks and bridges must achieve light penetration by grating or other means unless it would pose a public safety or environmental risk, as follows:

(1) Grating must be provided over at least (40%) forty percent of the pier or float area and must be provided over at least 60 percent of the structure(s) within 30 feet of the OHWM. Areas blocked by objects underneath, such as floatation devices shall not be counted toward the 40% forty percent total.

(2) Grating must have at least 60 percent open area. The grating must be oriented to maximize the amount of light passage. This can be accomplished by orienting the lengthwise direction of the grate openings in the east-west direction.

(3) To ensure that light transmission is not impeded, grating must not be covered or blocked (on the surface or underneath) with any objects, such as, but not limited to buildings, planters, storage sheds or boxes, nets, carpets, boards, tables, lawn furniture, traction devices or other items that will block sunlight.

(4) Light penetration standards do not apply to public bridges.

(c) **Navigation**:

(1) In-water structures shall not impair or obstruct existing navigation channels or the public's use of surface water or shoreline areas as required by the Coast Guard.

(2) Piers, docks and moorage shall be prohibited where navigation may be impaired significantly at entrances to bays, channels, or coves. Piers and docks are prohibited in the channel between Ostrich Bay and Oyster Bay, as depicted in ~~Chapter 4, Section~~SMP section 4.~~420-~~020 map M. In addition, to protect sensitive aquatic environment, docks and piers are prohibited within the Aquatic Conservancy designation (mooring buoys are not prohibited).

(3) Piers and docks shall project the minimum distance necessary to service the appurtenant vessels and shall not create a hazard to navigation. When State harbor lines have been designated, piers and docks shall be located shoreward of the outer harbor line.

(d) **Use Priority**: New in water structures shall be allowed only for water-dependent uses, and public access. Water-related and water-enjoyment uses may be allowed as part of mixed-use development on over-water structures where they are clearly auxiliary to and in support of water-dependent uses, provided the minimum size requirement needed to meet the water-dependent use is not violated.

(e) **Joint Use**: Joint-use facilities are preferred over new single use piers, docks and floats. Easements ensuring adequate access for all users of the joint-use facility shall be required and recorded with the Kitsap County Auditor. In order to develop new moorage, an applicant must demonstrate that existing facilities (public and private marinas or shared moorage) are not reasonably available to meet demand. In cases where new moorage is approved, multiple use and/or expansion of existing piers, wharfs and docks may be required (in lieu of the proliferation of new facilities) in order to minimize the consumption of limited shoreline resources and cumulative impacts on ecological resources.

(f) **Subdivisions**: New subdivisions with shoreline frontage shall provide community or shared docks if any docks are proposed. New subdivisions shall contain a restriction on the face of the plat prohibiting individual docks. A site for community or shared moorage shall be designated on the plat and owned in undivided interest by property owners within the subdivision. Shared moorage facilities shall be available to property owners in the subdivision for community access and may be required to provide public access depending on the scale of the facility. Approval shall be subject to the following criteria:

(1) The applicant shall demonstrate that there is no reasonably available public or

private moorage that can serve the moorage needs of the subdivision.

(2) Shared moorage to serve new development shall be limited to the amount of moorage needed to serve lots with water frontage. One moorage space per lot may not be presumed.

(3) Development of more than one dock shall include documentation that a single dock would not accommodate the need or that adverse impacts on ecological functions would result from the size of dock required.

(4) The size of a dock must consider the use of mooring buoys for some or all moorage needs and the use of all or part of the dock to allow tender access to mooring buoys.

(5) Public access shall be provided in association with all shared docks utilizing public aquatic lands that accommodate five (5) or more vessels.

(6) If a community or shared dock is not developed at the time of subdivision, a community association shall be established with the authority to levy assessments within the subdivision to construct and maintain a community dock in the future. The failure of a subdivision to develop a community or shared dock shall not affect the prohibition on individual docks.

(g) **Commercial & Industrial Docks**: Permits for docks or piers serving single commercial or industrial enterprises shall not be granted unless it is demonstrated that the facility serves a water-dependent use and adjacent commercial and/or industrial enterprises are not willing to cooperatively develop a joint-use facility.

(1) Non-Residential Piers and Docks shall be the minimum size feasible to serve the proposed water-dependent use.

(h) **Multi-Family & Commercial Moorage**: Multi-family residences, hotels, motels, and other commercial developments proposing to provide moorage facilities shall meet the criteria for a marina. Use of the moorage must be open to the general public on the same basis as residents or occupants and shall provide public access. If approved, no more than one joint-use moorage facility may be provided.

(i) **Single Family Docks**: No more than one (1) private noncommercial single-use dock is permitted per platted shoreline lot or un-platted shoreline tract on a residentially designated area (this does not apply to subdivisions approved on or after the adoption date of this code; for such subdivisions see subsection f, above). The dock must be designed and intended as a facility for access to watercraft. An applicant shall demonstrate that:

(1) A mooring buoy is not feasible to provide moorage. A mooring buoy may be approved in conjunction with an individual or shared tender dock to provide small boat access to the buoy.

(2) There is no shared moorage available, and there is no homeowners association or other corporate entity capable of developing shared moorage.

(j) **Single Family Dock Size Limitations**: Residential piers and/or docks shall be limited to the minimum necessary to meet the need for moorage and are limited to the following sizes:

(1) **Length**: Maximum length of a residential pier or dock shall be the minimum necessary to accomplish moorage for the intended boating uses, and shall be only so long as to obtain a depth of ten (10) feet of water as measured at Mean Lower

Low Water Line (MLLW) in marine shorelines or as measured at Ordinary High Water (OHWM) in fresh water shorelines. Any dock proposed to be sixty (60) feet in length or greater must demonstrate that a mooring buoy in conjunction with a shorter tender dock to provide small boat access to the buoy is not feasible.

(2) **Width**:

(i) The Landing area, particularly over shallower areas, should be built in the north-south direction, if at all possible to avoid shading effects that would occur with east-west orientation.

(ii) The float shall have a maximum width of eight (8) feet. Single Use floats shall be no longer than thirty (30) feet. Joint Use floats shall be no longer than sixty (60) feet.

(iii) Pier or walkway maximum width: Four (4) feet;

(k) **Community Piers and Docks Size Limitations:**

(1) **Maximum Width and Length**: To be determined by the City on a case-by-case basis based on the minimum dimensions feasible.

(2) **Density**: No more than one (1) forty foot (40') moorage space per dwelling unit or lot with direct shoreline frontage.

(l) Public Piers and Docks Size Limitations:

(1) **Maximum Width and Length**: To be determined by the City on a case-by-case basis based on the minimum dimensions feasible.

~~(l)~~(m) **Side Yard Setbacks**: Docks shall be set back a minimum of ten (10) feet from side property lines. Exception: Community piers and docks may be located adjacent to or upon a side property line when mutually agreed to by contract/covenant with the owners of the adjacent property, a copy of which must be recorded with the County Auditor and filed with the application for permit.

~~(m)~~(n) **Floats & Buoys**: Recreation floats and mooring buoys shall be located no further seaward than existing floats and mooring buoys or no further seaward than necessary to achieve minimum feasible depths and shall be readily discernible under normal conditions to the unaided eye at a minimum distance of 100 yards. The size and design must comply with the following:

(1) Floats must be built so that the deck surface is no more than two (2) feet above the water's surface and must have reflectors for nighttime visibility.

(2) Single property owner recreational floats shall be no larger than sixty-four (64) square feet.

(3) Joint-use floats shall be no larger than ninety-six (96) square feet.

~~(n)~~(o) **Marine Rails**: Boat launching ramps and marine railways shall be designed as to not obstruct longshore drift. Residential launch ramps or marine railways are prohibited.

9.040 Dredging:

~~Dredging is the removal of material from a water body. The purposes for dredging might include navigation, remediation of contaminated materials, or material mining. Materials~~

~~generated from navigational and remedial dredging may be suitable for beneficial reuse (e.g., construction of habitat features or construction of uplands) or may require disposal at appropriate disposal facilities.~~

~~**Policies:**~~

~~(a) Dredging should be allowed only to accommodate existing navigational uses, remediation of contaminated materials, or approved water-dependent uses and then only when ecological impacts are minimized and mitigation is provided.~~

~~(b) Deposition of dredge spoils waterward of the Ordinary High Water Mark should be allowed only when necessary to support allowed water dependent use, public access, beach restoration or Model Toxics Control act or the Comprehensive Environmental Response Compensation and Liability Act and other water dependent uses that are consistent with this master program or consistent with locations approved by the State Departments of Natural Resources, and the Department of Fish and Wildlife where the alternatives of depositing materials on land is more detrimental to shoreline resources than depositing it in water areas.~~

~~(c) Dredging within aquatic areas for the primary purpose of acquisition of fill material should not be allowed.~~

~~(d) Where dredging occurs within marine waters the result should be suitable for establishment of a variety of aquatic organisms including, where appropriate, salmonids and forage fish.~~

~~**Regulations:**~~

(a) Dredging and dredge material disposal shall be done in a manner which avoids or minimizes significant ecological impacts. When impacts cannot be avoided they should be mitigated in a manner that assures no net loss of shoreline ecological functions.

(b) New development shall be sited and designed to avoid or, if that is not possible, to minimize the need for new and maintenance dredging.

(c) Dredging for the purpose of establishing, expanding, relocating or reconfiguring navigation channels and basins shall be allowed where necessary for assuring safe and efficient accommodation of existing navigational uses, and then only when significant ecological impacts are minimized and mitigation is provided. Maintenance dredging of established navigation channels and basins shall be permitted only to the limits originally allowed.

(d) Dredging waterward of the ordinary high-water mark for the primary purpose of obtaining fill material shall be prohibited, except when the material is necessary for the restoration of ecological functions. In this case the project must be either associated with a Model Toxics Control Act or a Comprehensive Environmental Response Compensation Liability Act remediation project, or a habitat restoration project approved through a Shoreline Conditional Use Permit.

(e) Dredging spoils shall be deposited upland if feasible, and measures taken to prevent erosion of the deposited material. If the deposit area is on the shoreline, a vegetation inventory and restoration shall be required, consistent with the vegetation conservation and critical areas regulations of the Master

Program.

(f) Spoil deposit sites in water areas shall be identified with the cooperation of the State Departments of Natural Resources, and the Department of Fish and Wildlife U.S. Army Corp of Engineers, and Suquamish Tribe. Depositing of dredge materials in water areas shall be allowed only for habitat improvement, to correct existing problems of material distribution adversely affecting fish and shellfish resources, or where the alternatives of depositing materials on land is more detrimental to shoreline resources than depositing it in water areas.

(g) Disposal of dredge material on shorelands or wetlands within a river's channel migration zone shall be discouraged. In the limited instances where it is allowed, such disposal shall require a Shoreline Conditional Use Permit.

(h) All applications for dredging shall provide the following information prepared by a qualified professional and any other information deemed necessary:

(1) An analysis of material to be dredged;

(2) Time of dredging;

(3) Method of dredging and disposal;

(4) Location and stability of bedlands adjacent to proposed dredging area;

(5) Ecological processes and functions affected by the proposed dredging;

(6) Location, size, capacity, physical and ecologic characteristics of spoils disposal area.

9.050 Flood Hazard Reduction:

~~**Policies:**~~

~~(a) The City should recognize that seasonal flooding is an essential natural process and minimize alteration of such processes where feasible.~~

~~(b) Flood hazard reduction measures should not result in a net loss of ecological functions associated with the rivers and streams.~~

~~(c) Flood hazard reduction measures should be consistent with comprehensive strategies that recognize the natural hydro-geological and biological processes of water-bodies and should seek to restore ecological functions within frequently flooded areas.~~

~~(d) Development in frequently flooded areas should be prevented or existing development removed when feasible and to maintain or restore a stream system's natural hydrological and geo-morphological processes.~~

~~(e) Bioengineered flood hazard reduction techniques are preferred and should be examined and implemented where feasible rather than structural measures.~~

~~**Regulations:**~~

(a) Flood control works shall be permitted only when it is demonstrated by engineering and scientific evaluation by qualified professionals that:

(1) They are necessary to protect health/safety and/or existing development;

(2) Non-structural flood hazard reduction measures are infeasible; and

(3) Measures are consistent with an adopted comprehensive flood hazard

management plan that evaluates cumulative impacts to the watershed or coastal reach.

(b) New or expanding development or uses in the shoreline, including subdivision of land that would likely require new structural flood control works within a stream, channel migration zone, or floodway, should not be allowed.

(c) New or expanded flood control works and in-stream structures should be planned and designed to be compatible with appropriate multiple uses of stream resources over the long term, especially in shorelines of statewide significance.

(d) Flood control works should incorporate native vegetation to the extent feasible to enhance ecological functions, create a more natural appearance, improve ecological functions, and provide more flexibility for long term shoreline management.

(e) To minimize flood damages and to maintain natural resources associated with streams, overflow corridors and other alternatives to traditional bank levees, revetments and/or dams should be considered. Setback levees and similar measures should be employed where they will result in lower flood peaks and velocities, and more effective conservation of ecological resources than with bank levees.

(f) Non-structural and non-regulatory methods to protect, enhance, and restore shoreline ecological functions and other shoreline resources should be encouraged as an alternative to structural flood control works. Non-regulatory and non-structural methods may include public facility and resource planning, land or easement acquisition, education, voluntary protection and enhancement projects, or incentive programs. Removal of materials from the creek, stream, or river channel for flood management purposes may be allowed only as part of an adopted integrated flood control management program that demonstrates that other flood hazard reduction strategies would not be effective in the absence of gravel removal.

(g) Flood management diking shall be located landward of the floodway base (100-year frequency) flood, and landward any wetlands associated or directly interrelated and interdependent with the water body.

(h) Linear public access shall be provided whenever possible as outlined in the public access requirements in ~~Chapter 7, section~~SMP section 7.040, unless it is demonstrated that public access would cause unavoidable public health and safety hazards, or security problems, or unmitigatable ecological impacts, or unavoidable conflicts with proposed uses, or unreasonable cost. Improved trail systems are preferred. At a minimum, flood control works should not decrease existing or potential public access to shorelines.

9.060 Landfills*:*

~~Landfill is the creation of dry upland area by the placement or deposition of sand, soil, gravel or contaminated sediments into a water body.~~

~~**Policies:**~~

~~(a) Landfills waterward of OHWM should be allowed only when necessary to support, public access, beach restoration, or MTCA / CERCLA restoration projects and other water dependent uses that are consistent with this master program.~~

~~(b) Landfills should be limited in the shoreline and should be the minimum necessary.~~

~~**Regulations:**~~

(a) Landfills within shorelines shall be permitted only through a Conditional Use Permit and shall be allowed only when necessary to support:

(1) Water-dependent use, or;

(2) Public access, or;

(3) Cleanup and disposal of contaminated sediments as part of an interagency environmental clean-up plan, or;

(4) Disposal of dredged material considered suitable under, and conducted in accordance with the dredged material management program of the Department of Natural Resources, or;

(5) Expansion or alteration of transportation facilities of statewide significance currently located on the shoreline, and then only upon a demonstration that alternatives to fill are not feasible, or;

(6) Mitigation action, approved environmental restoration, beach nourishment, or an approved enhancement project.

(b) ~~(a)~~ Shoreline fills or cuts shall be designed and located so that there will be no significant change to natural shoreline topography or damage to existing ecological systems or natural resources, and no alteration of local currents which would result in a hazard to adjacent life, property, or natural resources systems.

(c) Landfills shall include restoration and/or enhancement of ecological functions within the shoreline consistent with the restoration objectives within the Restoration Plan and shall provide public access where feasible.

(d) Applications which include landfills shall include the following information prepared by a qualified professional:

(1) Physical, chemical and biological character of landfill material;

(2) Proposed use of fill area;

(3) Source of landfill material;

(4) Method of placement and compaction;

(5) Type of proposed surfacing or vegetation cover;

(6) Method of perimeter erosion control; and

(7) Any other information deemed necessary.

9.070 Restoration and Conservation:

~~Restoration is the improvement or reestablishment of impaired ecological shoreline~~

~~processes or functions. This may be accomplished through measures including, but not limited to: amending soils, planting native vegetation, removing derelict shoreline structures, removing or treating toxic materials, and restoring the natural configuration of banks within near-shore or riparian areas. Restoration does not imply a requirement for returning the shoreline area to aboriginal or pre-European settlement conditions (WAC 173-26). The citywide objective of restoration is to achieve a net gain in ecological function within the watershed.~~

~~Policies:~~

~~(a) The primary objectives of restoration projects should be to protect and restore natural processes controlling environmental factors.~~

~~(b) The Suquamish Tribe, Corps of Engineers, Washington Department of Ecology, the Washington Department of Fish and Wildlife and other appropriate resource agencies should be included at the beginning of the design and development stages of a restoration project or plan.~~

~~(c) The goals of the Restoration Plan should be considered for all restoration and conservation projects.~~

~~(d) Restoration and conservation may take place as a stand-alone project or as a required element of a larger development proposal. In either case the following should be achieved, as feasible:~~

~~(1) Non-native vegetative species should be controlled and native vegetation established (soil amendments, including mulching, may be required to support native vegetation);~~

~~(2) Installation of native vegetation should be an appropriate mix of deciduous, conifer, under-story and groundcover species that are capable of achieving substantial water body shading, provide food sources for a variety of species, enhance and connect to habitat corridors and slow movement of groundwater and sheet-flow towards the water body;~~

~~(3) Introduction of large woody debris to the water body should not adversely impact fish passage or hydrologic function; and~~

~~(4) Design and implementation of restoration projects that alter the location of the OHWM should not negatively impact abutting or proximate (third party) property owners, compromise the integrity or threaten the loss of existing structures, transportation routes, public access areas or cause significant additional erosion.~~

~~Regulations:~~

(a) Restoration projects that are within critical areas, or their required buffers are permitted subject to the applicable requirements within this Title.

(b) Restoration projects that achieve the objectives within the Restoration Plan shall have priority over other restoration projects.

(c) Restoration projects that include structural modification or stabilization shall first consider preferred techniques as specified in ~~Chapter 9, Section~~SMP section 9.080 Shoreline Stabilization.

(d) Restoration projects shall be designed and implemented such that there are no adverse impacts on ecological resources or functions.

(e) Restoration projects shall include a maintenance and monitoring plan and financial surety as outlined in ~~Chapter 7, section~~SMP section 7.020~~030~~ (vegetation plan) that includes a guarantee and/or contingency plan when said project does not achieve its intended objective.

(f) Restoration projects shall take into consideration existing and lawfully erected structures and developments such that their safety is not compromised.

(g) Restoration projects shall not conflict with existing utilities, roadways and public access points unless those functions can be relocated such that the public benefit remains the same or is improved.

9.080 Shore Stabilization:

~~Shoreline stabilization measures are those mechanisms used to prevent erosion and deterioration of shoreline areas as a result of waves, wind, tidal action, or flooding. Shoreline stabilization measures can include a wide range of works varying from hard armoring to vegetation conservation and anchoring of trees.~~

~~**Policies:**~~

~~(a) New development should be managed and designed to eliminate the need for shoreline modification or stabilization.~~

~~(b) Replacement of rigid structurally engineered stabilization measures with the same new measures should not occur unless it is associated with a water-dependent use or there is a demonstrated need based on potential loss of a legally permitted primary structure or there is a threat to the viability of an existing water-dependent use.~~

~~(c) Whenever feasible, bioengineered and soft-shore shoreline modifications and stabilization should be explored and implemented before reverting to structurally engineered techniques.~~

~~**Regulations:**~~

(a) **Hierarchy of Alternatives**: Alternatives for shoreline stabilization shall be based on the following hierarchy of preference:

(1) No action (allow the shoreline to retreat naturally), increase building setbacks, and relocate structures.

(2) Provide flexible stabilization constructed of natural materials incorporating measures such as soft shore protection and bioengineering, including beach nourishment, protective berms, or vegetative stabilization.

(3) Provide flexible stabilization, as described above, with rigid works, as described below, constructed as a protective measure.

(4) Construct rigid works constructed of artificial materials such as riprap or concrete.

(b) **Stabilization Necessity:** New structural stabilization measures shall not be allowed for existing developments except when necessity is demonstrated in the following

manner:

(1) To protect existing primary structures: New or enlarged structural shoreline stabilization measures for an existing primary structure, including residences, shall not be allowed unless there is conclusive evidence, documented by a qualified professional, that the structure is in danger from shoreline erosion caused by currents, or waves. Normal sloughing, erosion of steep bluffs, or shoreline erosion itself, without a scientific and geotechnical analysis, is not demonstration of need. Site analysis, at a minimum, must include the following to demonstrate the need of a structural solution:

(i) On-site drainage issues. The report(s) must clearly evaluate and resolve existing drainage problems before considering structural shore stabilization.

(ii) The report(s) must clearly evaluate supplementary beach nourishment and/or soft-shore measures and such measures must be shown to be impractical or non-effective, as demonstrated through a geotechnical report.

(iii) The report(s) must clearly establish that the stabilization structure will not result in a net loss of shoreline ecological functions.

(iv) The report(s) must clearly establish the lack of structural integrity of the existing structure due to ongoing wave action.

(2) To protect a new water-dependent development, or new single-family residences, when all of the conditions below apply and are documented by a qualified professional:

(i) The erosion is not being caused by upland conditions such as the loss of vegetation and drainage.

(ii) Nonstructural measures, such as placing the development further from the shoreline, planting vegetation, or installing on-site drainage improvements, are not feasible or not sufficient.

(iii) The need to protect primary structures from damage due to erosion is demonstrated through a geotechnical report. The damage must be caused by natural processes such as currents, and waves.

(iv) Supplementary beach nourishment must be shown to be impractical or non-effective, as demonstrated through a geotechnical report.

(v) To protect an existing non-water-dependent development, when all of the conditions below apply and are documented by a qualified professional: The erosion is not being caused by upland conditions such as the loss of vegetation and drainage;

(vi) Nonstructural measures, planting vegetation, or installing on-site drainage improvements, are not feasible;

(vii) Stabilization structures are needed to protect primary structures from damage due to erosion;

(viii) Supplementary beach nourishment is shown to be impractical and ineffective;

(ix) The affected structure cannot be feasibly located or relocated outside of the

area affected by natural shoreline erosion processes;

(x) The stabilization structure will not result in a net loss of shoreline ecological functions.

(3) To protect projects for the restoration of ecological functions or hazardous substance remediation projects pursuant to chapter 70.105D RCW. All of the conditions below apply and are documented by a qualified professional:

(i) Nonstructural measures, planting vegetation, or installing on-site drainage improvements, are not feasible or not sufficient.

(ii) The erosion control structure will not result in a net loss of shoreline ecological functions.

(c) **Creeks and Streams:** Creeks and streams shall be maintained in their natural state, free of shoreline modification, where they are not now influenced by urban growth and channelization. Where natural processes and functions have been substantially altered, shoreline stabilization shall avoid substantial channel direction modifications, realignment and straightening as a consequence of shore stabilization and flood management.

(d) **Bulkhead/Seawall Location**:

(1) On all shorelines, bulkheads/seawalls shall be located landward of the OHWM, landward of existing protective berms (artificial or natural), and shall be located generally parallel to the natural shoreline.

(2) On Marine Accretion Beaches, bulkheads/seawalls shall be set back a minimum of twenty-five (25) feet landward of the OHWM, and shall parallel the natural shoreline; except on sloping or bluff/cliff shores where said setback is not feasible, in which case bulkheads shall be placed as far landward of the OHWM as is feasible. In no case shall the bulkhead be waterward of the OHWM.

(3) On driftways and lake shores that are subject to erosion bulkheads/seawalls shall be located within one (1) foot of the bank toe and shall generally parallel the natural shoreline.

(4) On bluff or bank shorelines with no adjacent bulkheads/seawalls the bulkheads/seawalls shall be as close to the bank as possible and in no case shall it be more than three (3) feet from the toe of the natural bank.

(5) A bulkhead/seawall for a permitted landfill shall be located at the toe of the fill.

(6) Replacement bulkheads/seawalls shall be located no further waterward of the existing bulkhead than is necessary for construction of new footings

(e) **Design**: new and replacement bulkheads/seawalls shall comply with the following design and construction criteria:

(1) Bulkheads/seawalls shall be sited and designed consistent with appropriate engineering principles. Professional geologic site studies or design may be required for any proposed bulkhead if the City determines sufficient uncertainties exist. Grounds for such determination shall be inadequate information or expertise on local physical features; and/or the evidence of potential damage to other shoreline properties and features.

(2) Bulkheads/seawalls shall be the minimum dimensions necessary to adequately protect the development.

(3) Stairs or other permitted structures may be built into a bulkhead, but shall not extend waterward of it.

(4) Bulkheads/seawalls shall be designed to permit the passage of surface or ground water without causing ponding or saturation of retained soil/materials.

(5) Adequate toe protection (i.e. proper footings and a fine retention mesh, etc.) shall be provided to ensure bulkhead stability without relying on additional riprap.

(6) Sheet piling and precast concrete slabs with vertical waterward faces shall include adequate tiebacks and toe protection.

(7) Bulkheads/seawalls shall utilize stable, non-erodible, homogeneous materials (e.g. concrete, wood, rock riprap or other suitable materials) which will accomplish the desired end with the maximum preservation of natural shoreline characteristics.

