Overview
The sixth meeting of the Kitsap County Shoreline Master Program Task Force was held Thursday August 5, from 6:30 to 8:45 p.m. at Island Lake County Park. The primary focus of the meeting was on the integration of the Critical Areas Ordinance with the Shoreline Master Program.

Welcome
Kitsap County Commissioner Charlotte Garrido thanked the Task Force for their hard work to date, and reiterated that the Commissioners are eager to hear more results as the process unfolds. She believes this process will be highly beneficial for Kitsap County. Commissioner Garrido also thanked the public for regularly attending the meetings.

Task Force Housekeeping
Based on member feedback, those from the public who wish to provide documents to the Task Force are asked to bring the documents to the meetings and leave them on the sign-in table; members will then pick up and read the documents if they desire to do so.

Susan reported that DCD is awaiting comments from the Department of Ecology on the Draft Inventory and Characterization Study, which will be finalized once those comments are received. This is due to occur by the end of August.

Susan also suggested that the Task Force meetings might be moved to the Commissioners’ Chambers in Port Orchard. This is a larger meeting space with better acoustics. In response,
members generally said they agreed with this move. Several noted they did not have a preference either way, and several others said a Port Orchard location would actually be more convenient for them.

**Adoption of Task Force Local Goals**

The Task Force unanimously adopted their Task Force Goals and Principles document. These goals had first been suggested at the June 17 meeting, the initial brainstorming ideas raised at that meeting were followed by continued Task Force discussion and numerous drafts/editing via email. Members present raised their hands to indicate their approval of the goals. Susan Cruver, Carrilu Thomson, and Sunny Wheeler – although not present at the meeting – had also emailed Margaret to indicate their approval of the goals statement. These goals will serve as guidance as the Task Force develops specific recommendations for key SMP subject areas.

**Presentation on Integration of SMP with the Critical Areas Ordinance**

Susan provided the Task Force with an overview of the issues associated with the integration of the SMP and shoreline jurisdictions with the Critical Areas Ordinance (CAO). Integration of the two will allow for greater clarity and consistency. Susan’s presentation was centered primarily on the strategy the Department of Community Development (DCD) intends to use to ensure that the standards between both of these programs are consistent.

This need for consistent standards and regulatory administration is especially important when “critical areas,” which include buffers, wetlands, floodplains, habitat conservation areas, aquifer recharge areas, and geologically hazardous areas are located adjacent to, or partially within, the shoreline jurisdictions that have been determined by the Department of Ecology. When these areas overlap in this way, they are subject to both CAO and SMP standards. In general, when these areas are also within 200 feet of a shoreline, they will be incorporated into the Shoreline Master Program rather than regulated by the CAO.

Susan’s powerpoint presentation is available on the www.kitsapshoreline.org website.

Susan further explained that, at one time, DCD believed there might be a number of “optional areas” to include in the shoreline jurisdiction for the SMP. However, upon additional Ecology review, it has been determined that there are only two floodplain areas – those associated with Big Beef Creek and Curley Creek – that can be considered optional. DCD is inclined to include both of these areas within the shoreline jurisdiction for purposes of the Shoreline Master Program. The Big Beef designation would impact one property owner, the University of Washington. The Curley Creek designation would impact four private property owners.

**Task Force Discussion**

Task Force members offered a number of comments on, and asked questions about, the integration of the CAO with the SMP.

One member noted that EHB 1653, which governs the CAO has been challenged in court, and wondered about the wisdom of proceeding with the integration strategy while the legislation is tied up in the legal process. Both Susan and Joe Burcar responded that they need to move forward with the legislation that currently exists. A couple of Task Force members concurred
Several Task Force members expressed concern about the Big Beef and Curley Creek property owners who would be affected by the change in the designation of their properties to being within the shoreline jurisdiction. They wanted to make sure the County contacted these owners early on to inform them of this decision and to initiate a conversation about the potential impacts. One Task Force member suggested that the property owners be invited to present to/discuss the situation at a future Task Force meeting.

Susan responded that this notification will certainly occur, and that the SMP was likely to result in many policy changes that will affect property owners. Several public meetings will be held on the SMP to both inform and involve property owners and the general public in the Master Program. Susan will follow up on the possibility of those property owners attending a Task Force meeting.

Concern was also expressed about potential overlaps between the SMP and CAO: will Ecology write a paper on this? EHB 1653 states very clearly that they are separate. I’m concerned about potential overlaps and conflicts. Joe and Susan responded that WAC 17326.221.2 is very clear on the need to integrate the full spectrum of planning and regulatory measures. This is the integration DCD is trying to achieve.

In response to another question, Susan explained that all of the geologically hazardous areas within Kitsap County are currently included in the Critical Areas Ordinance. Shoreline jurisdiction extends for 200 feet past the shoreline, so some of those geologically hazardous areas are also potentially within the shoreline jurisdiction. This 200 foot width in these areas will be included in the SMP.

