

ATTACHMENT B: DEPARTMENT OF ECOLOGY REQUIRED CHANGES TO THE CITY OF POULSBO SHORELINE MASTER PROGRAM PERIODIC REVIEW AMENDMENT

The changes in **red are required** to ensure compliance with the SMA (RCW 90.58) and the SMP Guidelines (WAC 173-26, Part III) and to clarify provisions for implementation.

ITEM #	SMP Submittal PROVISION	BILL FORMAT CHANGES (underline = additions; strikethrough = deletions)	RATIONALE
Req-1 Req-2 & Req-3	16.08.040 Definitions	<p>A. Shoreline Master Program</p> <p><u>“Average grade level” means the average of the natural or existing topography of the portion of the lot, parcel, or tract of real property that 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 ground elevations at the midpoint of all exterior walls of the proposed building or structure</u></p> <p>44. "Height" <u>is measured from average grade level to the highest point of a structure; provided, that television antennas, chimneys, and similar appurtenances shall not be used in calculating height except in the C-1 zoning district per PMC 18.80.040 B.4. -shall be measured per the definition in Section 18.40.030.</u></p> <p>65. “Normal residential appurtenance” means 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 residential appurtenances include a garage, deck, shed, ADA ramps, patios, antennas, solar arrays, driveway, utilities solely servicing the subject single-family residence, fences, and grading which does not exceed 250 cubic yards, or as otherwise determined by the Planning Director.</p>	<p>Required Change 1: Add definition for “average grade level.” A change is necessary for consistency with WAC 173-27-030. According to WAC 173-27-030(3) "Average grade level" means 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 ground elevations at the midpoint of all exterior walls of the proposed building or structure. The height definition in WAC 173-27-030(9), relies on average existing grade level, as defined under “average grade level” per WAC 173-27-030(3), to determine height. Therefore, Ecology finds that the City’s code must include this definition to ensure proper implementation of the height restrictions and related provisions of this SMP.</p> <p>Required Change 2: Revise “height” definition A change is necessary for consistency with WAC 173-27-030. According to WAC 173-27-030(9): “Height" is measured from average grade level to the highest point of a structure: Provided, That television antennas, chimneys, and similar appurtenances shall not be used in calculating height, except where such appurtenances obstruct the view of the shoreline of a substantial number of residences on areas adjoining such shorelines, or the applicable master program specifically requires that such appurtenances be included: Provided further, that temporary construction equipment is excluded in this calculation. The City proposes to rely on the zoning code definition for height. However, this definition is inconsistent with WAC 173-27-030(9), which relies on average existing grade level to determine height. In consultation with City staff on this issue, Ecology proposes to include a modified version of the definition of “height.” Ecology finds the required change to the definition of “height” to be consistent with WAC 173-27-030(9) while adding Poulsbo specific exclusions for internal consistency and compatibility with the City’s zoning code.</p> <p>Required Change 3: Revise definition for “Normal residential appurtenance” A change is necessary for consistency with WAC 173-27-040(2)(g), which allows local governments to identify specific additional appurtenances from those listed in rule during the planning process. The phrase “or as otherwise determined by the Planning Director” is too open-ended to be implemented consistent with WAC 173-27-040(2)(g) and is inconsistent with the requirement that SMP provisions “be sufficient in scope and detail to ensure the implementation of the Shoreline Management Act”¹ and the SMP Guidelines.</p>

¹ WAC 173-26-191(2)(a)(ii)(A)