(8) Beach materials shall not be used for fill behind bulkheads/seawalls except clean dredge spoil from a permitted off site dredge and fill operation.

(9) Bulkheads/seawalls may tie in flush with existing bulkheads/seawalls on adjoining properties to ensure there is no gap between the two except when:

(i) An adjoining bulkhead/seawall extends waterward of the OHWM or the toe of the bank or permitted landfill; in which the location requirements of Regulation of Subsection D criteria 1,2, and 3 above shall apply.

(ii) If there is an existing bulkhead/seawall on only one of the adjacent properties, the proposed bulkhead/seawall may tie in flush with the adjacent bulkhead/seawall at or landward of the OHWM in order to minimize the land area waterward of the required setback. The required setback, however, shall be met on the side not abutting an existing bulkhead/seawall.

(f) **Beach Enhancement**: Beach enhancement/restoration should be employed on upland, tidal and/or submerged shorelines to restore, enhance or create recreational beaches, aquatic habitat, and/or to control erosion where geotechnical analysis confirms that it is practical and effective and specifically in cases where:

(1) Beach restoration/enhancement will accomplish the following objectives:

(i) Recreate or enhance natural shore conditions;

(ii) Create or enhance natural habitat;

(iii) Reverse otherwise erosional conditions; and

(iv) Enhance access to the shore, especially to public shores.

(2) Beach enhancement is prohibited where:

(i) Littoral drift of the enhancement materials will adversely affect adjacent spawning grounds or other areas of biological significance; or

(ii) It will interfere with the normal public use of the navigable waters of

the state.

(3) Beach enhancement projects shall be designed so that the project avoids:

(i) Detrimental interruption of littoral drift, or redirection of waves, current or sediments to other shorelines that may adversely affect adjacent properties or habitat;

(ii) Any exposed groin-like structures; EXCEPT: Small drift cell or littoral cell groins may be used as a means of stabilizing restored sediment where part of a federally and/or state approved beach enhancement program;

(iii) Extending waterward more than the minimum amount necessary to achieve the desired stabilization;

(iv) Creating contours sufficiently steep to impede easy pedestrian passage, or trap drifting sediments (a 5:1 slope is generally recommended; a 4:1 slope is a minimum);

(v) Creation of "additional dry land mass"; and

(vi) Disturbance to significant amounts of valuable shallow water fish/wildlife habitat, unless such habitat is immediately replaced by new habitat that is comparable or better.

(4) The size and/or mix of new materials to be added to a beach shall be adjusted to the local wave climate for maximum percolation and stability (generally similar to that of the natural beach sediment, but large enough to resist normal current, wake or wave action at the site).

(5) The restored beach shall approximate the natural beach width, height, bulk or profile. Exceedance of these features shall be limited, and shall not create substantial additional dry land mass.

(g) **Breakwaters:** Breakwaters shall be permitted only by Conditional Use Permit for navigational purposes, industrial activities and marinas and shall be approved only as integral components of a harbor, marina or port, where water-dependent uses are located seaward of the existing shoreline or shore protection from strong wave action is essential. The location of a breakwater shall not render the remaining open water surface unusable by the public. Open-pile or floating breakwaters shall be the only type allowed unless it can be shown that solid breakwaters will have no adverse effect on the aquatic biology and shore processes.

(h) **Jetties, Weirs & Groins**: Jetties, Rock Weirs and Groins are allowed subject to approval of a Conditional Use Permit only for navigational purposes, industrial activity, marinas, erosion control, fisheries or habitat enhancement, and public beach management and shall be approved only as integral components of an overall resource management plan.

(1) The effect of proposed breakwaters, jetties, rock weirs, and groins on sand movement shall be evaluated during permit review. The beneficiaries and/or owners of large scale shore modification works which substantially alter, reduce or block littoral drift and cause new erosion of downdrift shores shall be required to establish and maintain an adequate long term beach feeding program

as follows:

(i) Breakwaters, Rock Weirs and Groins shall incorporate artificial beach feeding.

(ii) Jetties shall artificially transport sand to the downdrift side of the structure.

(i) **Vegetation Management**:

(1) All disturbed shore areas shall be restored or enhanced to provide the maximum benefits of non-structural measures, even if structural measures are approved and shall use native plant materials with a similar diversity and structure as the native climax community.

(2) Vegetation shall be planted and maintained on shore modification structures in a manner that will reduce the visual impact of such structures.

(j) **Maintenance**: Maintenance of shore modification activities shall be the sole responsibility of the property owner.

(k) **Liability:** liability for any impact to neighboring properties caused by shore modification activities is the sole responsibility of the property owner providing such shore modification.

(l) **State & Federal Code Compliance**: Construction and operation of shore modification works shall demonstrate approval of and compliance with all applicable federal and state permits.

(m) **Application Requirements**: Proposals for shore modification shall include the following information, or as otherwise determined by the Director:

(1) Purpose of Project

(2) Description of Proposal:

- Location of project;
- Construction materials (e.g. materials used, dimensions of, design);
- Method of construction (e.g. source of backfill, erosion controls);
- Characteristics of the Site:
- Toe and crest of uplands;
- Existing buildings;
- Existing shore stabilization and flood protection devices;
- Ordinary, low, and high water elevations;
- Net direction of littoral drift changes and tidal currents (if any);
- General direction and speed of prevailing winds;
- Beach type, slope and material;
- Uplands type, slope and material;
- Soil types (Soil Conservation Service);
- Physical or geologic stability of uplands;
- Profile of beach and uplands;

(3) Extent of Impact Area:

- Marine shores: Within drift sector;
- Lakes and streams: Three hundred feet (300') on each side of proposed project;

(4) Existing characteristics:

- Physical, geological and/or soil characteristics;
- Existing shore stabilization and flood management devices;
- Presence of fish/wildlife vital to the aquatic food chain, or their habitat;

(5) Analysis shall include:

- Potential impact upon area shoreline processes and functions, hydraulic processes, upland stability, natural habitat, adjacent properties, shoreline and water uses, and public access; and
- Alternative measures (including non-structural measures) which will achieve the same purpose. Design alternatives shall include the best available technology, including, but not limited to beach enhancement where appropriate.

(n) **Professional Design**: The City shall require professional design of the proposed project if it is determined there are sufficient uncertainties such as:

(1) Inadequate data on local geophysical conditions;
(2) Inadequate data on stream flow, velocity, and/or flood capacity; and/or
(3) Effects on adjacent properties.

9.090 Stormwater Management Facilities:

~~Stormwater management (detention and treatment) facilities are necessary elements of development. If designed correctly and managed properly they can produce multiple benefits within the shoreline jurisdiction.~~

~~**Policies:**~~

~~(a) Stormwater facilities should not be located in areas where there would be an adverse impact to existing shoreline ecological functions.~~

~~(b) Stormwater management facilities should be designed to incorporate Low Impact Development techniques.~~

~~(c) All Shoreline Designations must comply with these requirements including the shoreline isolated locations.~~

~~**Regulations:**~~

(a) Stormwater management facilities shall be located outside of critical areas and their required buffers, except as specified in ~~Chapter 7,~~SMP section 7.010.

(b) Stormwater management facilities shall provide a minimum of enhanced treatment as defined by the latest version of the Department of Ecology Stormwater Manual for Western Washington and must comply with BMC 20.15 (stormwater).

(c) New stormwater conveyance facilities (outfalls) shall not be constructed within required shoreline or critical area buffers, unless no other feasible alternative exists.

Exhibit B to SMP Ordinance

City of Bremerton
Shoreline Master Program's Appendices

For Periodic Update:

Appendix I: Public Access Plan

Appendix II: Restoration Plan

Updates are shown in Legislative Markup with all edits in Red with additions being underlined and deletions being ~~strikethrough~~.

Shoreline Public Access Inventory

This document identifies existing and potential public shoreline access locations within the City. It is formatted to provide area specific information with a summary of each geographical location, a map, and photos. Improved public access can be achieved by the following:

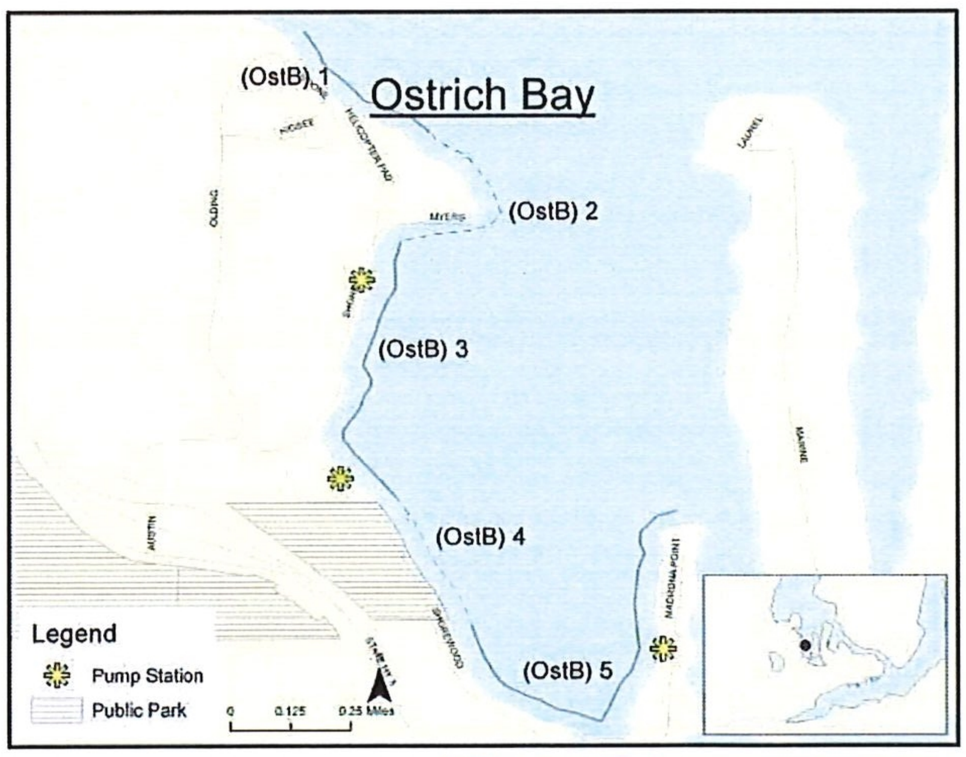
1. Better utilization of existing City owned facilities. Existing underutilized City owned property such as sewage pump stations and street ends located on the shoreline are identified.

2. The Shoreline Master Program requires public access improvements on new commercial development and redevelopment of commercial properties. This document identifies locations within the City likely to be required to improve access.

3. The Shoreline Master Program requires improved access for new subdivisions of 4 or lots. Locations where this type of development is possible in the future are identified. Due to the density of existing lots along the shoreline this is not likely applicable in most areas.

The photos in this document are to be used as a aid to the reader, not all underutlized areas are photographed. This document should be used to help guide neighborhood groups and City Staff in understanding where improvement potential exists, what are some potential benefits, and if any barriers are foreseeable.

Ostrich Bay 1-3 *(South limit of Naval hospital to Meyers place.)*



Current Condition:

- Public access is limited in the Jackson Park Naval Housing Community. While not gated these are Federal lands, access is conditional and may be denied at any time.
- The area has a well lit paved trail system along the shoreline which runs from the hospital through NAD Park. The trail includes areas of second growth forest and developed lawn areas.
- Amenities include a covered picnic area, basketball court, and play equipment.
- The beach is accessible at multiple locations via formal and informal connections.

Potential Improvements:

- A formal agreement between the City and Navy would ensure future civilian pedestrian access.
- Public access could be improved at the
- City owned pump stations within the Navy Facilities located at Dowell Rd and Root Ct.
- Public information and education signage could be installed along the trail system.

Potential Barriers:

- Currently the Navy is not supportive of an agreement to allow civilians onto Navy Facilities due to security issues.



Dowell Rd Pump Station
Notes: Covered picnic table. Pedestrian path following shoreline. Visual access to water.

- Improvements to City Pump Stations would not be accessible by civillians without approval by the Navy.

Ostrich Bay 4 *(NAD Marine Park)*

Current Condition:

- Within NAD Park the shoreline is in open space with an established second growth forest.
- There is continious public access via the trail system running paralell to the shoreline.
- Beach access is avaiable at multiple lecations via formal and informal connections.

Potential Improvements:

- There are opportunities for public information and educational programs and signage along the trail system.
- Park improvements could provide for increased public shoreline access and A.D.A. accessibility, kayak launching areas, picnic benches, etc that would enhance the pedestrian environment.

Ostrich Bay 5 *(1903 Shorewood Dr. to 2151 Madrona Pt Dr. – Tip of Madrona Point)*

Current Condition:

- The area is developed with single-family residential uses with no current public access.
- There are two existing pump stations directly across from one another approximately halfway up Madrona Point Drive called "The Crossing". A photo of the west station is shown to the right. The opposite pump station is addressed in the Oyster Bay section of this document. Currently these pump stations do not provide public access.

Potential Improvements:

- "The Crossing" pump stations could be improved to provide pedestrian access.

Potential Barriers:

- Vehicular access to "The Crossing" is extremely limited as they are located on a narrow pice of Right-of-Way and surrounded by private property. Stairway is steep and may pose a safety risk.
- New public access locations are not likely due to the existing built out development pattern of the area.

Oyster Bay 1 *(2148 Madrona Pt to 924 Lower Oyster Bay Dr)*

Current Condition:

- The area is developed with single-family residential uses with no current public access.
- There are two existing pump stations directly across from one another approximately half way up Madrona Point Drive called "The Crossing". Currently these pump stations do not provide public access.

Potential Improvements:

- Should new commercial development or large scale re-development occur, improved public access will be required.
- Improvements to "The Crossing could enhance pedestrian access on Madrona Point.

Potential Barriers:

- Existing lot sizes are typically too small in this area for new public access requirements to be triggered by subdivision.
- Due to topography the East Pump Station of "The Crossing" may not provide physical access to the shoreline.

Oyster Bay 2 *(From but not including - 924 Lower Oyster Bay Dr to 4320 Kitsap Way)*



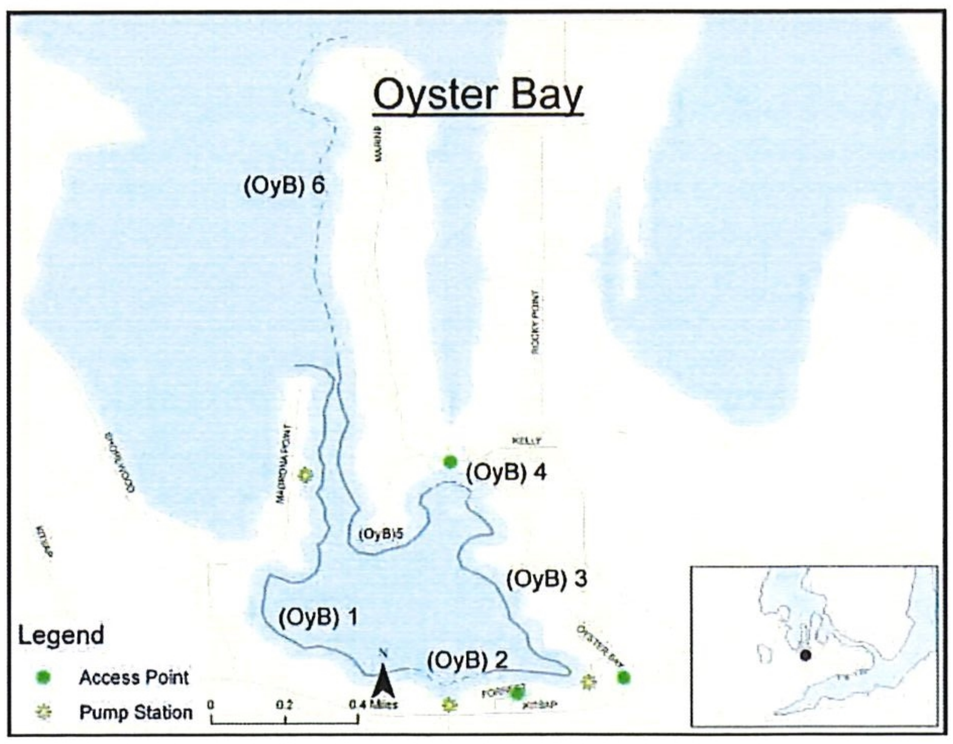
Root Court Pump Station
Notes: Rough paved path. Visual access to water. Steep vegetated bank.



Madrona Point Alleys East Pump Station (The Crossing)
Notes: Steep, stairway chained off. Encroachment by residents. Limited Views due to vegetation and the pump station.



Madrona Point Alleys West Pump Station (The Crossing)
Notes: Steep, narrow access. Encroachment by adjacent residents. Limited Views due to vegetation and the pump station.



Current Condition:

- Developed with both residential and commercial uses, no current public access exists.
- Existing pump station between the Oyster Bay Inn and the Flagship Inn does not provide public access.

Potential Improvements:

- New commercial development and large scale re-development will require improved public access.
- The pump station located off of Kitsap Way between the Oyster Bay Inn and the Flagship Inn has potential for improved public access.

Potential Barriers:

- Existing lot sizes are typically too small in this area for new public access requirements to be triggered by subdivision.
- The pump station on Kitsap Way is severely limited by topography and traffic patterns. The site has limited vehicular access, but is located in off a major arterial street.

Oyster Bay 3 *(4310 Kitsap Way to and including the lot north of 1705 Marine Drive)*

Current Condition:

- Developed with both residential and commercial uses and characterized by steep slopes.
- An existing stairway adjacent to the Family Pancake House descends from Kitsap Way to Oyster Bay Ct. which provides visual access, but does not reach the shoreline.
- Street end of Forrest Avenue unimproved, steep and narrow.

Potential Improvements:

- Street end at Forrest Avenue could be improved to provide improved pedestrian access.
- High probability of future commercial development and or redevelopment. Such development will require improvements to public access.
- Addition of benches along stairway would provide quality viewing.

Potential Barriers:

- Existing lot sizes are typically too small in this area for new public access requirements to be triggered by subdivision.
- Forrest Avenue Street end is limited by steep slopes and narrow street width. There is no location for vehicular parking or turnaround. Additionally neighbors are possibly encroaching into the Right-of-Way.

Oyster Bay 4 – 6 *North of (not including)parcel 152401-2-127-2004 to (but not including) 3042 Marine Dr. – Tip of Peninsula)*

Current Condition:

- The area is developed primarily with single-family residential uses with no current physical public access.
- Visual public access is provided from Marine Drive.

Potential Improvements:

- The street end at Kelly Rd. could be improved to provide a viewing platform.
- This portion of Marine Dr. could be preserved as a scenic drive.
- Sidewalks, bike lanes and viewpoints could be provided at key locations along the Right-of-Way.

Potential Barriers:

- Subdivisions of more than 4 lots require improved public access. Generally existing lot sizes are too small in this area for such subdivisions, however there are some larger lot sizes in Oyster Bay 6 where there is moderate potential for improved public access should large lots subdivide.



Oyster Bay Stairs
Notes: View from public stairs. No direct access to shoreline.



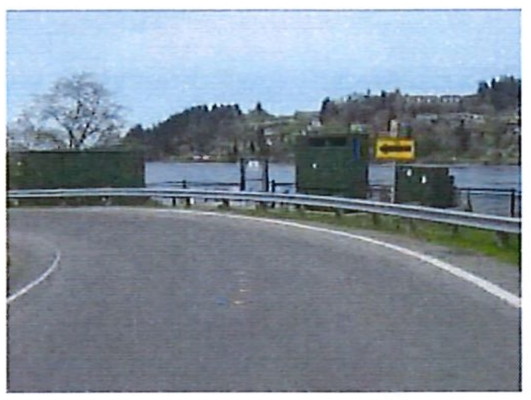
Forrest Avenue Street End

Notes: Steep, narrow roadway descends from Kitsap Way to Oyster Bay. Physical access to water.



Kelly Road Street End

Notes: Views from road. Low bank. Shoulder used informailly for parking.



Snyder Avenue Pump Station

Notes: Low bank. Informal access to water. Possible residential encroachments.

Mud Bay 1-3 *(3052 Marine Drive to 3544 Mathews Dr. NW (Tip of Rocky Pt.)*

Current Condition:

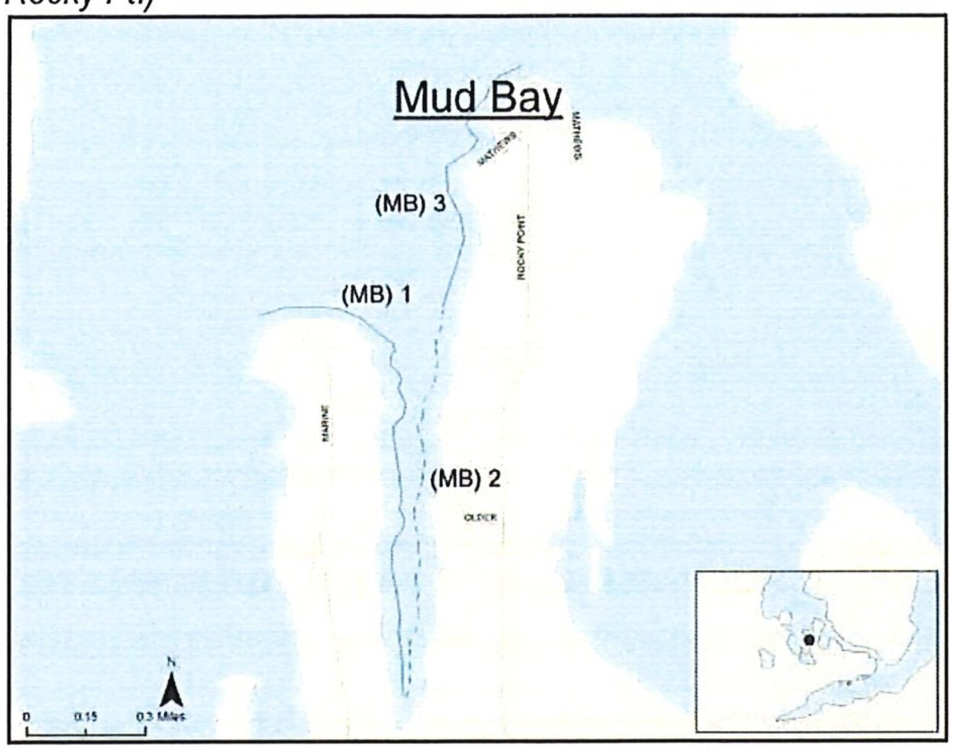
- The area is developed with single-family residential uses with no current public access.

Potential Improvements:

- The street end at Older Avenue has legal access to State tidelands; therefore improvements are possible at this location.

Potential Barriers:

- Existing lot sizes are typically too small in this area for new public access requirements to be triggered by subdivision.
- The street end at Older Avenue is heavily forested and is on a steep slope. Access is not likely in this location due to the sensitivity of the resources.





Older Ave

Notes: Thick trees and vegetation. No access to water. Steep slope. High bank.

Phinney Bay 1 *(3532 Mathews Dr NW to 2710 Yacht Haven Wy.)*

Current Condition:

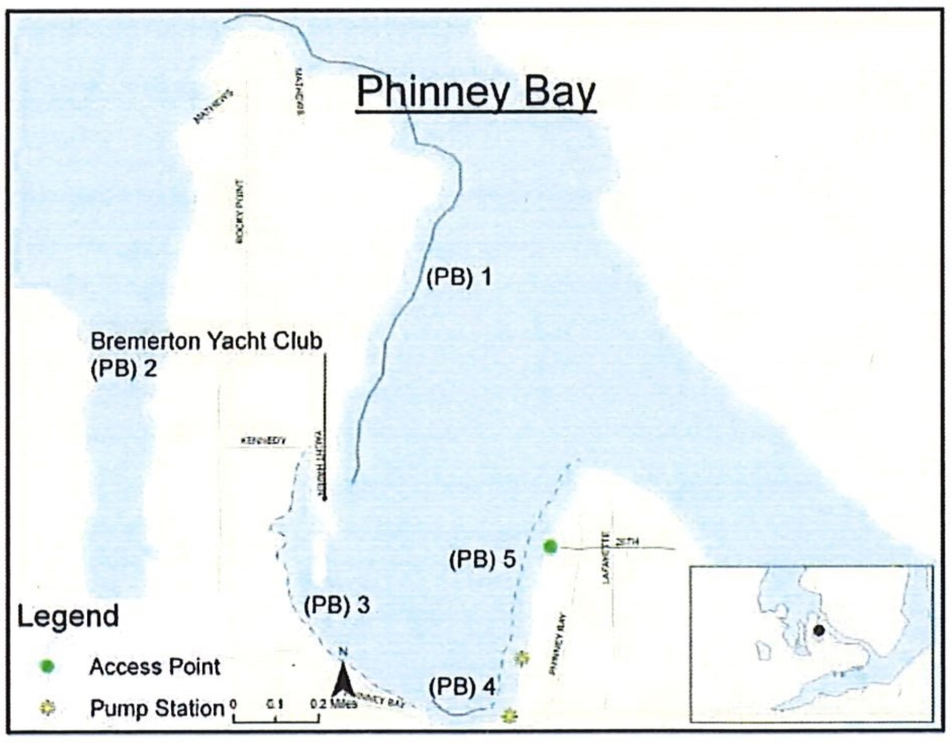
- The area is developed with single-family residential uses with no current public access.

