

CITY OF POULSBO – SHORELINE MASTER PROGRAM UPDATE

DRAFT SHORELINE MASTER PROGRAM REGULATIONS

PLANNING COMMISSION APPROVED DRAFT DECEMBER 2011

CHAPTER 16.09 SHORELINE ADMINISTRATION AND PROCEDURES

16.09.010 Purpose.

This chapter contains the provisions regarding the City's administration and enforcement of the Shoreline Management Act and the Poulsbo shoreline master program (Chapter 16.08 of the Poulsbo Municipal Code), as well as the permit system applicable to the Shoreline Management Act and shoreline master program of the city.

16.09.020 Administrative responsibilities in general.

Except as otherwise specifically established in this chapter, the city planning director is responsible for the administration of the Shoreline Management Act and the shoreline master program of the city.

16.09.030 Applicability of the shoreline master program.

Within the shoreline jurisdiction, the shoreline master program applies to all development as that term is defined in RCW 90.58.030, whether or not that development is exempt from the requirements of obtaining a permit under this chapter.

16.09.040 Exemption from permit requirements.

All shoreline development, except as specified in WAC 173-27-040 and RCW 98.58.030(3)(e), RCW 90.58.140(9), RCW 90.58.147, RCW 90.58.355 and RCW 90.58.515, must obtain a permit prior to commencement. Chapter 16.08 and this chapter indicate which permit is required for specific development types that do not meet the exemption criteria.

16.09.050 Letter of exemption issued in certain cases.

WAC Section 173-27-050 establishes the circumstances under which the planning director will issue a letter stating that a proposed development is exempt from the permit requirements of the Shoreline Management Act and this chapter.

16.09.060 Review of exempt actions.

Applicants shall consult with the planning director prior to commencing any work on a development which the applicant believes is exempt from the permit requirements of the Shoreline Management Act and this chapter. The planning director will review these proposed developments for consistency with the requirements of the Shoreline Management Act and the

shoreline master program to determine whether the city concurs that the development is exempt from permit requirements. If the planning director determines that the development is not exempt from the permit requirements, the applicant shall be required to submit a shoreline substantial development permit, shoreline conditional use, or shoreline variance application, as well as any other permit applications deemed necessary by the planning director.

16.09.070 Application materials.

The planning director is directed to adopt and publish application forms and materials for permits required under this chapter. At a minimum, these application forms and materials will require the information specified in WAC 173-127-130. An applicant for a permit shall be required to submit all of the forms and materials specified by the planning director, together with the application fee, in order for the application to be considered complete.

16.09.080 Notice of applications and hearings.

Contents and distribution. Public notices of pending applications and hearings on permits under the Shoreline Management Act, including substantial development permits, shoreline conditional use permits, and shoreline variances, will, at a minimum, contain the information specified in WAC 173-27-110 and PMC 19.01.045, and will be distributed according to the requirements of those regulations.

16.09.090 Shoreline substantial development permits.

A. General. This section establishes the procedures and criteria that the city will use to review and decide upon each application for a shoreline substantial development permit under the Shoreline Management Act and the shoreline master program.

B. Procedures. A shoreline substantial development permit shall be reviewed as a Type III permit according to the requirements of PMC Title 19. If any conflict should exist between the provisions of PMC Title 19 and this chapter, the provisions of this chapter will be followed.

C. Criteria. WAC 173-27-150 establishes that a substantial development permit may only be granted when the proposed development is consistent with all of the following:

1. The policies and procedures of the Shoreline Management Act;
2. The provisions of Chapter 173-27 WAC;
3. Chapter 16.08, PMC;
4. Any conditions attached by the City to the permit approval as necessary to ensure compliance with the Act and Chapter 16.08, PMC.

16.09.100 Shoreline conditional use permits.

A. General. This section establishes the procedures and criteria that the city will use to review and decide upon each application for a shoreline conditional use permit under the

Shoreline Management Act and the shoreline master program. PMC 16.08 establishes what uses, developments and activities require a conditional use permit.

