DETERMINATION OF NONSIGNIFICANCE (Re-issued with an extended Comment Period)
Kitsap County Shoreline Master Program (SMP) Update

Description of Proposal: Update to the Kitsap County Shoreline Master Program (SMP) (Title 22 Kitsap County Code), along with other minor code revisions as necessary to ensure consistency with the revised Title 22 KCC. The update has been drafted to comply with the Washington State Shoreline Management Act (Chapter 90.58 RCW) and the implementing Guidelines at Chapter 173-26 WAC. Kitsap County's SMP was first adopted in 1976 and last updated in 1999.

The update is a County-wide non-project action that affects development and use activities on all regulated shorelines of the state within unincorporated Kitsap County. Shorelines of the state include:

- marine shorelines;
- lakes 20 acres in size or larger;
- streams with mean annual flow of more than 20 cubic feet per second;
- associated wetlands; and
- areas 200 feet landward of the ordinary high water mark of those water bodies.

The SMP establishes policies and regulations on shoreline development use and modification activities. Legally established existing development would generally be considered conforming under the updated SMP. The SMP and associated Shoreline Environment Designation Maps are available at www.kitsapshoreline.org.

Proponent: Kitsap County

Lead Agency: Kitsap County

Location of proposal, including street address, if any: The SMP applies to shorelines of the state and those areas 200 feet landward of ordinary high water within unincorporated Kitsap County. The SMP does not regulate military bases, tribal ownership within reservation boundaries, or shorelines within incorporated cities.

Background:
The SMP update began in 2009 with development of a public participation plan and public outreach. In accordance with the state requirement that all jurisdictions conduct a comprehensive review and update to reflect current knowledge of shoreline management, the publication of The Kitsap County Shoreline Inventory and Characterization Report was a key initial step. This Report informed the update process with regard to current shoreline conditions and potential restoration opportunities, among other elements [WAC 173-26-201(3)(c)]. Another key step was formation of the Citizen SMP Task Force in 2010 by the Board of County Commissioners. The Task force met numerous times between early 2010 and early 2012 in order to advise the County on various issues relating to the update, including shoreline designation criteria and policy language. The WAC Guidelines (Chapter 173-26 WAC) were relied on during this process. In addition, monthly coordination meetings with state agencies, cities and tribes with jurisdiction provided additional feedback during development of the draft document.

In 2010 and 2011 respectively, the Board of County Commissioners adopted an SMP Science Policy and formally approved the Shoreline Inventory and Characterization Report via Resolution 093-2011. The first draft SMP was formally issued in May 2012, along with a draft Cumulative Impact Analysis.

Following a public comment period and two hearings, the Kitsap County Planning Commission held deliberations on the draft SMP, resulting in text and map revisions which are reflected in the October 2012 draft. Primary revisions from the Planning Commission process included but were not limited to
revising regulations for aquaculture activities, addressing future development options for the Port Gamble shoreline in north Kitsap County, and revisions to the draft shoreline environment designation maps. Landowners of record received notice of changes to the proposed draft shoreline environment designations in September 2012.

Highlights of the SMP include:

- Assignment of six shoreline environment designations (similar to traditional zoning):
  - Aquatic
  - Natural
  - Rural Conservancy
  - Urban Conservancy
  - Shoreline Residential
  - High Intensity.
- Establishment of policies for shoreline development, including legally established existing development is generally considered as “conforming.”
- Policies and regulations designed to ensure no net loss of existing shoreline ecological functions, in accordance with the Washington Administrative Code Guidelines.
- A flexible buffer system for new or re-development activities, consisting of a “standard buffer” and “reduced standard buffer”.
- Flexible mitigation options for new or re-development activities in order to accommodate foreseeable shoreline development while achieving no net loss of shoreline functions.
- Updated shoreline armoring regulations in accordance with chapter 173-26 WAC.
- Provisions for overwater structures, including early coordination with tribes, and state and federal agencies with jurisdiction for new dock construction proposals.

Environmental Impacts and Mitigating Measures:

1. The update process included a review of current information regarding Kitsap County’s shorelines, including the Inventory and Characterization Report and supporting information. The report divides shoreline areas into larger “drift cells” and more compact “nearshore assessment units” in order to assess existing shoreline functions.
2. The update was conducted in accordance with WAC 173-26-186(8), which requires assurance that new or redevelopment activities will result in “no net loss of ecological function.” In addition to the general regulations applicable to all new development (SMP Chapter 5), specific shoreline use and modification activities must comply with the no net loss requirement (SMP Chapter 7).
3. The update process included preparation of a Shoreline Restoration Plan in accordance with WAC 173-26-201(2)(f) in order to identify overall improvements in shoreline ecological function over time when compared to the status upon adoption of the SMP. The restoration plan identifies voluntary and/or planned public restoration opportunities, and is included as Appendix C in the SMP.
4. The update process included preparation of a Cumulative Impacts Analysis (CIA) of Kitsap County’s Shoreline Master Program, prepared by professional biologists and land use planners in accordance with chapter 173-26 WAC. The CIA assesses the cumulative impact of the SMP and concludes that, “The proposed SMP is expected to maintain existing shoreline functions within Kitsap County while accommodating the reasonably foreseeable future shoreline development.... [M]ajor elements of the SMP that ensure no net loss of ecological functions fall into four general categories: 1) environment designations (Section 3.2), 2) general policies and regulations (Chapters 4 and 5), 3) shoreline use and modification provisions (Chapter 7), 4) critical area regulations (Section 5.4). The Shoreline Restoration Plan (Appendix C) identifies on-going and planned voluntary restoration that will provide an opportunity to improve shoreline conditions over time.” CIA at p. 110.

The above documents are herein incorporated by reference. Insofar as the SMP has preliminarily been found to achieve no net loss of shoreline ecological functions as required by the Shoreline Management Act, the lead agency for this proposal has determined that it does not have a probable significant
adverse impact on the environment. An environmental impact statement (EIS) is not required under RCW 43.21C.030(2)(c). This decision was made after review of a completed environmental checklist and other information as referenced in this determination and on file with the lead agency. This information is available to the public on request.

This DNS is issued under 197-11-340(2); the lead agency is extending the comment period one week beyond the previous comment period ending date of October 29th to allow for additional comments regarding this administrative action. Comments must be submitted by: November 5th, 2012.

The issuance of this DNS should not be construed as acceptance or approval of the SMP update as forwarded by the Planning Commission to the Board of County Commissioners. Rather, the State Environmental Policy Act process only assesses the degree of environmental impact and any mitigation necessary to reduce that impact below a level of significance.

Responsible Official / Contact Person: Steve Heacock
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DATE: October 26, 2012 Signature: [Signature]

This determination is considered a legislative action. There is no administrative SEPA Appeal process for this legislative action per KCC 21.04.290(E)(2). Comments about this proposal should be made to Kitsap County Dept. of Community Development, at 619 Division Street, Port Orchard WA 98366, no later than 4:30 P.M. on Monday November 5th, 2012.