Potential Improvements:

- Subdivisions of more than 4 lots require improved public access. Existing lot sizes vary, should larger lots subdivide into more than 4 lots, improved public access will be required.

Potential Barriers:

- Subdivision of more than 4 lots is currently unlikely as this area is not serviced by City sewer. Lot sizes required for lots not serviced by sewer will severely limit subdivision density.



Phinney Bay 2 *(2700 Yacht Haven Way -Bremerton Yacht Club)*

Current Condition:

- No current public access.

Potential Improvements:

- Expansion of the yacht club could trigger improved public access requirements. Additionally WAC 332-30-131(5) provides an incentive of reduced rent on aquatic lands where public access is provided.

Potential Barriers:

- Redevelopment is unlikely in the immediate future.



26Th Street End

Notes: Steep bank, vegetation blicks views. Development between road and shoreline.

Phinney Bay 3 (4105 *NW Kennedy Dr to 3680 NW Phinney Bay Rd - Include Shaw Island)*

Current Condition:

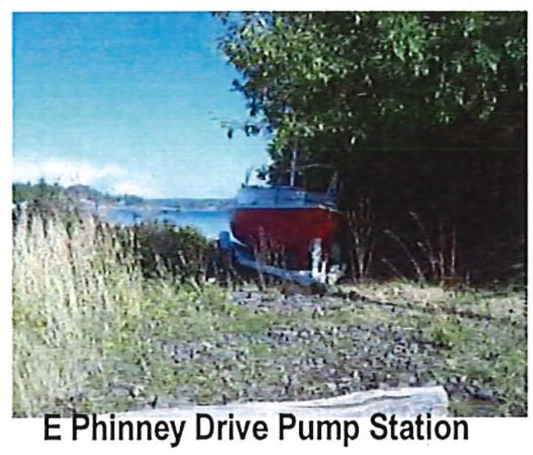
- The area is developed with single-family residential uses with no current physical public access.
- Scenic views along most of Phinney Bay Drive.

Potential Improvements:

- Phinney Bay Dr could be preserved as a scenic drive. Sidewalks, Trails, bike lanes, and viewpoints should be provided on the public right-of-way.

Potential Barriers:

- Existing lot sizes are typically too small in this area for new public access requirements to be triggered by subdivision.



E Phinney Drive Pump Station

Notes: Low bank. Informal access to water. Residential encroachments.

Phinney Bay 4 & 5 *(3423 NW Phinney Bay Rd to 2715 N. Lafayette Avenue)*

Current Condition:

- The area is developed with single-family residential uses with no current public access.

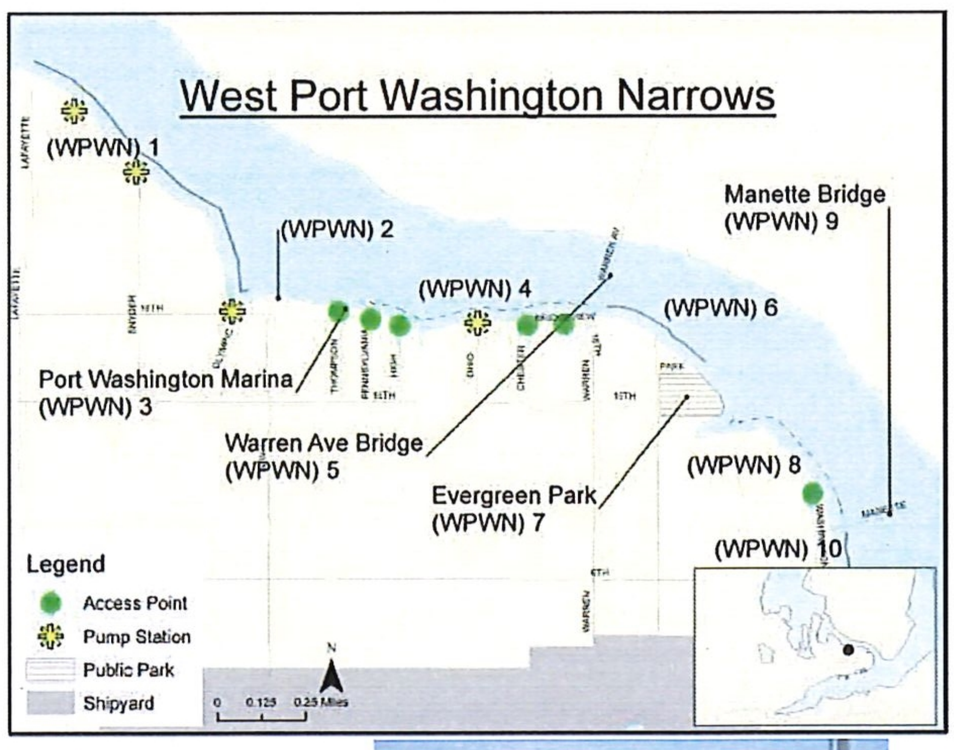
Potential Improvements:

- Phinney Bay Dr could be preserved as a scenic drive. Sidewalks, Trails, bike lanes, and viewpoints should be provided on the public right-of-way.

- The E. Phinney Bay pump station has high potential for public access improvement.

Potential Barriers:

- Existing lot sizes are typically too small in this area for new public access requirements to be triggered by subdivision.
- The 26th Street end has low potential for public access as it is highly vegetated and is on a steep bank.



West Port Washington Narrows 1

(2710 N Lafayette Ave to 2304 19th Street)

Current Condition:

- The area is developed with single-family residential uses which do not provide public access.
- Public access improvements are required and planned for the Waterside Lane Development.
- Limited public access at intersection of 25th and Snyder Avenue at the City pump station.

Potential Improvements:

- Improvements to pump station on Snyder Avenue could improve pedestrian access.
- Public access adjacent to the shoreline for Waterside Lane will be improved as project develops.



Olympic Ave. Street End

Notes: Low bank. Poor aesthetic of building and landscaping. Residential encroachments.

Potential Barriers:

- Existing lot sizes are typically too small in this area for new public access requirements to be triggered by subdivision.

West Port Washington Narrows 2 *(1900 Naval Ave to Port Washington Apts – Anderson Cove)*

Current Condition:

- The area is developed with single-family residential uses which do not provide public access.
- Undeveloped Street end at Olympic.
- City owned property at 2310, 2314, 2316, and 2320 19th Street, homes have recently been demolished, property is vacant.

Potential Improvements:

- Street ends on Olympic Ave could be improved to provide pedestrian public access.
- Sidewalks, bike lanes and viewing platforms may be developed on the right-of-way to provide for greater public enjoyment.
- The City owned property at 2310, 2314, 2316, and 2320 19th Street are planned to be improved by the Parks Department to provide a recreational facility and public beach access.



Thompson Ave. Street End

Notes: Ajacent to marina. Steep bank. No existing public access.

Potential Barriers:

- Existing lot sizes are typically too small in this area for new public access requirements to be triggered by subdivision.

West Port Washington Narrows 3 *(1805 Thompson - Port Washington Marina)*

Current Condition:

- No public access.

Potential Improvements:

- Expansion of the marina could trigger improved public access requirements. Additionally WAC 332-30-131(5) provides an incentive of reduced rent on aquatic lands where public access is provided.

Potential Barriers:

- Redevelopment is unlikely in the immediate future.

West Port Washington Narrows 4 *(1806 Thompson Ave to Warren Ave Bridge.)*

Current Condition:

- Industrial and single-family residential development. Informal public access at High Ave and Ohio Avenue.

Potential Improvements:

- There are several opportunities for improved access at street ends locations such as Thompson Ave, Pennsylvania Ave, High Avenue, Ohio Avenue, and Chester Avenue and the pump station on Ohio Avenue.



Chester Ave. Street End

Notes: Steep bank. Nice view. Encroachment by single-family uses. Directly adjacent to to Olympic College.



Pennsylvania Ave Street End

Notes: Steep bank. Rugged informal footpath. Overgrown. Ajacent to industrial.

West Port Washington Narrows 5 *(Both sides Warren Bridge Roto-Vista Park)*

Current Condition:

- Roto-Vista Park offers 130 linear feet of shoreline access with some amenities and limited on-street parking
- Excellent vistas of Port Washington Narrows, limited physical access.

Potential Improvements:

- Park improvements should include increasing vehicular access and A.D.A. accessibility.

West Port Washington Narrows 6 *(Warren Ave Bridge to 710 Park Dr.)*



High Ave. Street End

Notes: Moderate/Low bank. Informal footpath to beach.Clear View.

Current Condition:

- Multi-family and single-family development with no formal public access provided on private parcels.
- Informal pedestrian access is available along the parking lot between Elizabeth Avenue and Park Avenue.
- Park Avenue street end provides informal public access.

Potential Improvements:

- More formal facilities could be developed at existing City owned parcels. Improvements to such parcels are wide ranging.



11th Place St. Street End

Notes: High bank. Think bramble. Great view. Some room for parking.

West Port Washington Narrows 7 *(Evergreen Park)*

Current Condition:

- Evergreen Rotary Park includes 1,900 feet of visual and physical shoreline access and includes: a group shelter, picnic shelters and tables, BBQs and a boat launch.

Potential Improvements:

- The future waterfront connectivity project may traverse the public tide or aquatic lands in this area from the Turner Joy to Evergreen Park.
- Future additions to the park could increase public access. The City owns the property to the northeast of the park and has preliminary plans for such improvements.



Ohio Ave. Street End & Pump Station

Notes: Utility access. Clear View. Beach accessible.Gentle bank.

West Port Washington Narrows 8 *(Evergreen Park to Manette Bridge)*

Current Condition:

- Multi-family district currently developed in single-family use with no existing physical access.
- Existing views from roads.

Potential Improvements:

- The future waterfront connectivity project may traverse the public tide or aquatic lands in this area from the Turner Joy to Evergreen Park.
- Street end at 11th Place St.

Potential Barriers:

- Steep bank, high density, developed area provides a limited area for improvements.



Park Ave. Street End

Notes: Steep bank. Clear view of water.

West Port Washington Narrows 9 *(Both sides of the Manette Bridge)*

Current Condition:

- No current public access.

Potential Improvements:

- Replacement of the Manette Bridge have provided opportunity for public access in the location of the old bridge. Steep slopes and limited vehicular access will minimize the scope for this site; however substantial opportunity for improvement is available.

Potential Barriers:

- Steep bank, high density, developed area provides a limited area for improvements.



Bridgeport X 18th Street End

Notes: Small street adjacet to the bridge. Steep bank. No physical or visual access. Private garage may encroach.

West Port Washington Narrows 10 *(Manette Bridge to 608 Washington Ave)*

Current Condition:

- Existing multifamily development on steep bank waterfront with no public access.

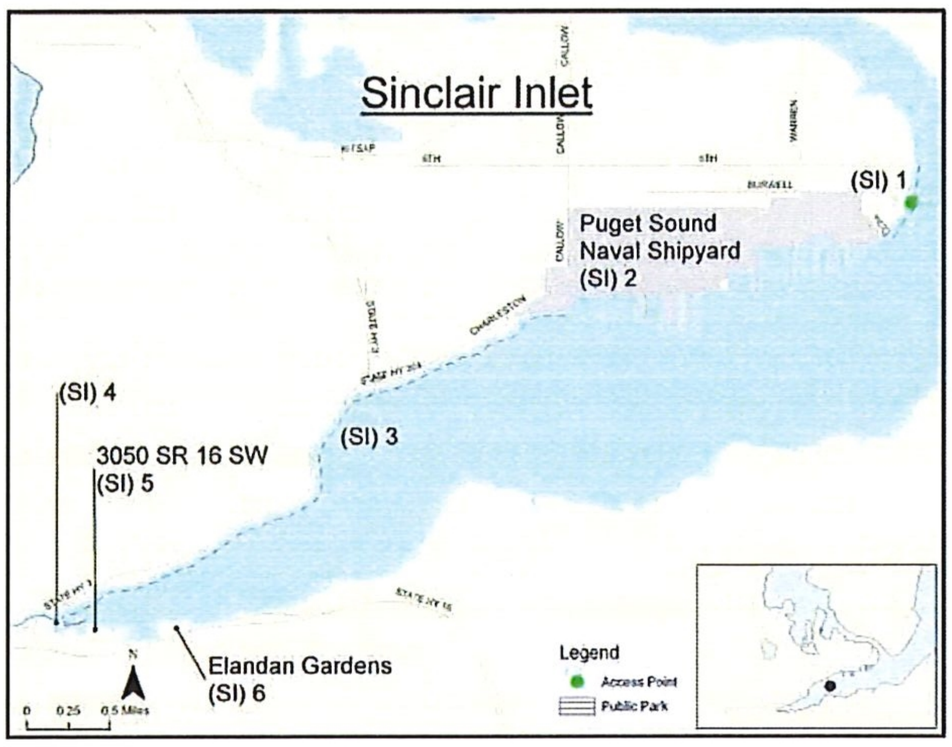
Potential Improvements:

- The future waterfront connectivity project may traverse the public tide or aquatic lands in this area from the Turner Joy to Evergreen Park.
- Redevelopment is likely for many of these lots, which would require improved public access.
- 6th Street connection to shoreline should be provided and is shown in existing Land Use applications.

Potential Barriers:

- Steep bank, high density, developed area provides a limited area for improvements.

Sinclair Inlet 1 *(6th Street to Puget Sound Naval Shipyard)*



Current Condition:

- There is a large public marina between the Ferry Terminal and Burwell Street in conjunction with a waterfront plaza that provides extensive public access.
- Louis Mentor Boardwalk and southerly ferry terminal.
- Bremerton Fountain Park between the shipyard and ferry terminal.

Potential Improvements:

- Public access trail could be provided running parallel to the shore.

Potential Barriers:

- High density, developed area provides a limited area for improvements.

Sinclair Inlet 2 *(Puget Sound Naval Shipyard)*

Current Condition:

- Heavy industrial ship yard
- Public access is not appropriate due to hazards and national security concerns.

Sinclair Inlet 3 *(Puget Sound Naval Shipyard boundary to, but not including 3958 SR 16 West - Gorst Creek)*



Sinclair Inlet 1 – Downtown Bremerton

Notes: Densely developed with several public access points.

Current Condition:

- The shoreline in this area is bounded by the US Navy Railroad, SR 3, and SR 304.
- The majority of the shoreline consists of rock rip-rap. There is no formal public access to this area.

Potential Improvements:

- Future development of the "Mosquito Fleet Trial" could improve access. This could include bike lanes and pedestrian paths to connect Bremerton and Port Orchard.

Potential Barriers:

- Highly developed with industrial uses and Highway severely limit public access opportunities.

Sinclair Inlet 4 *(Puget Sound Naval Shipyard boundary to, but not including 3958 SR 16 West - Gorst Creek)*

Current Condition:

- Commercial Development in the area along the Gorst Estuary.

Potential Improvements:

- Future development of the "Mosquito Fleet Trial" could improve access. This could include bike lanes and pedestrian paths to connect Bremerton and Port Orchard.
- Redevelopment of properties would require a public access trail along the shoreline that ensures connectivity between properties.

Potential Barriers:

- Highly developed and Highway severely limit public access opportunities.

Sinclair Inlet 5 *(3958 SR 16 West to 3050 SR 16 SW)*

Current Condition:

- This is the Sinclair Inlet Wildlife Area, a Kitsap County Park extending about 1,000 feet along SR 16 with a cove on the Gorst Estuary. Public access includes a wildlife viewing platform.

Potential Improvements:

- Ideally this area will remain a wildlife area. Access and parking are limited due to the proximity to SR 16.

Potential Barriers:

- Public access is limited due to the proximity to the highway and high sensitivity of habitat on site.

Sinclair Inlet 6 *(Elandan Gardens)*

Current Condition:

- Elandan Gardens is a private nursery, informal public access is provided during business hours. No formal public access.

Potential Improvements:

- Redevelopment could require a public access trail along the shoreline that ensures connectivity between properties.

Potential Barriers:

- Access is limited due to proximity to the highway.

East Port Washington Narrows 1

(Riddell Road to 3632 Tracyton Beach Rd)

Current Condition:

- Rural single-family residential

Potential Improvements:

- Opportunity for public access exists should larger lots subdivide.

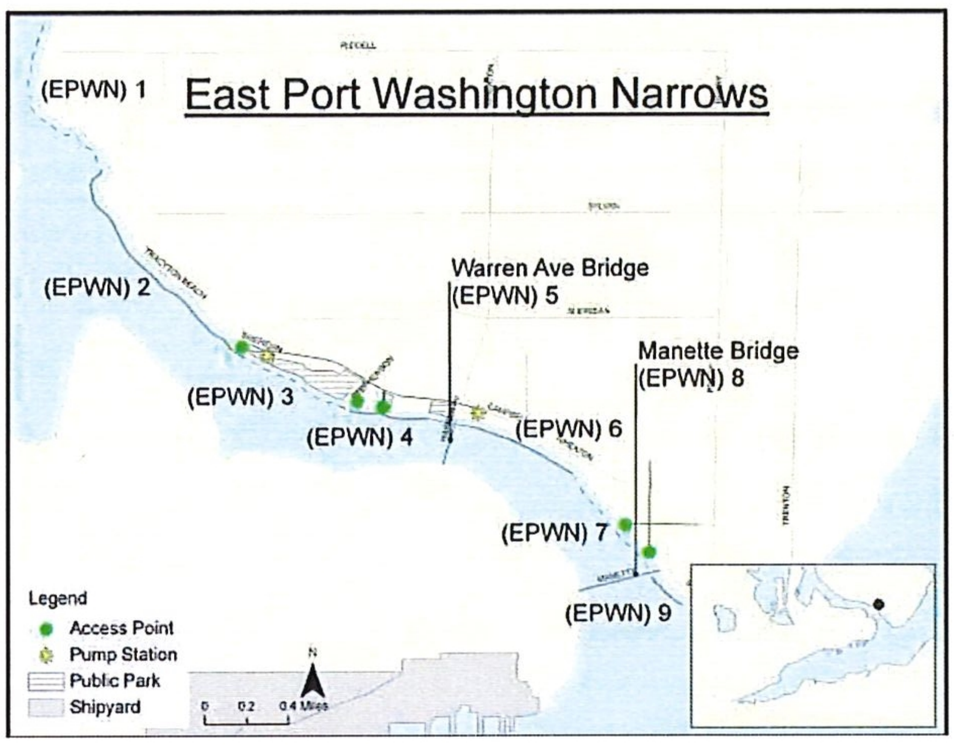
East Port Washington Narrows 2 *(South of 3765 Tracyton Beach Rd to Sheridan Road)*

Current Condition:

- Tracyton Beach Rd offers a scenic drive.
- Pat Carey Vista provides amenities and views.

Potential Improvements:

- Opportunity for public access exists should larger lots subdivide.
- Tracyton Beach Road could be declared a scenic drive.
- Trails or sidewalks and viewpoints could be provided on the public right-of-way.
- Street end at Sheridan Rd. has some improvement potential.



Potential Barriers:

- Areas that are encumbered by high bluffs may not be able to provide physical access without damaging the steep slopes. Access should not adversely affect sensitive intertidal areas.



Sheridan Rd. Street End
Notes: Nice view. Heavy traffic flow. Very close to Lyons park.Private garage may encroach.

East Port Washington Narrows 3 *(Sheridan Road to 2475 Stephenson Ave)*

Current Condition:

- Lions Park provides public access along the shoreline and to the beach with many amenities available to the public.

Potential Improvements:

- Park improvements and ecological restoration measures are encouraged.
- The street end at Stephenson Avenue is directly adjacent to Lyons Park, has ample room for improved access.

Potential Barriers:

- There is ample existing public access in this location, new access at pump stations may not be necessary.

East Port Washington Narrows 4 2506 Stephenson Ave to Sheridan Park)

Current Condition:

- This reach includes a city utility facility, multi-family development, and Lent's Landing Park. A more formal pedestrian connection could be provided between Lions Park and the City's utility facility.

Potential Improvements:

- Public access to the parks should be maintained, but may be modified in the future in conjunction with ecological restoration measures.

East Port Washington Narrows 5 *(Sheridan Park Warren Bridge Theater)*

Current Condition:

- Single-family and multi-family use, Sheridan Park, and the Bremerton Community Theater on a City owned parcel.
- Park and Recreation Department "laydown" site across from Sheridan Park Community Center.

Potential Improvements:

- Public access to the water below the bluff could be provided.
- Eastside Village Subarea Plan identifies an opportunity to surplus and develop the laydown site and refocus parks and recreation at Campbell Way and Lebo Blvd. See East Port Washington Narrows 6.
- SR 303 improvements may include a pedestrian priority ramp east from SR 303 to Lebo Blvd. This would be an opportunity to provide visual access to the shoreline.

Potential Barriers:

- Public access should be avoided in cases where damage to the steep slopes is likely and where it would adversely affect sensitive intertidal areas.

East Port Washington Narrows 6 *(1107 Campbell Way to 1921 Wheaton Way)*

Current Condition:

- City-owned utility facility on the south side of the bridge.
- Multi-family and commercial uses on Campbell Way and Wheaton Avenue.

Potential Improvements:

- There is an unopened street end at Main Street north of the Campbell Way/Wheaton Way intersection that provides the potential for a marine access and viewpoint. Shoreline viewing may be more feasible from the Campbell Way right-of-way. Goal to improve commercial frontage, Public Works access, and allow for shoreline viewing.
- Eastside Village Subarea Plan identifies an opportunity to develop "triangle" property at Campbell Way and Lebo Blvd. with commercial amenities and stormwater treatment and offer shoreline viewing.

Potential Barriers:

- Main Street end is a steeply sloped area. Parking is limited. See Potential Improvements to Campbell Way or "triangle" park above.

East Port Washington Narrows 7 *(East of 1921 Wheaton to the Manette Bridge)*

Current Condition:

- Domstad Park, in conjunction with open space on both sides of the Manette Bridge, provides a public viewpoint.

Potential Improvements:

- Improved access opportunities in the location of the Old Manette Bridge.

Potential Barriers:

- Steep slope and high density limit area for pedestrian access.

East Port Washington Narrows 8 *(Manette Bridge both sides)*

Current Condition:

- Visual access to the water is provided.

Potential Improvements:

- New Manette Bridge will provide bike lane and improved sidewalk width.
- Improvements are likely to occur on both sides of the bridge.

Stephenson Ave. Street End

Notes: Chain link fence around a large portion of Lyons field.

Lent's Landing Street End

Notes: Water access, large lawn, gazebo, benches,parking, bus shed.

Main St. View Point

Notes: Informal Pathway to beach. Steep access to beach.

16th Steet End

Notes: High bank with steep slope. Great view.



East Port Washington Narrows 9 *(Manette Bridge to 211 Shore Dr)*

Current Condition:
- Retail, restaurant and multi-family uses. A pier is provided at The Boat Shed Restaurant.

Potential Improvements:
- A continuous walkway along the shoreline could be provided at the time these parcels redevelop.
- Piers on public aquatic lands also could provide public access.
- Pump station on Lebo Blvd just south of the Warren Ave Bridge.

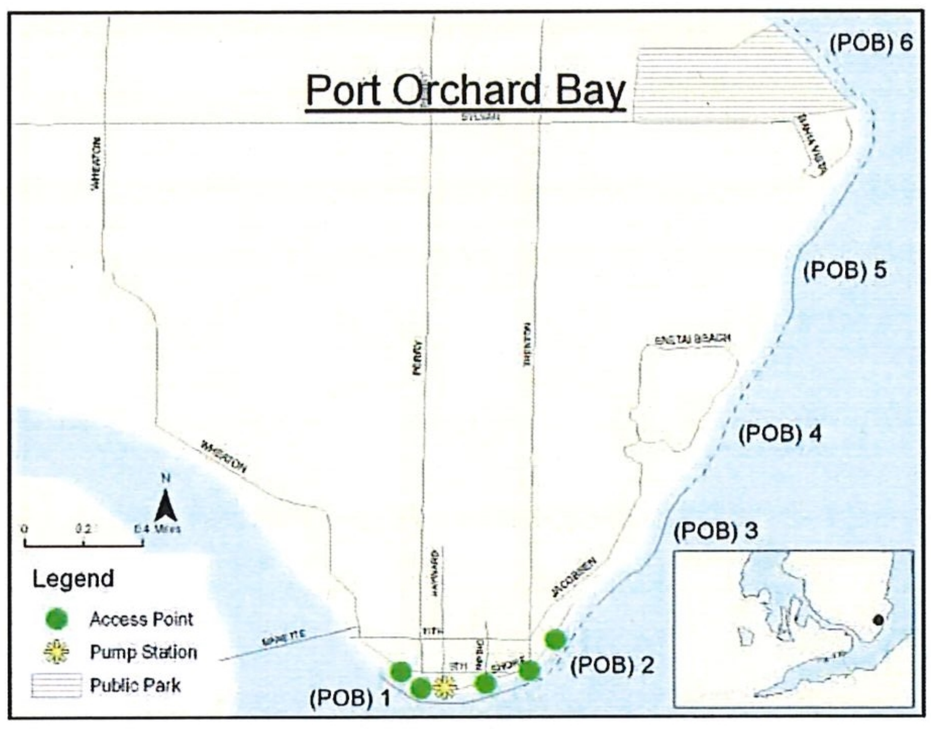
Potential Barriers:
- The shoreline is densely developed, new access points are unlikely.