B. Procedures. A shoreline conditional use permit shall be reviewed as a Type III permit pursuant to the requirements of PMC Title 19. If any conflict should exist between the provisions of Title 19 and this chapter, the provisions of this chapter will be followed.

C. Criteria. WAC 173-27-160 establishes the criteria under which the city may issue a shoreline conditional use permit. In addition, the city will not issue a shoreline conditional use permit for a use which is not listed as conditionally permitted in PMC 16.08.180, unless the applicant can demonstrate that the proposed use is consistent with the requirements of WAC 173-27-160, has impacts on nearby uses and the environment that are essentially the same as the impacts that would result from a use allowed by the shoreline master program in that shoreline environment, and the hearing examiner issues an administrative determination concurring with such findings.

D. Approval by Department of Ecology. Once the city has approved a conditional use permit it will be forwarded to the State Department of Ecology for its review and approval/disapproval jurisdiction under WAC 173-27-200.

16.09.110 Shoreline variances.

A. General. This section establishes the procedures and criteria that the city will use to review and decide upon each application for a shoreline variance under the Shoreline Management Act. PMC 16.08 establishes when a shoreline variance shall be required.

B. Purpose of a shoreline variance. Under WAC 173-27-170, the purpose of a variance is strictly limited to granting relief to specific bulk, dimensional or performance standards of the shoreline master program where there are extraordinary or unique circumstances relating to the subject property such that the strict implementation of the shoreline master program would impose unnecessary hardship on the applicant or thwart the policies set forth in RCW 90.58.020.

C. Procedures. A shoreline variance shall be reviewed as a Type III permit pursuant to the requirements of PMC Title 19. If any conflict should exist between the provisions of Title 19 and this chapter, the provisions of this chapter will be followed.

D. Criteria. WAC 173-27-170 establishes the criteria under which the city may grant a variance. Additionally, the city shall review the proposal against any relevant zoning variance criteria in PMC Chapter 16.20 and PMC Title 18. If there is a conflict between WAC 173-27-170 and PMC Chapter 16.20 or PMC Title 18, the more stringent variance criteria shall apply.

E. Approval by Department of Ecology. Once the city has approved a variance, it will be forwarded to the Department of Ecology for its review and approval/disapproval under WAC 173-27-200.

16.09.120 Issuance of permits.

After approving a shoreline substantial development permit, shoreline conditional use permit or shoreline variance under the Shoreline Management Act and the shoreline master program, the city will issue a permit containing, at a minimum, the information specified in WAC 173-27-190.

16.09.130 Filing with Department of Ecology.

WAC 173-27-130 establishes the requirements and procedures for filing decisions on permits with the Department of Ecology.

16.09.140 Requests for review.

WAC 173-27-220 establishes the procedures and time periods for requesting review of decisions on substantial development permits, conditional use permits and variances and other decisions under the Shoreline Management Act and the shoreline master program.

16.09.150 Time to commence and complete development.

WAC 173-27-090 establishes time requirements for commencing and completing work authorized by a permit under the Shoreline Management Act and the shoreline master program. The city may, on a case-by-case basis, issue permits for an alternative fixed time period as authorized in WAC 173-27-090.

16.09.160 Revision to issued permits.

WAC 173-27-100 establishes the procedure and criteria under which the city may approve a revision to a permit issued under the Shoreline Management Act and the shoreline master program.

16.09.170 Enforcement authority.

WAC 173-27, Part II, contains enforcement regulations, including authority for the city to issue regulatory orders to enforce the Shoreline Management Act and the shoreline master program. Enforcement authority established by PMC Chapter 16.20 shall also be applicable to critical areas in the shoreline jurisdiction. In addition, the city shall have any and all other powers and authority granted to or devolving upon municipal corporations to enforce ordinances, resolutions, regulations, and other laws within its territorial limits.

16.09.180 Additional authorities and responsibilities.

The city shall have any and all additional authority and perform any and all additional responsibilities now or hereafter granted to or devolving upon municipal corporations with respect to the administration and enforcement of the Shoreline Management Act and shoreline master program.