Port Orchard Bay 1
(215 Shore Drive to 711 Shore Drive)

Current Condition:
- Single-family residential.
- Developed street ends at 9th St and Hayward Avenue providing public access.
- Existing visual access from Upper Shore Drive.

Potential Improvements:
- Upper Shore Drive could be preserved as a scenic drive with a trail or sidewalks and viewpoints provided on the public right-of-way.
- The property between 327 and 3214 Shore Drive that is owned by the City could be improved to be a pocket park.

Potential Barriers:
- The shoreline is densely developed, new access points are unlikely.



Port Orchard Bay 2 (805 Shore Drive to 1151 Shore Drive)

Current Condition:
- Lots developed with Single-family residential use.
- Bachman Park at the Trenton Ave street end provides visual and physical access.
- Jennifer's Hill Climb at street end of 11th Street and Trenton Avenue.
- Street end at 11th has encroachments from neighbors.
- Views from Upper Shore Drive

Potential Improvements:
- Improvements to existing facilities such as public amenities for pedestrians.
- Upper Shore Drive could be preserved as a scenic drive.
- 11th Street end could be improved to provide pedestrian access.

Potential Barriers:
- The shoreline is densely developed, new access points are unlikely.



9th Avenue Street End

Notes: Small picnic area, parking, and beach access.



Hayward Avenue Street End

Notes: Pump station predominates site. Access to water. Great view.

Port Orchard Bay 3 & 4 *(1334 Jacobson Blvd to 2504 NE Enetai Beach Rd)*

Current Condition:
- Developed with single family residences with no existing public access.

Potential Improvements:
- Jacobson Blvd could be preserved as a scenic drive.

Potential Barriers:
- The shoreline is densely developed, new access points are unlikely.

Port Orchard Bay 5 *(2700 NE Enatai Beach Rd to but not including 3735 Bahia Vista Drive)*

Current Condition:

- Largely undeveloped. No current public access.

Potential Improvements:

- Largely undeveloped, when development occurs public access should include a trail eventually connecting to Illahee State Park.

Port Orchard Bay 6 *(3735 Bahia Vista Drive to Illahee State Park)*

Current Condition:

- Single-family residential. No current public access.

Potential Improvements:

- Small lot size within single-family residential area. If development occurs public access should include a trail eventually connecting to Illahee State Park.

Potential Barriers:

- Coordination of trail system.

Gorst Creek 1 *(Sinclair Inlet to SR 3)*

Current Condition:

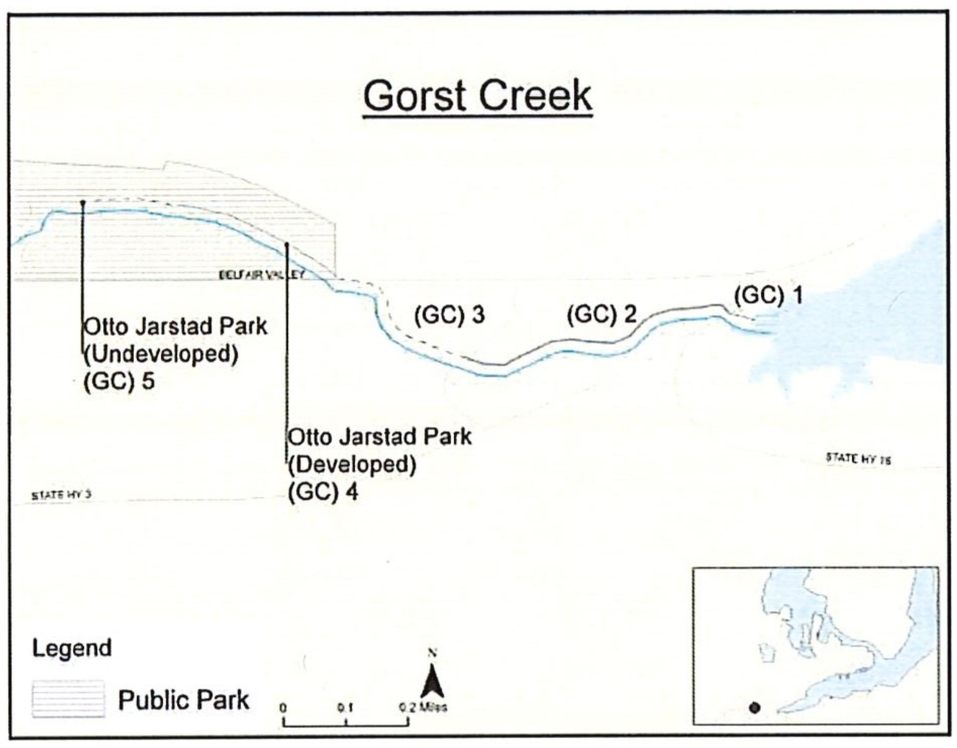
- Undeveloped on the left bank, developed commercial use on the right bank.
- No formal public access.

Potential Improvements:

- Future redevelopment will likely require improved public access.
- Trail system running parallel to the shoreline should be included in public access for each project.

Potential Barriers:

- Coordination of trail system.



Gorst Creek 2 *(SR 3 to Sam Christopherson Avenue.)*

Current Condition:

- Commercial and Industrial use.
- No formal public access.

Potential Improvements:

- A shoreline public access path could be created when redevelopment occurs that ensures connectivity with other properties.

Potential Barriers:

- Coordination of trail system.



Gorst Creek

Notes: Fish Habitat enhancement project in Jarstad Park.

Gorst Creek 3 *(Sam Christopherson Avenue to W. Belfair Valley Rd)*

Current Condition:

- Single-family residential, however, zoned for more intense purposes.

Potential Improvements:

- A shoreline public access path should be created when redevelopment occurs that ensures connectivity with other properties.

Potential Barriers:

- Coordination of trail system.

Gorst Creek 4 *(W Belfair Valley Rd to power line easement - Hatchery in Otto Jarstad Park)*

Current Condition:

- Developed portions of Otto Jarstad Park offer public access as well as access and educational programs at the fish hatchery.

Potential Improvements:

- Park improvements could include formal access that recognizes sensitive features of the stream.

Gorst Creek 5 *(Power line easement in Otto Jarstad Park to end of shoreline jurisdiction)*

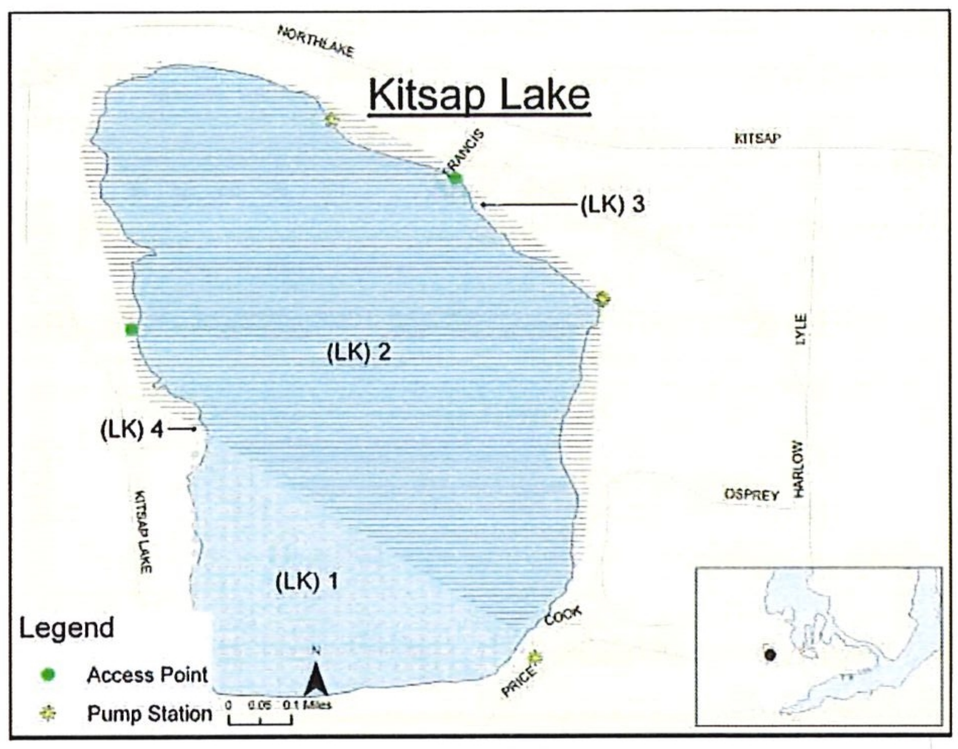
Current Condition:

- Undeveloped portions of Otto Jarstad Park provide Informal access to the shoreline.

Potential Improvements:

- Park improvements could include formal access that recognizes sensitive features of the stream.

Kitsap Lake 1 *(South side of lake to 1976 Price Rd - Kitsap Lake Park)*



Current Condition:

- Kitsap Lake Park includes both active recreation areas and a large natural area consisting of a large wetland complex. The active portion of the park provides public access along the shoreline.
- Department of Fish & Wildlife Boat Launch provides physical and visual access with picnic tables and bathrooms, however park fees apply.

Potential Improvements:

- Additional interpretive trails and boardwalks may be developed in the wetland area, to the extent that they protect ecologically important resources.

Kitsap Lake 2 *(Easterly portion of Kitsap Lake Park)*

Current Condition:

- Single-family residential. No current public access.

Potential Improvements:

- Unlikely possibility of future public access due to existing small lot sizes.
- Pump stations on Price Rd, Cedarwood Dr, and Chico Way all have the potential to be improved to provide pedestrian access.

Potential Barriers:

- Pump stations are small and will likely have limited or no parking.



Cedarwood Drive Pump Station

Notes: Low bank. Beach inaccessible due to fencing. Could be improved with minal costs.

Kitsap Lake 3 *(Platted Kitsap Lake)*

Current Condition:

- Single-family residential
- Informal public access to the shoreline at the end of Francis Street.

Potential Improvements:

- Street end at Francis St Could be expanded.

Potential Barriers:

- New public access locations are unlikely due to density of existing neighborhood.



Department of Fish & Wildlife Boat launch

Notes: Boat launch, bathroom, parking, visual and physical access.

Kitsap Lake 4 *(1012 Kitsap Lake Rd Navy – Camp McKean)*

Current Condition:

- Navy Park provides public access along the shoreline and to the beach however it is limited to naval personnel.

Potential Improvements:

- Subdivisions of more than 4 lots require improved public access. Existing lot sizes vary, should larger lots subdivide into more than 4 lots, new public access will be required.

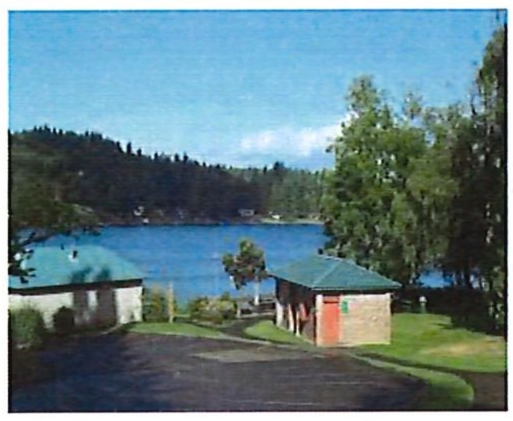
Potential Barriers:

- The Navy is unlikely to offer access to civilians due to security risks.



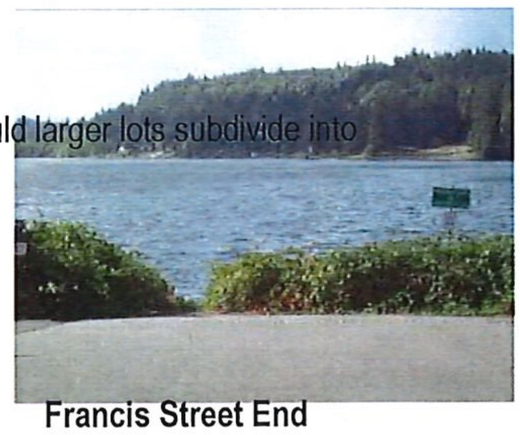
Chico Way Pump Station

Notes: Low bank. Access to water. Great access to shoreline. Very close to neighboring residences.



Price Road Pump Station – Kitsap Lake Park

Notes: Ample parking, restrooms, picnic tables, visual and physical access to water.



Francis Street End

Notes: Low bank. Paved to beach. Parking. Could be improved with minimal costs.

Union River Reservoir 1

Current Condition:

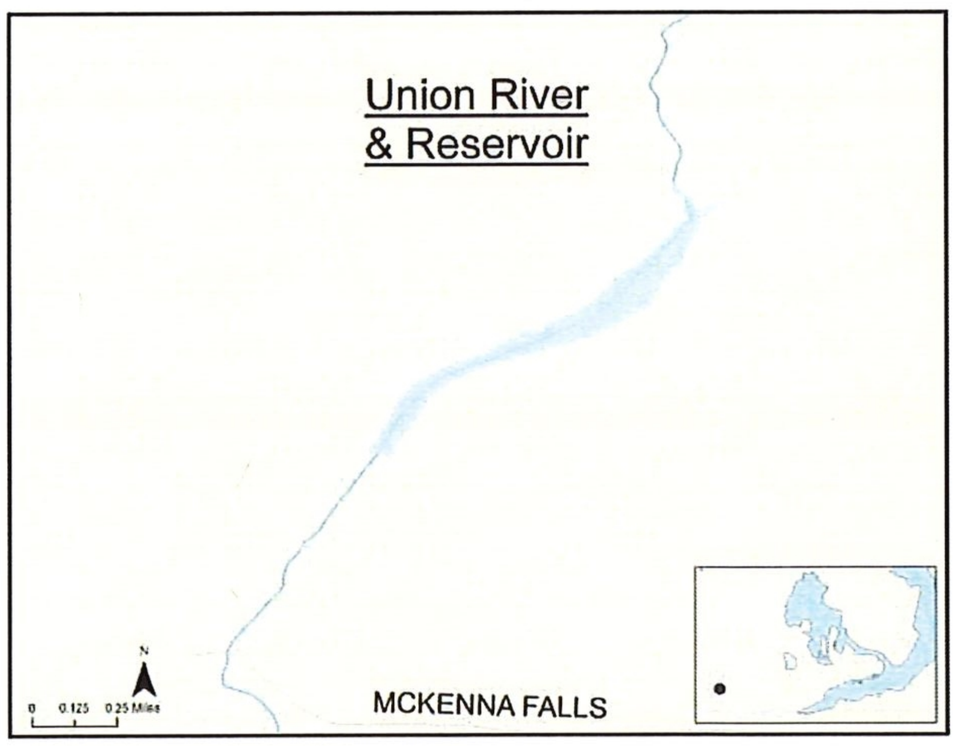
- Undeveloped open space. Public access is prohibited.

Potential Improvements:

- None.

Potential Barriers:

- Public access presents a safety concern to the City's water supply. State and Federal regulations prohibit public access in this location.



Twin Lakes

Current Condition:

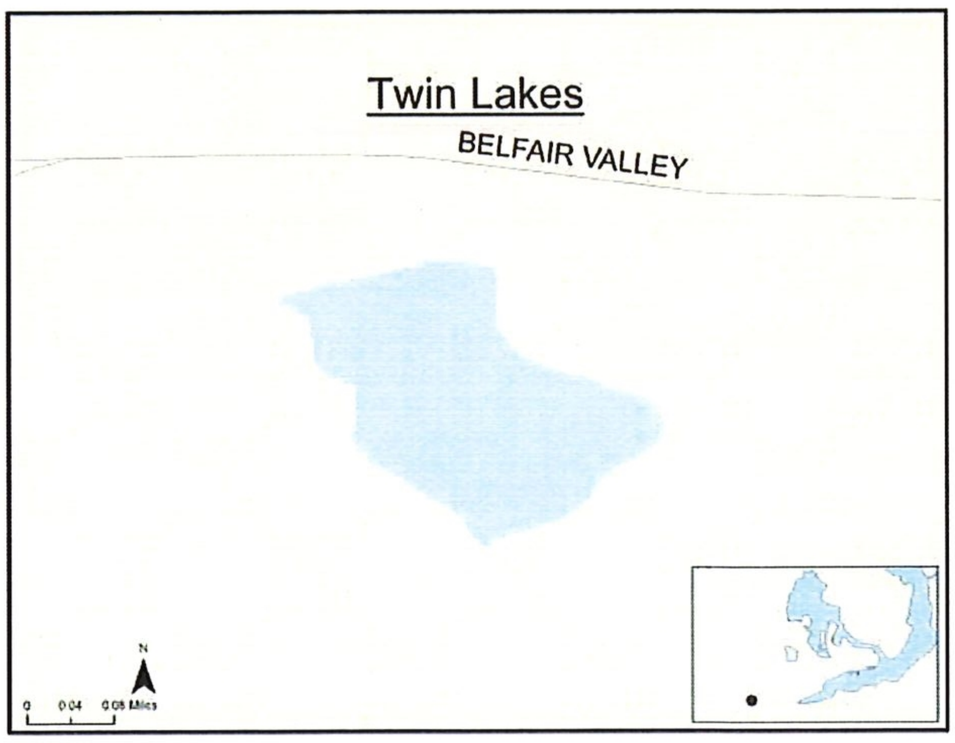
- Undeveloped open space. Public access is prohibited.

Potential Improvements:

- None

Potential Barriers:

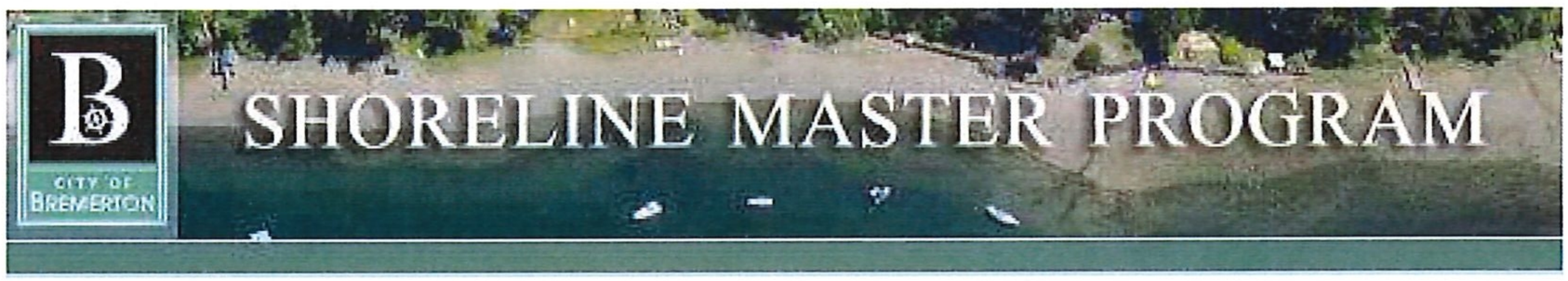
- This is a surface expression of the aquifer. There are several State and federal regulations for watershed protections that prohibit public access to this location.



City of Bremerton
Shoreline Master Program

Restoration Plan

April 2021 Update
Addendum to this Report is attached at the end of the document.
This update is due to the SMP Major periodic update.
Addendum was developed by The Watershed Company



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Exhibit B to SMP Ordinance

CITATION

City of Bremerton
Shoreline Master Program
Restoration Plan. Prepared by
Parametrix, Bellevue, Washington.
February 2012.
City Council Approval October 2012
Updated on April 2021.
Update Prepared by The Watershed Company
December 2020
City Council Approval April 2021

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ACRONYMS AND ABBREVIATIONS

ALEA	Aquatic Lands Enhancement Account
BMC	Bremerton Municipal Code
BMP	best management practice
cfs	cubic feet per second
City	City of Bremerton
Ecology	Washington State Department of Ecology
ESRP	Estuary and Salmon Restoration Program
HWS	Habitat Work Schedule
LID	low impact development
LWCF	Land and Water Conservation Fund
LWD	large woody debris
NNL	no net loss
PAA	Potential Annexation Area
PHS	Priority Habitats and Species
PIC	Pollution Identification and Correction
Plan	Shoreline Restoration Plan
PSNERP	Puget Sound Nearshore Ecosystem Restoration Project
PSRF	Puget Sound Restoration Fund
RCW	Revised Code of Washington
SMA	Shoreline Management Act
SMP	Shoreline Master Program
SR	State Route
SSWM	Surface and Stormwater Management
UGA	Urban Growth Area
WAC	Washington Administrative Code
WDFW	Washington Department of Fish and Wildlife
WRIA	Water Resource Inventory Area

Exhibit B to SMP Ordinance

1. INTRODUCTION

1.1 PURPOSE

The City of Bremerton (City) is conducting a comprehensive Shoreline Master Program (SMP) update with the assistance of a grant administered by the Washington State Department of Ecology (Ecology) (Shoreline Management Act [SMA] Grant No. G1000007). Cities and counties are required to update their SMPs to be consistent with the state SMA, Revised Code of Washington (RCW) 90.58 and its implementing guidelines, and the shoreline management guidelines under Washington Administrative Code (WAC) 173-26.

Washington's SMA was passed by the State Legislature in 1971 and adopted by the public in a referendum in 1972. The SMA was created in response to growing concerns about the effects of unplanned and unregulated development on the state's shoreline resources. The overall goal of the SMA is "to prevent the inherent harm in an uncoordinated and piecemeal development of the state's shorelines."

The SMP Shoreline Restoration Plan (Plan) is intended to be coordinated with other existing plans in the area. This Plan evaluates additional potential projects based on opportunities identified in the SMP *Revised Shoreline Inventory and Analysis* (City of Bremerton 2010) and coordinated with SMP policies and regulations.

1.2 SMP RESTORATION PLAN GOALS

The goals of this Plan are:

- Continue to work collaboratively with other jurisdictions and stakeholders in Water Resource Inventory Area (WRIA) 15 to implement the Salmon Habitat Protection and Restoration Strategy.
- Use the scientific foundation and the identification of opportunities and constraints in the SMP *Revised Shoreline Inventory and Analysis*, together with other watershed, fish, and flood control plans, as resources to identify restoration strategies and projects.
- Use the comprehensive list of projects and other actions consistent with the Salmon Habitat Protection and other programs as sources of potential site-specific projects.
- Coordinate land use decisions, particularly mitigation required of development projects, with the comprehensive list of project actions for coordinated implementation of the most effective restoration strategy.
- Encourage voluntary restoration by homeowners and other shoreline property owners, in addition to agency-funded and project-related actions, as well as resource-friendly daily actions such as vegetation selection and management, pesticide/herbicide use, car washing, and other activities.
- Provide for management of City-owned parks and other facilities to provide for ecological restoration, along with recreation, flood control, and other goals.
- Seek funding for restoration actions and programs from a variety of sources and by working with other WRIA 15 stakeholders to obtain federal, state, grant, and other funding opportunities.

1.3 ROLE OF RESTORATION IN THE SMP UPDATE

The City of Bremerton's SMP applies to activities and uses within its area of SMA jurisdiction. Activities that produce adverse impacts on shoreline ecological functions must have associated mitigation measures to ensure no net loss of shoreline ecological functions. By law, development within the area of SMA jurisdiction is not required to improve the affected shoreline beyond the baseline condition at the time the activity takes place. How then can shoreline ecological functions be improved over time in areas where the baseline condition is marginally, or even severely, degraded?

The provisions of WAC 173-26-201(2)(f) address restoration as follows:

> Master programs shall include goals and policies that provide for restoration of such impaired ecological functions. These master program provisions shall identify existing policies and programs that contribute to planned restoration goals and identify any additional policies and programs that local government will implement to achieve its goals. These master program elements regarding restoration should make real and meaningful use of established or funded non-regulatory policies and programs that contribute to restoration of ecological functions, and should appropriately consider the direct or indirect effects of other regulatory or non-regulatory programs under other local, state, and federal laws, as well as any restoration effects that may flow indirectly from shoreline development regulations and mitigation standards.

Degraded shorelines are not exclusively a result of pre-SMP activities, but also of unregulated activities and exempt development. The new shoreline guidelines also require that, "Local master programs shall include regulations ensuring that exempt development in the aggregate will not cause a net loss of ecological functions of the shoreline" (WAC 173-26-186(8)(b)(ii)). While some actions within shoreline jurisdictions are exempt from a permit, the SMP should require that such developments must still comply with the SMA or the local master program.

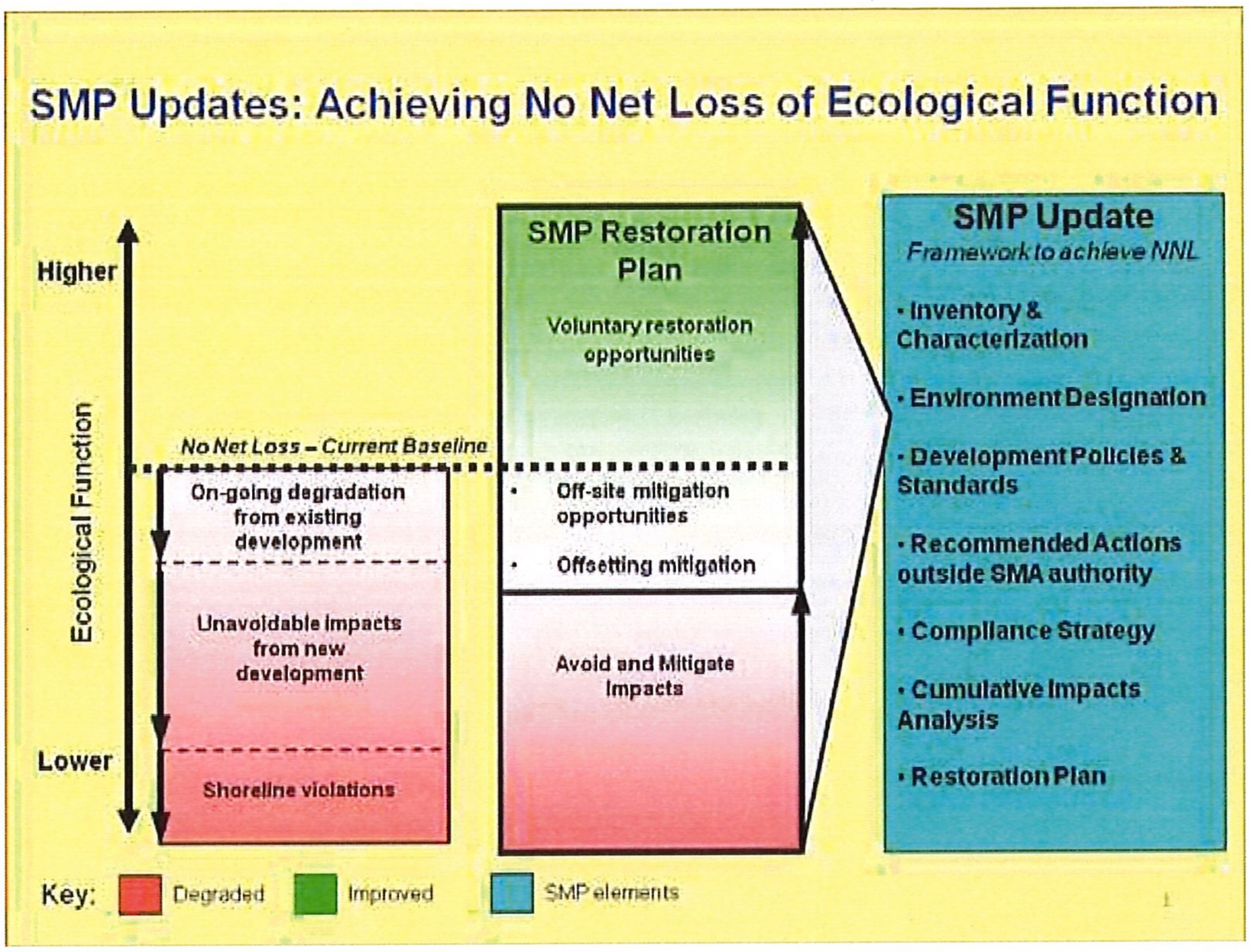
Because the shoreline environment is also affected by activities taking place outside of a specific local master program's jurisdiction (e.g., shoreline areas upstream of the city and otherwise outside of city limits), assembly of interlocal agreements, forums, programs, and policies can be essential for understanding how the city fits into the larger watershed framework. Watershed-wide goals and objectives are critical for the improvement of highly interconnected regional environments.

Based on the shoreline management guidelines, this Plan summarizes existing or baseline shoreline conditions, lists restoration objectives both regionally and locally, evaluates ongoing programs and restoration projects, provides potential restoration opportunities within the city of Bremerton, and sets standards and goals for implementation and monitoring. This Plan is also intended to support grant funding of restoration projects by the City and/or non-governmental organizations. Additionally, it can provide resources for public and/or non-governmental organizations interested in engaging in restoration activities with the City.

Regulatory programs and non-regulatory programs, such as voluntary restoration activities, contribute to environmental protection. However, regulatory programs are designed simply to achieve no net loss of ecological functions. Restoration activities undertaken by the public, private, and non-profit organizations are expected to be the primary sources of improvements to shoreline ecological functions. Many of the restoration opportunities noted in this Plan affect private property. This Plan does not require restoration on private property or to commit privately-owned land for restoration purposes without the willing cooperation and participation of the affected landowners. In addition, private landowners who are required to

provide mitigation for development-related impacts may wish to implement actions noted in this plan to meet their mitigation obligations on their own land or arrange with others to purchase rights for off-site mitigation.

The difference between the role of regulatory and non-regulatory programs in achieving no net loss and restoration of ecological functions is illustrated below in Figure 1-1.



Source: Washington State Department of Ecology

Figure 1-1. Role of the Restoration Plan in the SMP Update

1.4 ELEMENTS OF RESTORATION

WAC 173-26-020(27) defines restoration as "the reestablishment or upgrading of impaired ecological shoreline processes or functions. This may be accomplished through measures including, but not limited to, revegetation, removal of intrusive shoreline structures and removal or treatment of toxic materials. Restoration does not imply a requirement for returning the shoreline area to aboriginal or pre-European settlement conditions."

These guidelines require that "provisions should be designed to achieve overall improvements in shoreline ecological functions over time, when compared to the status upon adoption of the master program." These definitions emphasize the repair of past damage to natural resources and habitats, but not necessarily re-creating pristine or historic conditions. In addition, addressing the ecosystem processes and functions—not simply recreating the habitat or structure—is important for successful restoration.

Therefore, this Plan emphasizes restoring impaired processes and protecting those that are currently functioning. In general, the restoration effort tends to exceed the requirements of the current regulations by taking steps to improve the existing conditions and resources of the shoreline.

Restoration may be non-regulatory, voluntary, and undertaken by public agencies, environmental stewardship groups, or local governments often in partnership with private landowners. The same actions may also be undertaken as mitigation required as part of a permit to achieve no net loss of ecological functions for new shoreline development.

There are a number of potential strategies for restoration (involving protection, preservation, and accompanying mitigation) in the SMP as outlined below.

Protection and Preservation is achieved through:

- Urban Conservancy-designated shorelines that are provided increased protection for existing ecological processes and functions.
- Performance standards for mitigation (SMP 20.16.730) that provide for protection and preservation as the first priority in mitigation of any adverse impacts.

Restoration and Mitigation is achieved through:

- Policies and development standards applied to individual, permitted projects.
- Mitigation, which is typically a required sequence of actions to offset impacts on ecological functions by taking steps to avoid and minimize project impacts prior to compensating for unavoidable losses.
- Compensatory mitigation projects, in which restoration is generally a component.

1.5 RESTORATION AND NO NET LOSS

WAC 173-26-186(8) directs SMPs to "include policies and regulations designed to achieve no net loss of those ecological functions." No net loss means that, over time, the existing condition of the shoreline ecological functions should remain the same as when the SMP update was adopted. The major component in achieving no net loss is through regulatory compliance.

Restoration planning is a separate mandate, which involves improving ecological conditions, and is designed to correct and compensate for past actions that have led to current levels of environmental degradation. Restoration is also needed to compensate for ongoing degradation from existing development or past actions.

2. BACKGROUND

2.1 PLANNING AREA

The city of Bremerton is located on the western side of Puget Sound, in the central portion of Kitsap County, about 15 miles west of Seattle as indicated in Figure 2-1. Jurisdictional shorelines in the city lie within Water Resource Inventory Area [WRIA] 15, which encompasses all of Kitsap County and portions of Mason, Pierce, and King counties (Vashon Island). Bremerton is located in the eastern portion of WRIA 15, or the East Kitsap watershed, and most of the area consists of numerous small drainages flowing directly into Puget Sound. The study area for freshwater shorelines includes drainage areas or sub-basins for the major streams and lakes, such as Gorst Creek, Kitsap Lake, and the Union Reservoir (Figure 2-2). Portions of the study area to the west and southwest of Gorst drain into the Union River and ultimately into Hood Canal.

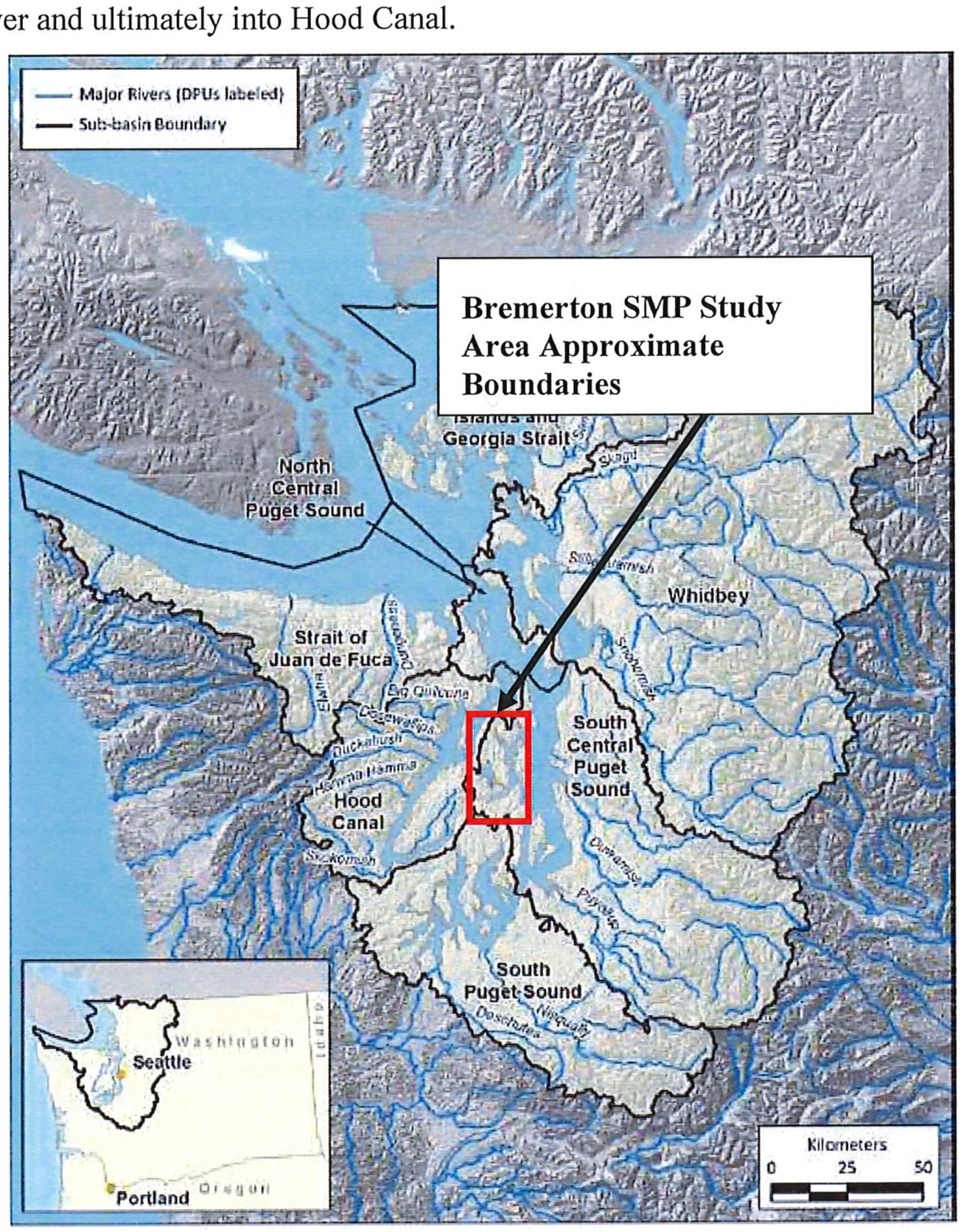


Figure 2-1. Puget Sound Context of Bremerton Shorelines

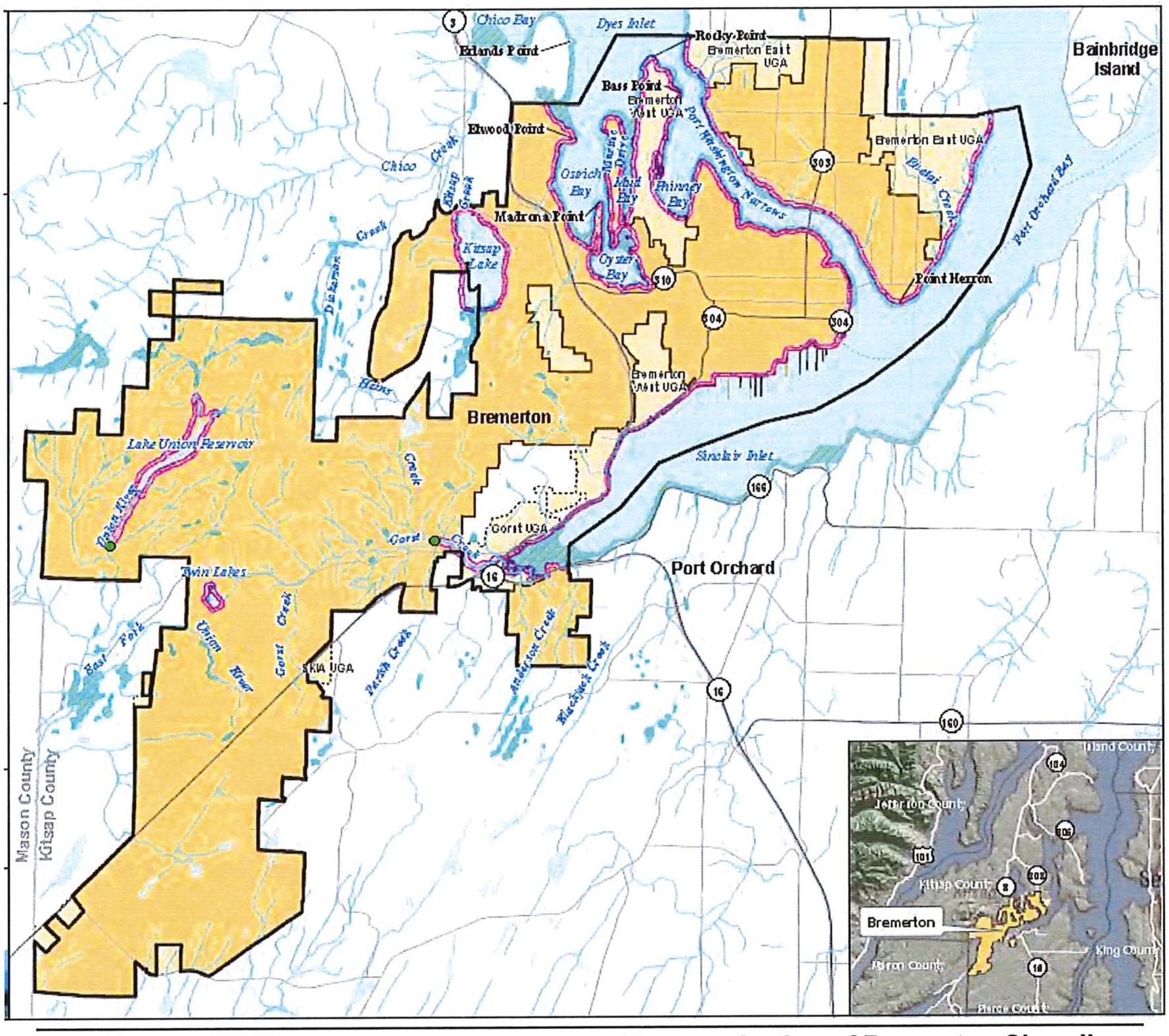


Figure 2-2. Study Area for the Ecosystem Characterization of Bremerton Shorelines

The marine waters of Puget Sound have been divided into sub-basins based on geography, oceanographic conditions (circulation, bathymetry, wave exposure), and common socio-economic issues and interests. Sub-basins, however, are classified differently by other studies. For this ecosystem-wide characterization, the study area for marine shorelines encompasses Dyes Inlet, Sinclair Inlet, and the Port Washington Narrows, which connects both inlets and a portion of Port Orchard Bay north of Sinclair Inlet. Table 2-1 provides additional details on the freshwater and marine shorelines in this planning area.

Table 2-1. City of Bremerton Shoreline Planning Area

Shoreline Water Body	East Kitsap Inventory Reach Numbers[a]	East Kitsap Inventory Unit ID Numbers	General Description	Approximate Size in acres[b] (shoreline length in feet)	Approximate Percentage of City's Shoreline (including PAA)
FRESHWATER SHORELINES					
Kitsap Lake	All	NA	Entire lake	54 (14,000)	2
Twin Lakes	All	NA	Twin Lakes shoreline	21 (3,800)	<1
Union	All	NA	Entire Union Reservoir	64	2

Table 2-1. City of Bremerton Shoreline Planning Area (continued)

Shoreline Water Body	East Kitsap Inventory Reach Numbers[a]	East Kitsap Inventory Unit ID Numbers	General Description	Approximate Size in acres[b] (shoreline length in feet)	Approximate Percentage of City's Shoreline (including PAA)
Reservoir			shoreline	(14,000)	
Union River	All	NA	Reach of the Union River downstream of the reservoir to McKenna Falls	17 (3,800)	<1
Lower Gorst Creek	All	NA	Reach of Gorst Creek upstream of the estuary to the point upstream where flows are below 20 cfs (within shoreline jurisdiction)	24 (5,250)	<1
MARINE SHORELINES					
Dyes Inlet					
Chico Bay		430, 431, 432, 433, 434	Chico Bay	188 (9,758)	In study area but outside city and PAA
Ostrich Bay Erlands Point	51, 89, 52, 53	424, 426, 427, 428, 429,	From embayment to Erland's Point and into east side of Chico Bay	211 (7,270)	Erlands Point
Ostrich Bay East	ALL	416, 417, 419, 420, 421, 422, 423[c]	Western shore of Ostrich Bay to embayment north of Elwood Point	242 (11,766)	6
Ostrich Bay Marine Drive	87	391, 392, 393, 394	Marine Drive Peninsula	113 (6,473)	4
Ostrich Bay Marine Drive North	86, 44	386, 387, 388, 389	Tip of Marine Drive Peninsula (between Mud Bay and Ostrich Bay)	99 (4,156)	2
Ostrich Bay Marine Drive	87	391, 392, 393, 394	Marine Drive Peninsula	113 (6,473)	4
Oyster Bay	All	396, 399, 400, 401, 403, 408, 409, 411, 412, 413, 414	Inner portion of Oyster Bay to Madrona Point	227 (14,725)	8
Mud Bay	42, 43	380, 382, 383, 385	Mud Bay	86 (7,385)	4
Sinclair Inlet					
Blackjack Creek	Blackjack Creek	Blackjack Creek	South side of Sinclair Inlet east of Gorst Creek	303 (14,752)	In study area but outside city and PAA
Gorst Estuary	Gorst Estuary	Gorst Estuary	Sinclair Inlet/Gorst Estuary to the Puget Sound Naval Shipyard	605 (28,605)	16
Puget Sound Naval Shipyard	Puget Sound Naval Shipyard	Puget Sound Naval Shipyard	Puget Sound Naval Shipyard	383 (32,914)	12
Phinney Bay	Phinney Bay	Phinney Bay	Phinney Bay	266 (14,889)	8
Port Washington Narrows					
Port Washington Narrows West	35, 149, 151, 150, 36	351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 509	West side of Port Washington Narrows, Bremerton Waterfront to Phinney Bay	315 (14,263)	9

Table 2-1. City of Bremerton Shoreline Planning Area (continued)

Shoreline Water Body	East Kitsap Inventory Reach Numbers[a]	East Kitsap Inventory Unit ID Numbers	General Description	Approximate Size in acres[b] (shoreline length in feet)	Approximate Percentage of City's Shoreline (including PAA)
Port Washington Narrows Phinney Bay	37, 38, 85, 39	365, 366, 367, 368, 369, 370, 371, 372	Phinney Bay	266 (14,889)	8
Port Washington Narrows East	137, 108, 135, 107	459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 470[d], 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 228	Windy Point to Point Herron on east shore of Port Washington Narrows	634 (29,250)	17
Port Orchard Bay, Point Herron	55, 56A	229, 230	Point Herron to current city limits	140 (4,388)	2
Port Orchard Bay	56B	231, 232, 507, 233, 234, 235[e], 236, 237, 239, 240	Shorelines along Bremerton side of Port Orchard Bay	247 (8,704)	6
Sinclair Inlet					
Downtown Bremerton	35	200, 202, 203, 502, 204, 504, 205, 503	South side of Sinclair Inlet east of Puget Sound Naval Shipyard	303 (14,752)	9
Puget Sound Naval Shipyard	34A	221, 222, 223, 224, 225	Puget Sound Naval Shipyard	383 (32,914)	18
Gorst Estuary	34B	206, 505, 207, 208, 209[f], 210, 211, 212, 213, 506, 214, 215, 216, 217, 218, 219, 220	Sinclair Inlet/Gorst Estuary to the Puget Sound Naval Shipyard	605 (28,605)	16
Blackjack Creek	34C	200, 202, 203, 502, 204, 504, 205, 503	South side of Sinclair Inlet east of Gorst Creek	303 (14,752)	In study area but outside city and PAA

a Reach numbers for marine shorelines correspond to drift cell numbers used in the East Kitsap County Nearshore Habitat Assessment.

b Nearshore areas based on assessment units defined in the East Kitsap Nearshore Habitat Assessment. These areas are larger than the area within shoreline jurisdiction. The freshwater area includes floodways and floodplains within 200 feet of floodways based on existing mapping sources.

c Northern limit of planning area.

d Start of planning area limit.

e End of planning area limit.

f Approximate eastern limit of planning area; just to west of Anderson Creek.

PAA = Potential Annexation Area; cfs = cubic feet per second

2.2 PLANNING AREA CHARACTERISTICS

The following is a summary from the SMP *Revised Shoreline Inventory and Analysis*; see this document for additional details and the sources referenced in the discussion (City of Bremerton 2010).

Climate: Bremerton's climate is influenced by the temperate maritime patterns that define the overall climate of the Puget Sound lowlands (Mass 2009). In general, the climate is characterized by mild, wet winters, and warm, dry summers.

Precipitation is strongly seasonal, with about two-thirds of the precipitation falling as rain between November and March. Precipitation typically occurs as frequent, low-intensity, and long-duration storms. Annual precipitation in the Puget Sound lowlands typically ranges from 32 to 37 inches. Bremerton precipitation averages about 39 inches per year, with higher precipitation (about 50 inches per year) falling at Green Mountain (Haring 2000). Snow is rare at the relatively low elevations within the study area.

Geology: The East Kitsap watershed is geologically and topographically similar to other areas in the Puget Sound region, reflecting the influences of mountain building and glacial activity. During the Eocene Epoch (approximately 38 to 55 million years ago), the East Kitsap watershed was located at the western edge of the North American continent. Sediments were deposited in the coastal environment to the west of North America.

The Pleistocene Epoch (or Ice Age), which began about 2 million years ago, formed most of the geologic features present in the watershed today. Cordilleran ice sheets, which originated in the coast and insular mountains of British Columbia, moved south to the southern end of the Puget Sound basin near Olympia. Up to 3,500 feet of glacial ice covered the Kitsap Peninsula. Geologic units from at least five major and several minor glacial advances have been identified in the Puget Sound basin, although only three are exposed (visible) in Kitsap County.

Surface geology in the study area is a complex mix of glacial deposits, which include unconsolidated silts, sands, and gravels and typically cover a hardpan lying just below the surface. In the study area watersheds (Chico Creek, Gorst Creek, Union River), bedrock underlies the upper sections of watershed tributaries whereas the lower areas are underlain by glacial till, recessional outwash, and advance outwash deposited during the last ice-sheet advance. Following the final retreat of the Fraser Glaciation, more recent alluvial deposits from weathering, erosion, and sedimentation have continued to shape the landscape (Sossa 2003). Bluffs along the Puget Sound are being eroded and re-deposited as beaches and spits. Streams are eroding their banks and then depositing sediments in floodplains, wetlands, and bays. Soils in the region were formed from the complex deposits of the most recent glaciation and are relatively young.

Seismic Activity: The Puget Sound region as a whole is in an area of active plate tectonics and seismic activity. Puget Sound is part of the Cascadia subduction zone, where the Juan de Fuca plate is moving under the North American plate. Several fault lines cross Puget Sound and are associated with seismic activity. Movement along the quaternary fault lines that cross Bremerton or other seismic events could cause liquefaction of the relatively loose soils that are commonly present along river and stream channels, lakes, stream deltas, and some marine shorelines. Soil liquefaction is a phenomenon in which pore pressure in loose, saturated, granular soils increases during ground shaking resulting in a reduction of shear strength of the soil (a quicksand-like condition).

Topography, Bathymetry, and Geomorphology: Most of the upland and freshwater portions of the study area consist of low, rolling hills with moderate slopes. Higher areas occur in the upper watershed of Sinclair Inlet to the west of Bremerton with some steep slopes (>50 percent slopes). The highest point is Green Mountain at about 1,500 feet. The most dramatic feature of the study area is the long marine shoreline of Puget Sound, formed by several inlets and many smaller bays.

Puget Sound itself is a large, fjord-like estuary where freshwater from numerous rivers mixes with saltwater from the Pacific Ocean. The Sound contains many sub-estuaries where larger

rivers and small streams enter the Sound and create a mix of tidal freshwater, brackish, and salt marsh wetlands. As is typical of fjord-like estuaries elsewhere, Puget Sound is characterized by relatively deep basins that drop off steeply from a narrow fringe of shallow nearshore areas adjacent to the shoreline. Most of the Puget Sound shoreline in the study area has moderate to low banks, although higher, steep sloping bluffs occur along Port Washington Narrows.

Major upland and freshwater landforms in the study area include (Montgomery and Buffington 1998; Buffington et al. 2003):

- Rolling uplands;
- Stream valleys with typical pool-riffle morphology, channel migration zones, and small floodplains;
- Wetlands in topographic depressions, on lakeshores, and on slopes; and
- Lakes with deeper open water and shallow littoral zones.

Hydrology: The East Kitsap watershed lies between the backbones of the Kitsap Peninsula and Bainbridge Island, resulting in a narrow strip of land with many short streams that drain to the west side of Central Puget Sound. Streams in the study area are typical lowland type streams with generally moderate gradients. Upper reaches of streams are typical Puget Sound lowland headwater streams with low gradients that originate with perched groundwater in lakes and wetlands on upland plateaus and hills. Numerous wetlands occur in the study area. Considerable deciduous growth, interspersed with stands of conifers, farmland, and urban/suburban development, is common on all streams. None of the streams is supported by snow runoff, because the maximum elevation in the East Kitsap watershed is less than 1,650 feet.

Stream power is generally low, limiting the ability of streams to transport sediment. Where streams flow off the higher rolling hills and plateaus down to the shore of the Sound, steeper ravines can create confined channels with greater sediment transport capacity. Because of the small size of most streams, large, extensive floodplains are not found in the study area. Water can be transported to storage areas via hyporheic (i.e., flow through streambeds and soils near stream channels) and overbank flow.

Alternatively, precipitation can infiltrate the soil to recharge groundwater. Water is lost by flowing out of the watershed into the adjacent watershed or marine waters, as well as through evapotranspiration. In addition, water directly evaporates from the surface of lakes and marine waters. Plants pull water up from the soil through their roots and transpire large amounts of water vapor back into the atmosphere during photosynthesis.

3. IDENTIFICATION OF SITES AND PROGRAMS WITH RESTORATION POTENTIAL

In general, evaluating the functional importance of protection and restoration depends on land use and the degree to which the area supports ecosystem-wide processes (Figure 3-1). These two criteria for rating ecological functions result in three general categories:

1. Suitability for Protection: Areas with a moderate to high importance for processes and moderate to low levels of alteration—These areas have the highest priority for protection and preservation, as well as allowing the processes to continue with minimal change in existing conditions.

2. Suitability for Restoration: Areas for restoration with a range of importance for processes and a range for alteration—Figure 3-1 indicates that priority is generally based on the importance of the process rather than the extent of alteration. Some areas of high alteration may have high potential for restoration if the affected processes are important.

3. Suitability for Development: Areas with low importance for processes and high levels of alteration—These areas generally have the greatest suitability for human use development, which typically entails loss of ecological processes.

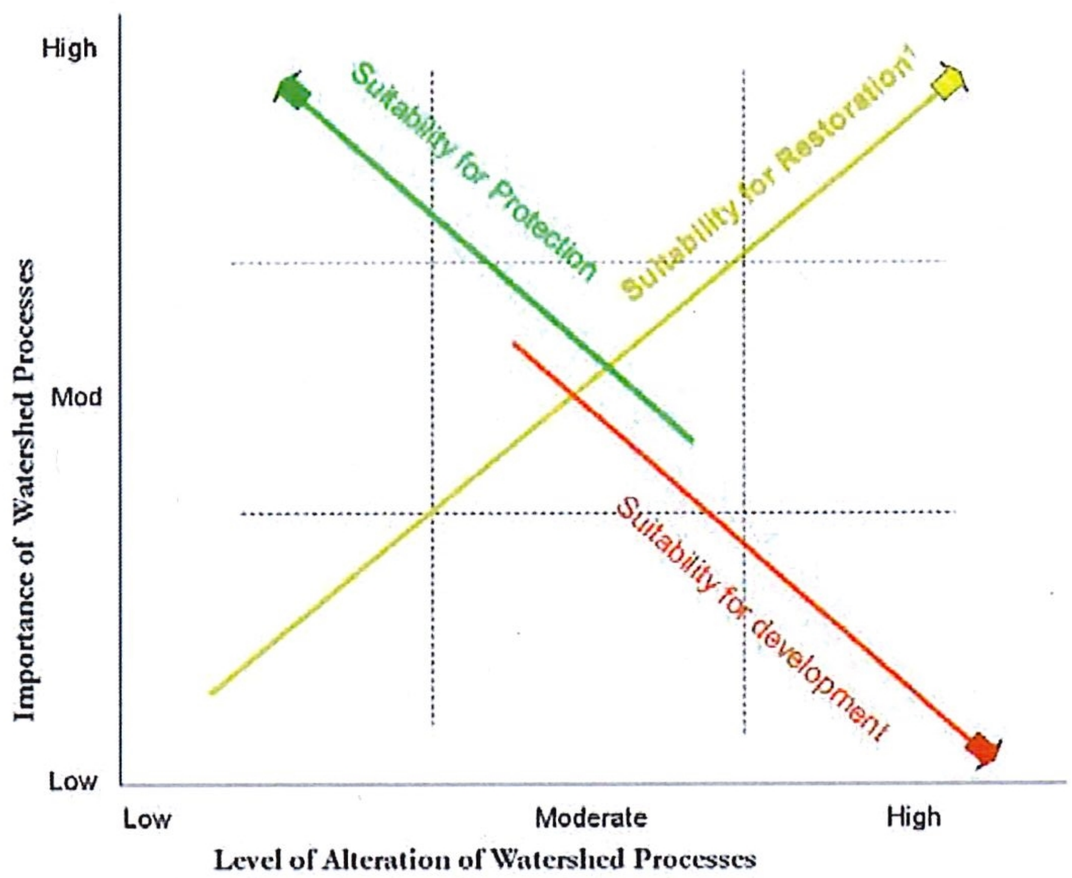


Figure 3-1. Rating of Priority Areas for Process-based Protection and Restoration

Sections 3.1 to 3.3 list the resources that have been used for identifying restoration opportunities in this Plan, and which may be used to identify and prioritize future restoration projects.

3.1 MARINE PROJECT REFERENCES

Primary sources that could be used to identify degraded areas and areas with restoration and protection potential for the marine and estuarine shorelines include:

- *East Kitsap County Nearshore Habitat Assessment and Restoration Prioritization Framework and West Kitsap Addendum* (Battelle 2009). Nearshore Assessment Units (sub-drift cell units of shoreline) were scored as being best suited for Protection, Restoration, Enhancement, Creation, or Restoration of site processes, depending on the likelihood of success based on current ecosystem processes and functions.
- *Priority Habitats and Species (Washington Department of Fish and Wildlife [WDFW]).* This dataset is updated periodically to identify where important and unique habitats are located and where species of federal, state, and local importance may be found. These areas should be restored and protected to the greatest extent feasible.
- *Priority Shoreline Conservation Areas, Kitsap Alternative Futures (2011).* This document, which includes the most ecologically intact or important areas, is a compilation of regional assessments, Priority Habitats and Species (PHS) data, nearshore assessment scores, and other local studies. These areas should be restored and protected to the greatest extent feasible.
- *Habitat Work Schedule (HWS).* This is an online database, organized according to Lead Entity Region (West Sound and Hood Canal), which includes identified, proposed, and ongoing restoration and protection projects. Projects seeking salmon restoration funds will often first need to be identified in HWS. Projects on the Lead Entity's state-mandated Three-Year Work Plan, which are reviewed and scored by a Technical Advisory Group, are also listed in HWS.
- *Kitsap County Transportation Improvement Plan and Stormwater Improvement Plans.* These annually updated improvement plans identify and prioritize projects such as replacement or repair of undersized culverts or fish-passage barriers, implementation of low impact development (LID) retrofits, or restoration of floodplains for storage and habitat improvements.

3.2 FRESHWATER PROJECT REFERENCES

Primary sources that could be used to identify degraded areas and areas with restoration /protection potential for the freshwater shoreline include:

- *PSNERP Puget Sound Watershed Characterization Project: Water Flow Processes* (Ecology 2010). This assessment produces a "watershed management" map showing where protection and restoration actions are more likely to succeed and would most benefit the water flow processes of the watershed. Habitat and other scored elements will be included in future updates.
- *Priority Habitats and Species (WDFW).* This dataset is updated periodically to identify where important and unique habitats are located and where species of federal, state, and local importance may be found. These areas should be restored and protected to the greatest extent feasible.
- *Habitat Limiting Factors Analyses* (Haring 2000; Kuttel 2003). These reports, done for each WRIA, identified the current riparian conditions, health, biological attributes, and the factors limiting the proper functioning of each mapped stream.

- *Habitat Work Schedule (HWS)*. This is an online database, organized according to Lead Entity Region (West Sound and Hood Canal), which includes identified, proposed, and ongoing restoration and protection projects. The projects seeking salmon restoration funds will often need to be identified in HWS. Projects on the Lead Entity's state-mandated Three-Year Work Plan, which are reviewed and scored by a Technical Advisory Group, are also listed in HWS.
- *Kitsap County Transportation Improvement Plan and Stormwater Improvement Plan.* These annually updated improvement plans identify and prioritize items such as replacement or repair of undersized culverts or fish-passage barriers, implementation of LID retrofits, or restoration of floodplains for storage and habitat improvements.

3.3 IDENTIFIED RESTORATION AND PROTECTION PROJECTS

Tables 3-1 and 3-2 list specific restoration and protection projects, which have been identified in one of the above resources within the Bremerton SMP, or within water bodies that would contribute to overall ecologic functions in Dyes Inlet, Port Washington Narrows, Sinclair Inlet, Port Orchard Bay, and related water bodies, including upstream watersheds. These tables identify the general location, primary affected processes, functions or species; describe the identified project(s) addressing those impacts; and list the current plan for that project.

The marine and estuarine shoreline projects are a subset of projects identified on a WRIA 15 basis that relate to water bodies within or affected by Bremerton shorelines. Chapter 5 provides greater detail in identifying restoration strategies within specific watersheds and reach areas in Bremerton.

Table 3-1. Marine and Estuarine Shoreline Projects

Project Location	Affected Process/Function/Species	Project Description	Status/Priority
Chico Bay (Drift Cell 90)	Tidal erosion and fluvial deposition affected by pilings, armoring, and groins; Chinook, chum, coho, steelhead	Remove bulkhead at "Place of Salmon" park; remove invasive species/re-establish native vegetation; abandon/remove Kittyhawk Drive culvert; conduct estuary acquisitions	Kittyhawk Drive, 2012; Enhance
Anna Smith Park (Drift Cell 137)	Sediment source and transport affected by pilings and armoring	Remove bulkhead; restore shoreline and access	Parks; Enhance, Create and Restore site process
Mosher Creek (Drift Cell 137)	Fluvial deposition	Replace/remove culvert at Mosher Creek crossing	Not planned; Enhance
Gorst Estuary (Drift Cell 34)	Tidal erosion, fluvial deposition, sediment transport, water quality; forage fish, Chinook, chum, coho, steelhead, waterfowl/shorebirds, shellfish	Acquisitions/easements	Enhance, Create, and Restore site process
Retsil (Drift Cell 34) Sinclair Inlet	Wave deposition affected by pilings, armoring, and marinas; water quality; chum, coho, surf smelt, sand lance	Replace undersized culvert; restore natural shoreline processes near boat ramp	Enhance, Create and Restore site process

Table 3-1. Marine and Estuarine Shoreline Projects (continued)

Project Location	Affected Process/Function/Species	Project Description	Status/Priority
Beach Drive (Drift Cell 84) Sinclair Inlet	Fluvial deposition (Nearshore Assessment Unit 486) affected by armoring; wave deposition/energy (Nearshore Assessment Unit 188) affected by armoring, pilings; chum, coho, surf smelt, sand lance, waterfowl concentrations	Replace culvert at Sacco Lane; fix Waterman dock and restore shoreline; evaluate culvert size at Waterman Point	Conserve and Restore site process
Illahee (Drift Cell 56)	Fluvial and wave deposition; critical aquifer recharge	Protect remaining salt marsh; implement Illahee regional stormwater treatment facility	Stormwater, 2016; Enhance
Illahee State Park/Enetai (Drift Cell 56)	Sediment source and transport affected by pilings and armoring	Investigate soft-bank armoring alternatives	Not planned; Create and Restore site process
Illahee (Drift Cell 56)	Fluvial and wave deposition; critical aquifer recharge	Protect remaining salt marsh; implement regional stormwater treatment facility	Stormwater, 2016; Enhance

An additional project in Oyster Bay implemented by the Puget Sound Restoration Fund (PSRF) was designed to augment the existing native Olympia oyster (Ostrea lurida) population and habitat on State and privately owned tideland property. The project involved installing additional seasoned Pacific oyster shell to increase the footprint of the existing native oyster habitat area with the objective of increasing the abundance of the native oyster population in Oyster Bay.

The freshwater projects listed in Table 3-2 are a subset of projects identified on a WRIA 15 basis that relate to water bodies within or affected by Bremerton shorelines. Many of these projects relate to marine water bodies because freshwater inputs are a critical element of marine ecology. Chapter 5 provides greater detail in identifying restoration strategies within Bremerton.

Table 3-2. Freshwater Shoreline/Watershed Projects

Project Location	Affected Process/Function/Species	Project Description
Lower Chico Creek	High impairment of surface water storage, groundwater recharge and discharge; culverts are velocity barriers; weirs are low flow barriers	- Implement LID - Replace culverts at Kittyhawk Drive, State Route (SR) 3, and Golf Club Hill Road - Remove U.S. Department of Transportation trash rack after bridges in place - Improve riparian and channel conditions, especially at Erlands Point Park - Continue creating off-channel habitat for salmonid rearing and nesting - Implement other recommendations of the Chico Creek Alternative Futures Plan (including at Time Oil site) - Continue to monitor and remove knotweed and other invasive plants
Upper Chico Creek and Wetland		- Protect existing functions - Assess impacts of Seabeck Highway culverts and

Project Location	Affected Process/Function/Species	Project Description
		replace where needed - Decommission trails in sensitive areas at Newberry Heritage Park; add or improve other trails - Remove invasive plants/replant appropriate wetland shrubs or trees
Kitsap Lake and Wetland		- Implement LID retrofits
Union River		- Maintain riparian forest buffers and improve large woody debris (LWD) abundance - Re-establish natural cover - Retrofit existing structures with permeable pavement and rain gardens

3.4 PROGRAMMATIC RESTORATION ACTIONS

Certain restoration actions should be broadly and comprehensively implemented on a programmatic basis to help achieve restoration goals. The following programmatic actions are recommended for shorelines within Kitsap County as funding permits. The entities that will take the lead on these actions will be determined in the future. Kitsap County and its current and potential partners will continue to coordinate with each other on restoration activities. The funding mechanism for many of these actions has not yet been identified.

Education and Incentives

- Continue to educate shoreline property owners about shoreline processes, alternatives to armoring, benefits of native plants, etc. through various methods, including workshops, newsletters, websites and Beach Watchers/Stream Stewards classes.
- Identify feeder bluff locations and prioritize outreach on bulkhead removal or alternatives; provide support and incentives such as faster permitting or cost sharing.

Planning

- Develop and implement a planning-by-watershed approach, incorporating land use, LID, restoration, protection, and public access.
- Use the Kitsap Alternative Futures model to support decisions on code modifications, policy, and prioritization of protection, restoration, and development locations.

Infrastructure

- Continue to identify and replace undersized culverts or bridges for the passage of 100-year flood events, fish and wildlife, and nutrients, including LWD (average size tree from that watershed).
- Continue to identify and conduct LID stormwater retrofits.
- Remove and restore locations with state-identified leaking underground storage tanks, etc.

Exhibit B to SMP Ordinance

4. EXISTING PROGRAMS AND FUNDING SOURCES

4.1 GOVERNMENT AND NON-GOVERNMENTAL ORGANIZATION PROGRAMS

There are many existing government and private non-governmental organization programs and funding sources, which implement the Restoration and Enhancement goals and policies of this SMP update. Most restoration efforts are implemented because citizens, tribes, and non-governmental entities; and local, state, and federal resource agencies collaborate to solve problems and achieve shared goals. Continued collaboration at all levels is needed if the goals of this Plan are to be achieved.

Table 4-1 identifies existing governmental restoration programs; Table 4-2 identifies private and non-governmental organization restoration programs; and Table 4-3 identifies potential funding resources.

Table 4-1. Existing Governmental Restoration Programs

Organization and Program	Mission and Scope	Role in Future Restoration Efforts	Example of Restoration Projects
Kitsap County Department of Community Development	• To enable the development of quality, affordable, structurally safe, and environmentally sound communities • Environmental Programs Division combines permit review with long-range environmental planning and restoration grant administration	• Grant administration • Planning and prioritizing restoration and enhancement	• Chico Creek In-stream Restoration and Mainstem/Estuary acquisitions • Kitsap Nearshore Assessment and Restoration Prioritization Framework • Kitsap Regional Shoreline Restoration Demonstration Project
Kitsap County Health District (partial Surface and Stormwater Management [SSWM] funds)	• Striving to make Kitsap County the healthiest place on the planet to live, work and play • Environmental Health Division: identifies and prioritizes cleanup of surface water (marine and fresh) • Pollution Identification and Correction (PIC) Program • Review of appropriate on-site sewage system placement • Stream, lake, and marine (shellfish) health monitoring and reports	• Coordinate restoration projects with PIC priority areas to enhance public awareness and participation	• Dyes Inlet Restoration Project • Other PIC projects (Liberty Bay, Hood Canal, Yukon Harbor, etc.)
Kitsap Conservation District (partial SSWM funds)	• Farm Plans (best management practices [BMPs]) • Rain Garden Program • Backyard Habitat Grants (Stream and shoreline restoration funds for communities)	• Coordinate rain garden implementation with priority watersheds and projects • Prioritize habitat grants based on the priorities of this Plan	

Table 4-1. Existing Governmental Restoration Programs (continued)

Organization and Program	Mission and Scope	Role in Future Restoration Efforts	Example of Restoration Projects
Washington State University Kitsap Extension	• Beach Watchers/Stream Stewards • Noxious Weed Control Program	• Provide outreach to shoreline property owners that is non-regulatory • Provide project monitoring • Provide technical support to landowners	
University of Washington Sea Grant	• Research and education		• Geoduck aquaculture research • Public beach walks • State of the Oyster (shellfish sample analysis) • Educational materials
U.S. Navy	• ENVVEST		• U.S. Navy, Sinclair and Dyes Inlet studies to identify and demonstrate alternative, long-term, cost-effective strategies for protecting these water bodies
West Sound Watersheds Council	• East Kitsap Lead Entity for Salmon Recovery (Washington State Recreation and Conservation Office) • 3-Year Work Plan for Salmon Recovery		• Prioritizes state-funded salmon recovery and restoration projects carried out by other entities
Washington Department of Fish and Wildlife	• Habitat Work Schedule • Permitting	• Assist local jurisdictions in identifying local priority species • Provide technical assistance in project identification and prioritization	• PHS mapping and data collection • Conservation plans
Washington State Department of Ecology	• Grants • Permitting • Washington Conservation Corps		
Suquamish Tribe	*It is the mission of the Suquamish Fisheries Department to preserve, protect and enhance treaty reserved resources within the Tribal usual and accustomed grounds and stations for subsistence, cultural and commercial benefits for present and future generations of Suquamish Tribal Members.*		• Project lead or team for projects on Dogfish, Gorst, Salmonberry, Barker, Chico, Carpenter, and Cowling creeks

Table 4-1. Existing Governmental Restoration Programs (continued)

Organization and Program	Mission and Scope	Role in Future Restoration Efforts	Example of Restoration Projects
Port Gamble S'Klallam Tribe	The Hood Canal Coordinating Council prioritizes and disperses over $2 million dollars annually for salmon restoration across their planning area.		
Point No Point Treaty Council			• Riparian Vegetation Study (2010)

Note: Italics indicates direct quotations.

Table 4-2. Private and Non-Governmental Organization Restoration Programs

Organization and Program	Mission and Scope	Role in Future Restoration Efforts	Example of Restoration Projects
Great Peninsula Conservancy	*The Conservancy works in partnership with landowners, community groups and local governments, providing the tools and expertise to enable landowners to preserve forever the special landscapes of the Great Peninsula region. The Conservancy conserves land through donations of conservation easements or gifts of land, or by purchase with donated funds, and counsels property owners on preservation techniques available to them.*	• Manage protection and restoration easements and acquisitions • Work with communities to identify restoration or protection projects in their neighborhood	• Stewardship of shoreline easements and owner of acquisitions, including Indianola Waterfront Preserve and Clear Creek Trail • Conserved over 5,700 acres of land
The Mountaineers	*The premier Northwest outdoor recreation club, dedicated to the responsible enjoyment and protection of natural places*	• Host classes and field trips for Stream Stewards or other workshops/training • Partner in future acquisitions in Chico Creek watershed	• Preservation of thousands of acres of Chico Creek watershed • Education through Salmon Safari for youth outdoor programs
Mid Sound Fisheries Enhancement Group			
Fish America Foundation	*The conservation and research foundation of the American Sportfishing Association—keeping our nation's fish and waters healthy.* *FishAmerica provides grants to non-profits, conservation minded groups to enhance fish populations, restore fisheries habitat, improve water quality and advance fisheries research to improve sportfishing opportunities and success.*		
Wild Fish Conservancy			West Sound fish-typing surveys (North Kitsap)

Note: Italics indicate direct quotations

Table 4-3. Potential Funding Sources

Agency	Grant or Fee Name
Washington State Recreation and Conservation Office/WDFW	Estuary and Salmon Restoration Program (ESRP) Grants
Washington State Recreation and Conservation Office	Salmon Recovery Funding Board Grants
Washington State Recreation and Conservation Office	Land and Water Conservation Fund (LWCF)
Washington State Recreation and Conservation Office	Washington Wildlife Recreation Program
National Fish and Wildlife Foundation	Community Salmon Fund Grants
Washington Department of Fish and Wildlife	Aquatic Lands Enhancement Account (ALEA) Grants
Washington Department of Natural Resources	Family Forest Fish Passage Program
Kitsap Conservation District/SSWM	Backyard Habitat Grants/SSWM Fee
Washington State Department of Ecology	Coastal Protection Fund/Terry Husseman Grants
Burley Lagoon Shellfish Protection District	Shellfish Protection District Fee
Kitsap County Public Works—Roads	Property Tax (~13% to Roads), and State Gas Tax
U.S. Environmental Protection Agency	Puget Sound Watershed Management Assistance Program

4.2 CITY OF BREMERTON PROGRAMS

The City participates in West Sound Watersheds (East Kitsap), which covers the entire eastern portion of WRIA 15 and is the lead entity for salmon recovery.

Other agencies involved in the project include Kitsap County, tribes, non-profit groups, and the Cities of Poulsbo, Bainbridge Island, Gig Harbor, and Port Orchard. In addition, the City has a variety of programs administered by various departments that contribute to salmon recovery, which are further described below.

Public Works and Utilities Department, Surface and Stormwater Management Program

This program includes a variety of efforts that assist with restoration including:

- The City, along with its regional partner, the Kitsap Peninsula Clean Runoff Collaborative, has a regional education and outreach program that provides education and focuses on proper pet waste disposal, promotion of water quality hot lines, and promotion of the regional "Puget Sound Starts Here" campaign.
- The City participates in the Kitsap County Stormwater Management Advisory Committee, which consists of 18 members representing citizens, water-related public agencies, tribal governments, and the four Kitsap County cities. The committee advises on program direction and implementation to address stormwater control and quality issues, and to promote interagency and interjurisdictional coordination.

- The City has regulations and monitoring programs to prevent illegal discharge into the stormwater system.
- The City regulates stormwater in new development through adoption of the Stormwater Management Manual for Western Washington—the latest edition serves as the guiding criteria for the planning, design, and construction of stormwater facilities.
- The City encourages LID efforts through the *Low Impact Development (LID) Guidance Manual - A Practical Guide to LID Implementation in Kitsap County*—the guiding criteria for the planning, design, and construction of low impact development.
- The City reduces stormwater impacts associated with runoff from streets through participating in the Regional Road Maintenance Endangered Species Act Program.
- The City addresses application of fertilizer, pesticides, and herbicides through nutrient management and integrated pest management plans for all parks and other facilities.

The City's Public Works and Utilities Forestry and Natural Resources Division manages 8,300 acres of Water Utility forest lands for watershed protection, timber harvest, reforestation, biosolids utilization, and salmon restoration. The division also coordinates fishery and other environmental issues on Water Utility forest lands and provides education such as an annual salmon viewing and Kids' Fishing Day.

Park and Recreation Department

The City's *Parks, Recreation and Open Space Plan* includes a specific recommendation regarding the department's role in preservation and restoration of important natural areas:

> It is highly recommended that Bremerton identify potential natural area acquisitions and locate funding sources to help purchase additional natural area properties. Priority for natural land acquisitions may include undeveloped marine shoreline, second growth conifer forests (known habitat for eagles, osprey, great blue heron, harbor seals and harlequin ducks), parcels offering connectivity between protected upland habitat and bodies of water, and parcels that enlarge intact riparian buffer zones along creeks and streams to increase water quality for salmon. This proactive stance will ensure that additional natural areas are preserved to accommodate or offset partial development at the existing undeveloped parks and that the current ratio of natural areas and undeveloped parkland acres to population is kept intact as the number of people residing in the City increases.

Other relevant policies of the plan include:

> **Goal 3:** Protect and manage the City's natural resources, scenic areas, and environmentally sensitive lands to highlight their unique attributes.
>
> 3.1 Identify and inventory the City's scenic, natural resource and environmentally sensitive lands.
>
> 3.2 Develop a prioritized plan to protect and/or acquire the most valuable properties to provide access and passive recreation, as appropriate.
>
> 3.3 Manage vegetation in natural areas to enhance or maintain native plant species, habitat function and other ecological values. Remove and control nonnative or invasive plants as appropriate.

3.4 Develop management and restoration plans for significant community greenspaces and facilitate community-based volunteer restoration.

3.5 Develop forest management plans and contract with an arborist to improve the tree health in NAD, Forest Ridge, Sheridan, Stephenson Canyon, East Park and other forested parks.

Gorst Creek

A variety of programs have been implemented by the City in cooperation with other agencies for salmon recovery.

In 2001, the Gorst Creek Restoration Project replaced 750 feet of concrete channel with 1,000 feet of channel that replicates a more natural stream system and provides spawning, rearing, and riparian habitat for salmonid species, as well as other wildlife.

In 2010, the *Comprehensive Watershed Plan for Sustainable Development and Restoration of the Gorst Creek Watershed* was initiated with U.S. Environmental Protection Agency grant funding, as well as local funding. Project participants included the City and Kitsap County, with assistance from Ecology, WDFW, the Kitsap County Health District, and other stakeholders.

The project consisted of the following major tasks:

- Watershed Characterization Study and Comprehensive Watershed Plan;
- Land Use Plan and Development Regulations;
- Planned Action Environmental Impact Statement;
- Stormwater Plan;
- Capital Improvement and Corrective Action Plan, including an Engineering Evaluation/Cost Analysis for correction of the private landfill within a major tributary of Gorst Creek; and
- Outreach and Information Transfer program.

The current study is expected to be completed in 2012.

5. RESTORATION PRIORITIES

This Plan is intended to complement other plans, such as the salmon recovery plans, but not to replace them. The Plan is also designed to promote coordination efforts with other agencies through salmon recovery and other programs.

5.1 RESTORATION STRATEGY

The City's overall restoration strategy is to pursue restoration projects with multiple stakeholders that provide multiple benefits. Such programs have the greatest potential for cost-effective and successful restoration of ecological functions.

The City should pursue the following opportunities:

- Pursue water quality and habitat restoration opportunities as part of acquisitions and capital improvements for stormwater utility, transportation, parks, and other projects.
- Manage City assets such as the Union River and Reservoir, City parks, and other facilities for multiple uses, including restoration of ecologic functions where feasible.
- Cooperate with Kitsap County and other agencies in watershed-based restoration programs in recognition that ecologic functions cross jurisdictional boundaries.
- Partner with others in WRIA 15 to coordinate salmon recovery actions with mitigation efforts in future development when such development is required to incorporate ecologic enhancement as part of non-water-dependent development, or when development produces impacts that are most effectively addressed off-site.
- Make minor improvements to buffer areas and vegetation as properties undergo remodeling and redevelopment to address ongoing adverse impacts, such as from runoff that carries herbicides and pesticides into water bodies.

5.2 RESTORATION STRATEGY BY WATER BODY

This section summarizes potential restoration strategies by the individual water bodies identified in the SMP *Revised Shoreline Inventory and Analysis* (City of Bremerton 2010).

5.2.1 Dyes Inlet

Dyes Inlet is the marine embayment of west Puget Sound, which includes the northerly portion of the Bremerton Urban Growth Area (UGA).

The Dyes Inlet watershed drains an area of 30,289 acres, including the creeks that flow into the inlet. It has approximately 22 miles of marine shoreline and 90 stream miles that include ten named streams. Approximately 40 percent of the watershed is within the urban area (12,231 acres) designated by Kitsap County. Within the study area, about 16 miles of marine shoreline with contributing drainage areas occur in Dyes Inlet. Bremerton and Silverdale are the major urban areas, with smaller retail centers at Chico, Tracyton, and Kitsap Lake. The Jackson Park Naval Reservation, Camp Wesley Harris, and parts of the Bangor Naval Reservation are located within the watershed.

The Kitsap County Health District conducted the Dyes Inlet Restoration Project from 2005 to 2009. This project addressed fecal coliform contamination, which resulted in a substantial improvement in biological water quality due to identification and elimination of sources from on-site sewage disposal, sewer systems, and stormwater. As a result of the program, the State

Department of Health reclassified Chico Bay from "restricted" to "conditionally approved" for commercial shellfish harvest due to water quality improvements.

Specific subareas considered in this Plan include:

- Ostrich Bay (with several subareas),
- Oyster Bay, and
- Mud Bay.

5.2.1.1 Ostrich Bay

Ostrich Bay is a large embayment in Dyes Inlet that supports coho and chum salmon, as well as cutthroat trout. A concentration of surf smelt spawning areas is mapped around Elwood Point. Patchy eelgrass and salt marsh occur at a few scattered locations in Ostrich Bay. Bald eagle nests and foraging areas are associated with much of the Ostrich Bay shoreline.

Land cover use surrounding Ostrich Bay is a mix of high-intensity residential, low-intensity residential, mixed forest, evergreen and deciduous forest, urban grasses, and small areas of commercial/industrial. Land cover is mostly developed (66 to 80 percent) and impervious surface is relatively high; impervious surface is 30 percent or above over most of the contributing area.

Shoreline modifications include tidal barriers (3 percent of shoreline length), armoring (57 percent of shoreline area, roads (13 percent of shoreline area), and nearshore fill (2 percent of shoreline area). Overwater structures are concentrated in a few locations and cover less than 1 percent of the shoreline area.

Ecology maintains a Clean Water Act Section 303(d) list of water quality impaired marine and fresh water bodies. Ostrich Bay is listed as having impaired water quality because of fecal coliform, mercury, and low dissolved oxygen levels. Most of Ostrich Bay is a Prohibited Shellfish Growing Area.

5.2.1.2 Ostrich Bay North

Ostrich Bay North includes the small embayment north of Elwood Point and the east and north side of Erlands Point, just into Chico Bay. The southern half of the embayment is the limit of the City's planning area, but the entire reach is described here. Chico Creek is the most important source of freshwater inputs to this area, including the entire west and south portions of Ostrich Bay.

The predominant land use in the area is single-family residential. There is U.S. Navy and public ownership of the south side of the Chico Creek Estuary.

Restoration Strategy

Chico Creek and estuary restoration activities are likely to contribute to a number of processes relative to the marine environment, including freshwater inputs and sediment inputs. Efforts that directly affect the marine shoreline include the Chico Estuary Restoration Project, which involves driveway and roadway culvert removal and channel restoration, as well as future acquisitions and restoration in the estuary. Other restoration activities would include improvement of riparian conditions, especially at Erlands Point Park. Kitsap County is the lead agency for Chico Creek restoration.

Ownership of a large portion of this area by the U.S. Navy provides the potential for enhancement and successful restoration of much of the marine nearshore and upland areas.

5.2.1.3 Ostrich Bay South

Ostrich Bay South includes the portion of the bay within the City. The primary land uses are the U.S. Navy Hospital, the Navy's Jackson Park residential community, the City's NAD Marine Park, and residential use.

Ostrich Bay Creek enters at the south end of the bay. It has a watershed area of about 450 acres in developed urban land uses. There is a pocket estuary at the delta of the stream. This stream supports coho and chum salmon and cutthroat trout. Fish passage barriers occur at Kitsap Way, SR 3, and Price Road. The Kitsap Health District placed the stream on a Public Advisory informing the public to avoid contact with the waters due to the fecal coliform bacteria levels in the stream.

A seal and sea lion haulout area, as well as a concentration of surf smelt spawning areas, is mapped at Elwood Point. Patchy eelgrass and salt marsh occur at a few scattered locations in Ostrich Bay. Bald eagle nests and foraging areas are associated with much of the Ostrich Bay shoreline.

Restoration Strategy

Chico Creek and estuary restoration activities are likely to contribute to a number of processes relative to the marine environment, including freshwater inputs and sediment inputs as the largest tributary on the west side of Dyes Inlet.

The City may contribute to better water quality in the south Ostrich Bay area through incremental improvements in the storm drainage system and by public education in order to reduce the discharge of nutrients and toxins into the system. This is especially the case for the tributary area of Oyster Bay Creek, which currently has bacterial and other contaminant issues.

Efforts that directly affect the marine shoreline include improvement of riparian conditions, especially at Erlands Point Park. Ownership by the U.S. Navy and the City of a large portion of this area provides the potential for enhancement of the marine nearshore and upland areas. The City's NAD Marine Park is planned for largely passive use and would likely continue to provide a range of positive inputs to the nearshore.

U.S. Navy lands can be enhanced primarily by expansion of the buffer areas and management responsibility to develop mature native vegetation along the marine frontage of the hospital, the park, and the residential area. Removal or reduction in size of the inactive munitions pier would reduce impacts of overwater structures.

The developed area, with primarily single-family residences, has mostly lawn and ornamental vegetation at the shoreline. The runoff discharged from this area has ongoing adverse impacts because the discharge contains sediment and toxins from pesticides and herbicides. Public education is likely the most effective means of changing these existing practices.

The addition of native vegetation buffers adjacent to the water to provide filtering and uptake of pollutants, as well as providing shade to reduce desiccation of the nearshore area, may be addressed by educational efforts and voluntary planting of buffers. As individual properties undergo major remodeling or redevelopment, minimal buffers on the shoreline would be required. Cumulatively, these efforts are likely to benefit both water quality and nearshore habitat.

Existing docks and moorage facilities are limited, but would require enhancement such as adding grating to docks and piers for light penetration, and less surface coverage as they reach the end of their useful life, which would require major repair or replacement.

5.2.1.4 `East Ostrich Bay

East Ostrich Bay includes Madrona Point, Marine Drive Point, and the westerly portion of Rocky Point above Mud Bay. Rocky Point is currently outside of the Bremerton city limits but in the UGA. This is a generally an older residential area. The areas not on city sewer were platted and developed prior to existing on-site sewage system regulations. The natural physical conditions of the area, primarily the surface, groundwater conditions, and the soil types and depths are not conducive for the utilization of "standard gravity" on-site sewage systems. Development patterns along the shoreline and adjacent uplands include land cover, which is about 40 to 48 percent natural and 55 to 60 percent developed, with some mixed forest, deciduous forest, and urban grasses. Impervious surfaces are mostly below 30 percent in the contributing drainage.

Restoration Strategy

The developed single-family areas on Madrona Point and along Marine Drive provide primarily lawn and ornamental vegetation at the shoreline. The runoff discharged from this area has ongoing adverse impacts because the discharge contains sediment and toxins from pesticides and herbicides. Public education is likely the most effective means of changing these existing practices.

The addition of native vegetation buffers adjacent to the water to provide filtering and uptake of pollutants, as well as providing shade to reduce desiccation of the nearshore area, may be addressed by educational efforts and voluntary planting of buffers. As individual properties undergo major remodeling or redevelopment, minimal buffers on the shoreline would be required. Cumulatively, these efforts are likely to benefit both water quality and nearshore habitat.

Existing docks and moorage facilities are limited in number, but would require enhancement such as adding grating to docks and piers for light penetration, and less surface coverage as they reach the end of their useful life, which would require major repair or replacement.

The City may contribute to water quality in the bay through incremental improvements in the storm drainage system and in public education in order to reduce the discharge of nutrients and toxins into the system.

5.2.1.5 Oyster Bay

Oyster Bay is a shallow protected embayment with a relatively narrow opening to Ostrich Bay. Oyster Bay has no significant tributary streams. The tributary area from which surface water flows into the bay is relatively small but also is highly urbanized. Most water is from runoff from a relatively narrow area surrounding the bay and from tidal flows. Oyster Bay has shallow habitat areas supporting high primary productivity for marine life and a diverse assemblage of benthic invertebrates and fish. The bay also provides the potential for habitats, such as for eelgrass.

Oyster Bay has a low water exchange environment that is particularly vulnerable to alterations that affect water quality including excess nutrients, pathogens, and toxins that tend to accumulate or have longer residence times due to limited flushing. Oyster Bay is listed on Ecology's 303(d) list with impaired water quality due to fecal coliform, mercury, and low dissolved oxygen levels. All of Oyster Bay is a Prohibited Shellfish Growing Area.

The majority of land in the bay is single-family residential with a small commercial area at the south end. Land cover is mostly developed urban area (about 70 percent developed and 30 percent natural), with most of the contributing area having high levels of impervious surface (>50 percent impervious surface). The south shore of Oyster Bay has the highest level of development and impervious surface. Shoreline modifications include significant alteration to

tidal action (11 percent of shoreline length with tidal barriers), moderate to high levels of armoring (50 percent of shoreline length), roads affecting the shoreline (13 percent of shoreline area), and relatively low levels of nearshore fill and overwater structures (less than 1 percent of shoreline area).

Restoration Strategy

The commercial area near the south end of the bay has the potential for some restoration of the shoreline as part of future non-water-dependent development, which requires shoreline restoration and public access. The existing development in this area is not water-dependent and it is doubtful that water-dependent uses would be appropriate given the shallow nature of the bay and the proposed "Aquatic Conservancy" designation.

The developed area, with primarily single-family residences, has mostly lawn and ornamental vegetation at the shoreline. The runoff discharged from this area has ongoing adverse impacts due to the runoff containing sediment and toxins from pesticides and herbicides. Public education is likely the most effective means of changing these existing practices.

The addition of native vegetation buffers adjacent to the water to provide filtering and uptake of pollutants, as well as providing shade to reduce desiccation of the nearshore, may be addressed by educational efforts and voluntary planting of buffers. As individual properties undergo major remodeling or redevelopment, minimal buffers on the shoreline would be required. Cumulatively, these efforts are likely to benefit both water quality and nearshore habitat.

Although existing docks and moorage facilities are limited, they would require enhancement. Such actions would include grating for light penetration and less surface coverage as they reach the end of their useful life, which would require major repair or replacement. New overwater and inwater structures would be limited by the proposed "Aquatic Conservancy" designation.

There is little public land in this reach and therefore little opportunity for public enhancement projects on the shoreline.

The Puget Sound Restoration Fund (PSRF) has augmented the existing native Olympia oyster (*Ostrea lurida*) population and habitat on State and privately owned tideland property by installing additional seasoned Pacific oyster shell to increase the footprint of the existing native oyster habitat area. The objective is to increase the abundance of the native oyster population in Oyster Bay. Such efforts should be monitored and possibly expanded if effective.

Redevelopment of the 83-acre Bay Vista site (the Bremerton Housing Authority Westpark Community) is likely to result in improved water quality discharge to Oyster Bay through current stormwater management practices; however, the redevelopment area is only a part of the tributary watershed draining into the bay.

The City may contribute to improved water quality in the bay by incrementally upgrading the storm drainage system, as well as educating the public, in order to reduce the discharge of nutrients and toxins into the system.

5.2.1.6 Mud Bay

The east side of Mud Bay is currently outside of the Bremerton city limits but in the UGA. It is surrounded by relatively large residential lots.

Mud Bay completely empties at lower tides and supports a mud flat with high primary productivity for marine life that contributes a diverse assemblage of benthic invertebrates to the food chain. It is a low water exchange environment that is particularly vulnerable to

alterations that affect water quality, including excess nutrients, pathogens, and toxins that tend to accumulate or have longer residence times due to limited flushing. Most parcels were platted and developed prior to existing on-site sewage system regulations. The natural physical conditions of the area, primarily the surface and groundwater conditions, soil types, and depths, are not conducive for implementing "standard gravity" on-site sewage systems leading to potential high nutrient levels.

Land cover use is about 40 to 50 percent natural and 50 to 60 percent developed, with some mixed forest, deciduous forest, and urban grasses. The contributing drainage area is very small. Shoreline modifications are limited, as one would expect in a low energy environment. The area has a moderate to high amount of shoreline armoring (55 percent of shoreline length), some barriers to tidal flow (2 percent of shoreline length), and roads (8 percent of the shoreline area). In addition, numerous overhanging docks and piers, including pilings, are scattered along the shoreline. However, this reach lacks large overwater structures and the low energy areas in Mud Bay are generally not armored. Riparian vegetation is lacking for most of the shoreline, but areas along the eastern shore of Mud Bay and some areas along Rocky Point have intact riparian vegetation.

Restoration Strategy

The developed single-family area provides a variety of buffer conditions varying from wide buffers of native trees to lawn and ornamental vegetation. Where ornamental vegetation predominate, the adverse impacts from runoff discharge containing sediment and toxins from pesticides and herbicides, which are likely to be most effectively addressed by public education.

Many lots have the potential for subdivisions to be developed when urban services such as sewers are provided. The SMP buffer requirements are likely to preserve existing buffers and enhance those buffers that are not currently maintained. In addition, the City will require detention and treatment of stormwater that would where certain criteria are met. Larger developments would be encouraged to use low-impact development techniques.

The addition or enhancement of native vegetation buffers adjacent to the water (to provide filtering and uptake of pollutants and provide shading to reduce desiccation of the nearshore) may be addressed by educational efforts and voluntary planting of buffers. As non-subdividable properties undergo major remodeling or redevelopment, minimal buffers on the shoreline would be required. Cumulatively, these efforts are likely to benefit both water quality and nearshore habitat.

Existing docks and moorage facilities are limited in number and size, but would require enhancement such as adding grating to docks and piers for light penetration and less surface coverage as they reach the end of their useful life, which would require major repair or replacement. New overwater and inwater structures are limited by the proposed "Aquatic Conservancy" designation.

5.2.2 Port Washington Narrows

Port Washington Narrows is a tidal strait connecting Port Orchard Bay with Dyes Inlet. Tidal currents attain velocities in excess of 4 knots at times. The formal boundaries are Rocky Point to the northeast, Point Turner to the southwest, and Point Herron to the southeast. For the purpose of this discussion, the Tracyton Beach area is considered within Dyes Inlet, and will be included in the discussion of the east side of the Narrows.

5.2.2.1 Phinney Bay

Phinney Bay is a large embayment at the western end of Port Washington Narrows and eastern end of Dyes Inlet and extends from Rocky Point to North Lafayette Avenue.

Phinney Bay has some high bank areas on the eastern shore, but it mostly consists of low bank and/or marsh lagoon shoreforms dominated by mud, sand, and gravel substrates. One surf smelt spawning location is mapped on the northeast side of Phinney Bay. Non-floating kelp occurs along the northeastern side, with continuous eelgrass habitat along most of the bay shoreline. Patchy salt marsh occurs at the southern end and in the lagoon on the western side of the bay. Eelgrass also is mapped in continuous distribution along the south and west shores of Phinney Bay. Some oyster beds occur at the north end of the bay, although Phinney Bay is currently classified as a Prohibited Shellfish Growing area. Water quality issues include fecal coliform and possibly low dissolved oxygen. The Kitsap Health District listed Phinney Creek on a Public Advisory alerting the public to avoid contact with the waters. The bay has a large number of stormwater outfalls, especially on the western side.

The eastern side of Phinney Bay (to Corbet Drive NW) is currently outside of the Bremerton city limits but in the UGA. The primary land use is single-family residential, but there is one marina, the Bremerton Yacht Club, on the eastern shore. About 30 percent of the drainage area contributing to Phinney Bay has impervious surfaces greater than 50 percent, but a relatively large portion of the drainage area (55 percent) is covered by less than 10 percent impervious surface. This is due to the mostly natural land cover, low-intensity residential use, and the mixed forest.

Shoreline modifications include moderately high levels of shoreline armoring (64 percent of shoreline length), roads affecting the shoreline (8 percent of shoreline area), and overwater structures (5 percent of shoreline area). The Bremerton Yacht Club marina comprises most of the overwater structure in the area.

Restoration Strategy

The east side of the bay (currently unincorporated Kitsap County) contains large single-family lots with a variety of buffer conditions varying from wide buffers of native trees to lawn and ornamental vegetation. On the west side of the bay, smaller urban lots generally have a limited buffer although lawn and ornamental vegetation predominates. Where non-native vegetation predominates, adverse impacts from runoff discharge containing sediment and toxins from pesticides and herbicides can likely be most effectively addressed by public education.

Many lots on the east side have the potential for subdivision development when urban services such as sewers are provided. The SMP buffer requirements would likely preserve the existing buffers and provide enhancement where buffers are not currently present. For existing lots, the addition or enhancement of native vegetation buffers adjacent to the water may be addressed by educational efforts and voluntary planting of buffers. As non-subdividable properties undergo major remodeling or redevelopment, minimal buffers on the shoreline would be required. Cumulatively, these efforts are likely to benefit both water quality and nearshore habitat by providing filtering and uptake of pollutants, as well as providing shade to reduce desiccation of the nearshore.

Existing docks and moorage facilities will require enhancement such as adding grating to docks and piers for light penetration and less surface coverage as they reach the end of their useful life, which would require major repair or replacement. New overwater and inwater structures in the far south end of the bay are limited by the proposed "Aquatic Conservancy" designation.

The City may contribute to improved water quality in the bay by incrementally upgrading the storm drainage system and educating the public in order to reduce the discharge of nutrients and toxins into the system.

5.2.2.2 Port Washington Narrows West

This area extends from North Lafayette Avenue to Point Turner (which for convenience will be considered at 6th Street in downtown Bremerton). This area has complex urban land uses including single-family and multi-family residential, industrial, and parkland. A few locations for surf smelt spawning are mapped along this reach. Continuous non-floating kelp is distributed along most of the shoreline, but no eelgrass or marsh vegetation is found here. Hardshell clam areas occur along the Narrows, but are mostly associated with the eastern shore. Waterfowl concentrations occur at the entrance to the Narrows, between the ferry docks and Evergreen Park. High waterfowl concentrations also occur opposite Lions Park. There is a large pelagic cormorant roost under the Warren Avenue Bridge, as well as a peregrine falcon nest.

Shoreline modifications include heavily armored shorelines (80 percent shoreline length), numerous roads (12 percent of shoreline area), and fill within the nearshore (2 percent of the area). In addition, numerous overhanging structures; piers, docks, and floats; and old pilings occur along the Narrows shoreline.

Impervious surfaces along the shoreline are mostly above 50 percent, with 90 to 100 percent at some locations including along the Bremerton waterfront, where the Warren Avenue Bridge crosses the Narrows, and just east of Anderson Cove. Land cover is predominantly high-intensity residential or commercial/industrial, with small areas of low-intensity residential.

Restoration Strategy

Single-family lots in this area generally have little or no native vegetation buffer. Public education is the primary means of influencing individuals to change vegetation management to include more native vegetation along the shoreline and it has the potential to influence a much greater proportion of the shoreline. As single-family properties undergo major remodeling or redevelopment, minimal buffers on the shoreline would be required. Cumulatively, education and regulatory requirements are likely to benefit both water quality and nearshore habitat by providing native vegetation that contributes filtering and uptake of pollutants and providing shade to reduce desiccation of the nearshore.

Existing docks and moorage facilities will require enhancement such as adding grating to docks and piers for light penetration and less surface coverage as they reach the end of their useful life, which would require major repair or replacement.

There are very limited areas of industrial and multi-family zoning, which may provide opportunities for enhancement of the shoreline upon redevelopment. The industrial area near Pennsylvania Avenue has the potential for some restoration of the shoreline as part of future non-water-dependent development, which requires shoreline restoration and public access. The extent of restoration required would depend on the extent of water-dependent development and the extent that mitigation may be required to meet the criteria for no net loss of ecological functions.

The multi-family area within the downtown subarea will be redeveloped with medium- to high-density residential with a strong relationship to the street. The high bank waterfront limits other than visual access to the water in most cases. As part of redevelopment, buffer areas will be augmented and feeder bluff functions enhanced.

Public parks provide a variety of opportunities for enhancement of native riparian vegetation depending on topography and other conditions implemented as part of ongoing park management. Enhancement opportunities, however, must be balanced with the goals of providing public visual and physical access to the shoreline.

The City may contribute to better water quality in the bay through incremental improvements in the storm drainage system and public education in order to reduce discharge of nutrients and toxins into the system.

5.2.2.3 Port Washington Narrows East

The far north easterly portion of Port Washington Narrows is characterized by large-lot rural development in the area north of Sheridan Road, which is in unincorporated Kitsap County and within the UGA. The remainder of the reach is single-family, multi-family, commercial, and park use. For convenience, the area south of Manette Bridge on Point Herron is considered in the discussion of Port Orchard Bay.

Three streams discharge into this area, but most of the natural conveyances have been covered and are contained in culverts. Parmann and Moser creeks north of Tracyton Beach Road still have continuous vegetation along much of the riparian area.

A few locations for surf smelt spawning are mapped along this reach. Continuous non-floating kelp is distributed along most of the shoreline, but no eelgrass or marsh vegetation is found here. Hardshell clam areas occur along the eastern shore; however, the area is closed to shellfish harvest. Waterfowl concentrations occur at the entrance to the Narrows. Sheridan Park, Lions Park, and East Park occur along this reach.

Shoreline modifications include heavily armored shorelines (80 percent shoreline length), numerous roads (12 percent of shoreline area), and fill within the nearshore (2 percent of the area). In addition, numerous overhanging structures such as piers, docks, and floats, and old pilings occur along the Narrows shoreline.

Impervious surfaces along the shoreline are mostly above 50 percent, with 90 to 100 percent at some locations including where the Warren Avenue Bridge crosses the Narrows. Land cover is predominantly high-intensity residential or commercial/industrial, with small areas of low-intensity residential.

Restoration Strategy

Single-family lots with shoreline frontage predominate only in the currently unincorporated area north of Tracyton Beach Road. Most lots have no native vegetation at the shoreline with lawns and ornamental vegetation the primary ground cover. Many of these lots have the potential for subdivision development when urban services such as sewers are provided. The SMP buffer requirements implemented at subdivision are likely to result in provision and enhancement of native vegetation buffers. In addition, the City will require detention and treatment of any stormwater that would be discharged. Larger developments would be encouraged to use low-impact development techniques.

In the interim, and for properties not subdividable, educational efforts may result in some changes in vegetation management leading to voluntary establishment of limited buffers. Cumulatively, education and regulatory requirements are likely to benefit both water quality and nearshore habitat by providing native vegetation that contributes filtering and uptake of pollutants and providing shade to reduce desiccation of the nearshore.

There are extensive areas of commercial and multi-family zoning in this reach, which are likely to provide opportunities for enhancement of the shoreline upon redevelopment. The most extensive potential redevelopment area is the Bremerton Gardens multi-family

community between Magnuson Way and 16th Street, which would provide the opportunity for setbacks and buffers to allow feeder bluffs and adjacent areas to function more naturally. The commercial area along Campbell and Wheaton Way south of the Warren Avenue Bridge would likely redevelop incrementally. Because non-water-dependent development requires shoreline restoration and public access, buffer areas would be augmented and feeder bluff functions enhanced.

Existing docks and moorage facilities will require enhancement such as adding grating to docks and piers for light penetration and less surface coverage as they reach the end of their useful life, which would require major repair or replacement.

Public parks provide a variety of opportunities for enhancement of native riparian vegetation depending on topography and other conditions implemented as part of ongoing park management. Enhancement opportunities, however, must be balanced with the goals of providing public visual and physical access to the shoreline.

The extensive, but narrow corridor between the shoreline and Tracyton Beach Road may be enhanced by augmenting native vegetation.

The City may contribute to improved water quality by incrementally improving the storm drainage system and educating the public in order to reduce discharge of nutrients and toxins into the system.

5.2.3 Sinclair Inlet

Sinclair Inlet is the arm of Port Orchard Bay west of Port Washington Narrows. It includes downtown Bremerton, the Puget Sound Naval Shipyard, Gorst Estuary, and the city of Port Orchard on its south side.

The Sinclair Inlet watershed drains an area of 27,492 acres, including the creeks that flow into Sinclair Inlet (primarily along the southern shore) and the Beaver Creek watershed to the east. The watershed includes 57 miles of saltwater frontage, approximately 46 lakes with 9.7 miles of shoreline, and about 62 miles of streams. The watershed is characterized by many small streams that drain relatively small areas. Gorst and Blackjack creeks are the main dischargers of freshwater into the inlet. Estimates of freshwater runoff into Sinclair Inlet range from 335 cfs in January to 5 cfs in August. The contribution of groundwater flow to the inlet is unknown but thought to be substantial. The currents of Sinclair Inlet are relatively weak, at only 0.8 knots. The estimated total flushing time is approximately 14 days.

5.2.3.1 Downtown Bremerton

Most of the area from 6th Street to the Puget Sound Naval Shipyard within the downtown subarea has been redeveloped with an array of residential, office, and mixed uses with strong connections and views to the waterfront and only a few additional lots are available for development. This area has high bluffs along the waterfront that precludes water-dependent use. Because non-water-dependent development requires shoreline restoration and public access, buffer areas will be augmented and feeder bluff functions enhanced.

Restoration Strategy

Restoration potential in this reach is limited due to intense urban development.

Future development in the downtown will preserve and enhance steep slopes resulting in augmentation of vegetation and feeder bluff functions.

The City may contribute to water quality by incrementally improving the upstream storm drainage system and educating the public in order to reduce discharge of nutrients and toxins into the system.

5.2.3.2 Puget Sound Naval Shipyard

This reach is heavily modified by the development of the Puget Sound Naval Shipyard. Impervious surface along the shoreline is more than 80 percent and frequently more than 90 percent along the entire shoreline. More than 90 percent of the shoreline length is armored and overwater structures affect approximately 50 percent of the shoreline area.

Restoration Strategy

Restoration potential in this reach is limited due to intense development.

The major opportunity for enhancement is continuing efforts by the U.S. Navy to improve water quality through improvements in treating their process water and stormwater runoff.

5.2.3.3 Gorst Estuary and Gorst Creek

Gorst Estuary is the largest estuary in the planning area and provides significant shoreline functions to Sinclair Inlet and Puget Sound. The estuary receives freshwater flows from Gorst Creek, as well as several small independent drainages nearby. Wright Creek is about 1.2 miles long and enters Sinclair Inlet between Gorst and Bremerton. Tributary streams support a variety of species including coho, chum, cutthroat, and steelhead.

Gorst Estuary itself is shallow, with fringing marshes and mud flats that provide excellent production of prey for salmonids. Biological resources in the estuary include waterfowl concentrations at the mouth and along the north and south shorelines of Sinclair Inlet, and shorebird concentrations along the north shore. Continuous mixed marsh and patchy salt marsh occurs along the inner estuary and north and south shorelines of Sinclair Inlet. Patchy eelgrass occurs between the edge of the marsh vegetation and adjacent mud and sand flats. Surf smelt spawning areas are mapped along the north and south shore of Sinclair Inlet just east of the estuary. Bald eagle nests are associated with the estuary along the south shore of Sinclair Inlet with nest management and foraging areas within the entire estuary.

Shoreline modifications include significant alteration to tidal processes, with tidal barriers affecting 6 percent of the shoreline length. Shoreline armoring affects 88 percent of shoreline length, road density is high (18 percent of shoreline area), overwater structures affect 4 percent of the shoreline area, and nearshore fill affects 20 percent of the shoreline area. These modifications are reflected in the loss of habitats. Estimates of the loss of historic shoreforms include 100 percent of former barrier estuaries, 65 percent of coastal inlets, and more than 80 percent of tidal wetlands.

About 1,500 feet of estuarine shoreline on the north side of the inlet were rehabilitated in the early 2000s through grants from the Salmon Recovery Board and funding by local sources.

Restoration Strategy

The City is in the process of developing the Gorst Creek Watershed Comprehensive Plan, which will outline development, preservation, and enhancement opportunities. The plan is not yet final, but generally will:

- Identify portions of the watershed which should be conserved and managed to protect the City's water supply;
- Identify areas that should be preserved for enhancement of water supply to the watershed and estuary, including wetlands and other areas;
- Identify areas that should be preserved and enhanced for habitat value score and as salmon refugia; and

- Identify areas more appropriate for higher density development based on identification of areas with lower water resource and habitat value.

There are extensive areas of commercial development south of Gorst Creek that could be redeveloped in the future. Because non-water-dependent development requires shoreline restoration and public access, buffer areas will be augmented and proximity impacts to the estuary reduced.

The City may contribute to water quality through incremental improvements in the storm drainage system in developed portions of the estuary and in public education in order to reduce discharge of nutrients and toxins into the system.

5.2.4 Port Orchard Bay

5.2.4.1 Point Herron/Shore Drive

For purposes of this analysis, this reach extends from the Manette Bridge to the northeasterly end of Shore Drive. The northerly end of this reach is occupied by the Boat House Restaurant and multi-family development. The remainder of the reach comprises single-family lots about 50 feet wide and between 70 and 100 feet deep. The shoreline is more than 50 percent impervious surface. There is a large pier at the Boat House Restaurant and six marine 'railways' at single-family residences, although not all are currently functioning. Almost the entire shoreline is armored with riprap and concrete bulkheads. There are no trees along the shoreline, but in many places there are very narrow lawns or ornamental plantings.

Restoration Strategy

There are few opportunities for restoration in the reach.

The Boat Shed Restaurant is likely to retain its existing non-conforming status, even if other tenants occupy it. In the long term, the existing pier would be reconstructed, when major repair or replacement was required, to include adding grates for light penetration and less surface coverage, which would enhance nearshore ecological functions.

If the multi-family development were to be redeveloped, very minor buffers might be included.

The proposed provisions of the SMP to provide minimal buffers when residences undergo major renovation and replacement may reduce the discharge of nutrients and toxins from fertilizers and herbicides/pesticides, but the SMP would not require residents to provide trees for shading thus there would be no improvement to existing upper beach desiccation.

The City may contribute to better water quality through incremental improvements in the storm drainage system and in public education in order to reduce discharge of nutrients and toxins into the system.

5.2.4.2 Port Orchard Bay East

The area east of Shore Drive in Bremerton is characterized by large single-family lots with extensive forested uplands. Portions of the areas are within the city; the remainder is in the UGA. Percent impervious surface within 200 feet of the marine shoreline ranges from 8 to 17 percent, while forest cover within the 200-foot shoreline area averages less than 2 percent. Over 50 percent of the shoreline is armored, with 6 percent of the shoreline affected by roads.

A small independent creek (Dee/Enetai) enters Port Orchard Bay approximately 1 mile northeast of Point Herron. The creek currently supports chum, coho, and cutthroat in the lower reaches. There are a number of fish passage barriers in this watershed. The riparian condition upstream of Trenton Avenue is poor, with little remaining riparian vegetation,

while the riparian condition in the steep ravine reach downstream of Trenton Avenue is considered to be generally good. Flows are very flashy, likely the result of the intense development in the watershed with no stormwater controls. This creek also has fecal bacterial contamination.

The eastern part of this reach in the UGA is largely undeveloped within the UGA, but with development above the steep bluff that begins at the shoreline.

Restoration Strategy

The preservation of existing undeveloped shoreline in the eastern part of the reach is likely to be accomplished by the proposed "Urban Conservancy" designation with likely future development concentrated at the top of the slope.

Large lots in this area have a variety of buffer conditions varying from wide buffers of native trees to lawn and ornamental vegetation. Where non-native vegetation predominates, adverse impacts from runoff discharge containing sediment and toxins from pesticides and herbicides are likely to be most effectively addressed by the addition or enhancement of native vegetation buffers adjacent to the water through educational efforts and voluntary planting of buffers. As non-subdividable properties undergo major remodeling or redevelopment, minimal buffers on the shoreline would be required. Cumulatively, these efforts are likely to benefit both water quality and nearshore habitat by providing filtering and uptake of pollutants and providing shade to reduce desiccation of the nearshore.

The City may contribute to water quality in the bay through incremental improvements in the storm drainage system that discharges into Dee/Enetai Creek and in public education in order to reduce discharge of nutrients and toxins into the system. Installation of a public sewer system, as recommended by the Kitsap Health District in areas served by failing on-site sewage systems, would address the major source of fecal contamination.

5.2.5 Kitsap Lake

Kitsap Lake is within the Chico Creek drainage. The lake is approximately 238 acres and the shoreline includes land within the city of Bremerton, as well as land within unincorporated Kitsap County. Most of the lake shoreline comprises single-family residential lots, with numerous docks, large areas of modified shoreline, and very little riparian vegetation. There is a large wetland on the south side of the lake, a City park, and a U.S. Navy park on the west side of the lake.

The lake supports resident cutthroat, coho, steelhead, and pink salmon. There is one bald eagle nest and foraging area along the shoreline.

Restoration Strategy

The major restoration activity that will contribute to improved water quality in the lake is protection and restoration of the upstream tributaries, which are addressed in the Chico Creek Management Strategy.

Public parks owned by the City, the county, and the U.S. Navy provide a variety of opportunities for enhancement of native riparian vegetation depending on topography and other conditions implemented as part of ongoing park management. Enhancement opportunities, however, must be balanced with the goals of providing public visual and physical access to the shoreline.

Single-family lots with shoreline frontage predominate on the shoreline; these lots are relatively small and narrow. Most lots have no native vegetation at the shoreline, with lawns and ornamental vegetation the primary ground cover. Few of these lots have the potential for subdivision. Educational efforts may cause some changes in vegetation management leading

to voluntary establishment of limited buffers. Where substantial remodeling or replacement occurs, minimal buffers would be required. Cumulatively, education and regulations are likely to benefit both water quality and nearshore habitat by providing native vegetation that contributes filtering and uptake of pollutants. It is doubtful that such minimal buffers would provide much shade or woody debris.

The majority of the lake shoreline is armored. As bulkheads need replacement in the future, regulations will require consideration of softer armoring, which may lead to more natural shoreline conditions supporting a more productive food web and other functions.

Existing docks and moorage facilities will require enhancement such as grating for light penetration and less surface coverage as they reach the end of their useful life, which would require major repair or replacement.

5.2.6 Union River and Union River Reservoir

The Union River watershed flows into Hood Canal; it is 24 square miles with 10 miles of mainstem and 30 miles of tributaries. The stream originates on the south and eastern sides of Gold Mountain. It flows through managed but undeveloped forest area to the City of Bremerton Union River Reservoir (the City's major water supply). The Union River Reservoir has a surface area of about 40 acres. Shoreline reaches include the entire lake shoreline, as well as the Union River below the reservoir from McKenna Falls to the lake. The combined lake and river shoreline area is approximately 98 acres. The upper watershed and the reservoir are within the City's protected watershed area with deciduous, evergreen, and mixed forest as the predominant land cover.

The Union River system supports chinook, pink, coho, fall-winter chum, summer chum, steelhead, and cutthroat. The Union River is the only basin on the Kitsap Peninsula to currently have a viable native population of summer chum salmon. The lake and river reaches within shoreline jurisdiction support resident cutthroat with the potential presence of coho and steelhead. The Kitsap Refugia report rated the instream habitat and riparian conditions for the river as a whole as generally fair to good. Riparian conditions in the lake and river reaches within shoreline jurisdiction are in good condition, with forested riparian zones on both sides of the river and around the lakeshore. The upper watershed has numerous headwater wetland complexes, providing extensive rearing habitat for salmonids. McKenna Falls is a natural barrier to fish passage upstream, and is located just downstream of the Union Reservoir dam.

Water quality impairments include low dissolved oxygen and pH in the shoreline reaches downstream of the reservoir.

The reservoir and river reach within shoreline jurisdiction are surrounded by the City's 3,000-acre protected watershed area. The Public Works and Utilities Department, Forestry & Natural Resources Division manages the utility-owned forest lands for watershed protection, timber harvest, reforestation, biosolids utilization, and salmon restoration.

Restoration Strategy

No restoration needs have been identified in the City-owned portion of the Union River. There are numerous downstream restoration programs included in the Hood Canal Coordinating Council's *Habitat Recovery Strategy for the Hood Canal and Eastern Strait of Juan de Fuca, version 09-2005.*

5.2.7 Twin Lakes

Twin Lakes together are approximately 21.7 acres and lie within the City's utility area. Twin Lakes are maintained by a diversion of water from the Union River Reservoir. The lakes are

on the hydrologic boundary between the Union River and Gorst Creek watersheds. There is no surface drainage out of the Twin Lakes. Studies by the City indicate that approximately half of the groundwater flow out of the Twin Lakes is to the Union River watershed and half to the Gorst Creek watershed. Twin Lakes is located towards the western end of the Gorst Creek Aquifer Recharge area. In recognition of the importance of the lake to groundwater recharge, Bremerton Municipal Code (BMC) 20.14.430(6)(b)(8) prohibits use of pesticides and fertilizers above agronomic rates within 1,600 feet of Twin Lakes. The area around Twin Lakes is zoned primarily as utility lands, with some areas of low-density residential zoning immediately to the east; the industrially zoned South Kitsap Industrial Area is immediately to the south. The Twin Lakes shorelines are currently designated as "Urban Conservancy."

Restoration Strategy

No restoration needs have been identified in the Twin Lakes watershed.

5.3 PROJECT IMPLEMENTATION, MONITORING, AND REVIEW

To remain consistent with the restoration framework and guidance for SMP development, project implementation and monitoring will survey available funding sources, guide development of project timelines and benchmarks, and document the progress of restoration projects.

5.4 BENCHMARKS AND MONITORING

Under WAC 173-26-201(2)(f)(vi), the development of a jurisdiction's SMP must, "Provide for mechanisms or strategies to ensure that restoration projects and programs will be implemented…in meeting the overall restoration goals."

A restoration framework developed in part by Palmer et al. (2005) provides several tasks for assessing restoration actions and revising the planning process to meet restoration goals. The following actions include:

- Adaptively manage restoration projects;
- Summarize restoration progress including grant applications and funds secured;
- Monitor post-restoration conditions;
- Revise the planning process to reflect changes in objectives and policy re-evaluation; and
- Use monitoring and maintenance results to inform future restoration activities.

To document progress toward restoration goals regionally within WRIA 15 and locally within the City, annual assessments should be performed to determine how well restoration criteria are met and how effectively the goals of this Plan are achieved.

5.5 SMP REVIEW

To ensure that restoration goals are being met, it is important for the City to evaluate the effectiveness of this Plan and to adapt to changing conditions. To establish the SMP benchmark for implementation effectiveness, the State Legislature provided a timeframe for jurisdiction amendments to the SMP. This was amended in 2011 to provide an 8-year update schedule.

The 8-year period starts once the City of Bremerton amends its SMP (RCW 90.58.080 (4)(a)). While the review period is taking place, an ongoing assessment of project successes and limitations must still occur as restorations are planned and implemented within the city.

6. REFERENCES

City of Bremerton. 2010. City of Bremerton Shoreline Master Program. Revised Shoreline Inventory and Analysis. Prepared by Parametrix, Bellevue, Washington. December 2010. Accessed at: http://www.ci.bremerton.wa.us/forms/communitydev/smp/ShorelineInventory_Analysis.pdf.

TECHNICAL MEMORANDUM

THE WATERSHED COMPANY

Date: December 4, 2020

To: City of Bremerton

From: Devin Melville, The Watershed Company
Dan Nickel, The Watershed Company

Project Name: City of Bremerton SMP Periodic Update

Project Number: 190347

Subject: City of Bremerton Shoreline Restoration Plan Addendum

The purpose of this memorandum is to update the previous Shoreline Restoration Plan adopted by the City of Bremerton in 2012. The Shoreline Restoration Plan is meant to help identify restoration or enhancement projects and areas of the shoreline for improvement. Generally, uses and developments within shorelines cannot always be fully mitigated, which may result in incremental and unavoidable degradation to the baseline conditions of the shoreline. The Restoration Plan document aims to counter these incremental degradations by identifying areas and projects for enhancement and restoration which can improve degraded baseline conditions along the shoreline over time.

This addendum references projects listed in the Shoreline Restoration Plan containing enhancement and restoration project proposals and updates them based on information received by the City, agencies, tribes and stakeholder organizations (Table 1). New projects which have been completed since 2012, or are planned for construction, are included in Table 2.

Table 1. Project updates for restoration actions

Project Location / Identifier	Environmental component(s)	Status (2020)	Proponent	Notes
Chico Bay (Drift Cell 90)	Removed bulkhead at "Place of Salmon Park"; removed invasive species/re-established native vegetation, removed Kittyhawk Drive Culvert; conducted estuary acquisitions	Complete	Suquamish Tribe	Project completed in 2014/2015; Suquamish Tribe acquired estuary; construction of SR 3 culvert to begin in 2021
Anna Smith Park (Drift Cell 147)	Removed bulkhead; restored shoreline access	Complete	Kitsap County	
Mosher Creek (Drift Cell 137)	Remove/replace culvert at Mosher Creek Crossing	No change		

Project Location / Identifier	Environmental component(s)	Status (2020)	Proponent	Notes
Gorst Estuary (Drift Cell 34)	Acquisitions/easements	In-Progress		Now includes restoration of estuarine wetlands and removal of fill
*Retsil (Drift Cell 34) Sinclair Inlet	Replace undersized culvert; restore natural shoreline processes near boat ramp	No change		
*Beach Drive (Drift Cell 84) Sinclair Inlet	Replace culvert at Sacco Lane; fix Waterman Dock and restore shoreline; evaluate Culvert Size at Waterman Point	In-Progress		Waterman Dock removed in 2015
Illahee (Drift Cell 56)	Protect remaining salt marsh; implement Illahee regional stormwater treatment facility; replace culvert to reconnect marsh	In-Progress		Part of Proposed Capital Facility Plan to be implemented 2020-2025
Illahee State Park/Enetai (Drift Cell 56)	Investigate soft-bank armoring alternatives	No change		Replace culvert on Enetai Creek
Lower Chico Creek	Implement LID; replace culverts; continue creating salmonid habitat; continue to monitor and remove invasive plant species; replace Erlands Point Road bridge and restore upstream floodplain; replace road crossing at Chico Way NW and restore floodplain, stream corridor, and channel migration zone; replace Northlake Way NW bridge	In-Progress	Kitsap Conservation District	Riparian restoration and invasive species removal on private properties complete
Upper Chico Creek and Wetland	Protect existing functions; assess impacts of Seabeck Highway culverts and replace where needed; decommission trails in sensitive areas; remove invasive plants/replant appropriate wetland shrubs or trees; acquire headwater wetlands and wetlands utilized by beaver	In-Progress	Kitsap Conservation District and Suquamish Tribe	Restored riparian habitat in the Chico Creek watershed; Phase 2 of the Chico Creek Instream Restoration complete; Keta Park Floodplain restoration complete
Kitsap Lake and Wetland	Implement LID retrofits; improve riparian vegetation; remove invasive species	In-Progress	City of Bremerton	Stormwater treatment retrofits at 4 locations; additional projects include installing a stormwater treatment system and replacing the existing culvert

Project Location / Identifier	Environmental component(s)	Status (2020)	Proponent	Notes
				under Northlake Way in 2021
Union River	Maintain riparian forest buffers and improve large woody debris abundance; re-establish natural cover; retrofit existing structures with permeable pavement and rain gardens; replace undersized culverts; eliminate in-stream stormwater pond	In-Progress	Hood Canal Salmon Enhancement Group	Phase I completed in September of 2013

*Project site is not located within the City of Bremerton; however, it was listed in 2012 as it relates to waterbodies within or affected by Bremerton shorelines.

Table 2. Completed or planned projects not Included in the previous Shoreline Restoration Plan.

Project Location	Project Description	Status (2020)	Proponent	Notes
Evergreen Park	Restore nearshore ecological functions along 600 feet of shoreline; remove bulkhead; create stormwater swale; plant native vegetation	Proposed	City of Bremerton	The City developed a conceptual and preliminary design; anticipated start date is September 2022
Enetai Creek (R9)	Replaced 3 culverts	Complete	Mason Conservation District	
Krigsman Stream Restoration	Installed large woody debris; extirpated noxious weeds and planted native ground cover	Complete	Kitsap Conservation District	
Kitsap Creek	Replaced undersized culvert; increased habitat complexity; installed large woody debris; removed bank armoring; dechannelized stretch of stream to increase discharge capacity and reduce overbank flooding	Complete	Kitsap Conservation District	
Dyes Inlet	Removed bulkhead at two east shore properties and Mosher Creek; installed shoreline buffer and native plantings	Complete	Kitsap County	
Chico Creek Salmon Park	Remove culvert under Golf Club Hill road and replace with a 140-foot span bridge	In Progress	Kitsap County	

Project Location	Project Description	Status (2020)	Proponent	Notes
Mid Chico Creek	Remove private driveway near Navy Railroad trestle; replace trestle; remove floodplain fill	In-Progress	Suquamish Tribe	
Ostrich Creek	Implement LID retrofits along Brentwood Drive, Kitsap Way, and Price Road; replace culverts; install 15 stormwater treatment systems; create bioretention swales	Proposed	City of Bremerton	Project to begin in 2021
Oyster Bay	Sewer relocation at Oyster Bay Beach; eliminate lateral connections to the gravity sewer main; install grinder pumps	Proposed	City of Bremerton	Project to begin in 2021
Stephenson Creek	Add stormwater treatment to the existing stormwater system improvement along Robin Avenue	In-Progress	City of Bremerton	
Gorst Creek	Replace culvert under old Belfair Highway; correct rear facility property passage issues	In-Progress	Suquamish Tribe	
Upper Dickerson Creek	Replaced two culverts; restored floodplain function at confluence of Dickerson and Chico Creek; improved stream and wetland conditions; restored fish passage habitat	Complete	Kitsap Conservation District and Kitsap County Public Works	