Susan reiterated that, unlike the Critical Areas Ordinance, the SMP is a planning process. The intent is to look ahead, determine how and where future development should be allowed on the shoreline, and mitigate for development impacts. Integrating the CAO with the SMP will enable this planning to occur in a more holistic manner. Also, the SMP enables the County to put policies in place that better lend themselves to adaptive management; they will be monitored and changed if they aren’t working. We can be very innovative in how we address what we need to for this update, and that is a key difference between the SMP and the Critical Areas Ordinance.

A member raised the issue of buffers, wondering how the establishment of buffers would help with future development – don’t buffers serve to prohibit development? Susan responded that the establishment of buffers is just one tool toward environmental protection, and it may not be the best tool in all circumstances. Currently, property owners can get a variance to build close to the shoreline, but the current regulation is also focused on no net loss of shoreline habitat. Part of what we are doing with the SMP, and with this task force, is reviewing those current policies and determining whether, or how, they should be adjusted for better consistency and/or shoreline protection.

A member wondered if the County would try to designate all shoreline areas as critical areas. Susan responded that DCD is currently looking at this issue, and that the Task Force will be
provided with any and all information related to possible changes in designations. Nothing will be changed without the Task Force being informed and involved. A member complimented Susan on the level of transparency demonstrated to date with the Task Force.

Another member wondered about shoreline designations – *we already have them. Are they likely to change?* Susan responded that the shoreline designation review process will begin with a matrix of the current designations. The Task Force may then want to recommend some changes, especially looking at existing conditions and issues of consistency. There are about five possible shoreline designations. The matrix in the *Shoreline Inventory and Characterization* describes these designations. The topic of shoreline designations will be taken up by the Task Force at its December meeting.

A member suggested that the wider community/public should be involved in the shoreline designation discussion.

A couple of members raised the issue of zoning, emphasizing how confusing the current situation is, with 20 different types of zoning categories. The example was provided of owners of large parcels who have been told that if they want to build more housing, it must be at a high density – 5-9 houses per acre, with sewers installed to serve those homes. *Isn’t there a conflict between this level of density and the need to protect the shoreline? It doesn’t make sense.*

A couple of members wondered about assistance from a “technical team” and when that might occur in the Task Force process, noting that it would be helpful to hear from technical experts on issues such as buffers. Susan replied that the County has a list of possible technical advisors for the process, but that a specific “group” has not yet been formed. Technical expertise will be brought in to the Task Force/SMP process as needed.

A member responded that it would be helpful to have this advice sooner rather than later – *before we get overwhelmed with technical information.*

It was noted that once the new Shoreline Master Program comes into effect, the RCW mandates that the County then enters into a seven-year review process to closely monitor the new regulations and determine whether or not they are being effective. Then, in an “adaptive management” approach, the regulations can be modified as needed. Of course, money for monitoring is always an issue, but this is an essential part of the overall SMP process.

**Definition of Restoration**

Kathlene Barnhart provided members with a new brochure that both defines shoreline restoration and provides examples of how it can be achieved. Task Force members expressed appreciation for the brochure, noting that it had been well done, and that the pictures were particularly helpful in enhancing understanding of the shoreline restoration process. *This is a great step in getting everyone on the same page and everyone speaking about the same thing.*

Members encouraged County staff to make the brochures widely available in areas where the general public can readily get a copy.
Public Comments

Six individuals addressed the Task Force during the public comment period:

- It seems that Kitsap County is sliding pseudo science into the SMP. We (Kitsap Alliance of Property Owners) have submitted good peer-reviewed science to the Department of Ecology and it has been ignored. The CAO established 100% of the county’s shorelines as critical areas, and it seems that you are also going to slide this into the SMP. Also, I heard a presentation from Futurewise that suggested Kitsap County was going to increase the buffer size from 50 to 100-150 feet? (Susan responded no, that the County has no intention of increasing buffer widths at this time.)

- Did I understand you to say that you are disregarding the courts as 1653 is being reviewed? Also, thank you to the Task Force members who are speaking up for property owners. (Susan responded that the County is not disregarding the court system, but that staff do need to move forward on the laws and regulations as they exist at this point in time.)

- The *Shoreline Inventory and Characterization* identifies my property as being a continuous salt marsh and frequently flooding wetland. But my property is protected by a 15-foot bulkhead and is on a medium bank. In 37 years it has never flooded. Also, in terms of restoration, one recommendation is to add rocks to the property to create eddies along the shoreline; you should include that in the brochure.

- Instead of putting incentives or penalties on private property owners, penalties should be set against the ferry system and on the big boats that come by and erode the shoreline.

- I’m glad you are going to contact the property owners associated with Big Beef and Curley Creeks. Things may have changed for them; maybe they have a new family or their life savings are invested in the property. They should be informed as early as possible.

- Regarding restoration and anchoring logs to the beach. How do you go about that without disturbing the beach? It seems that log restoration is something that would have to be redone every year -- don’t the logs get washed away?

Preparation for September 2

The next meeting of the Task Force is schedule for Thursday, September 2. The location of meetings is likely to change to the County Commission chambers. The primary focus of the meeting will be on public access, and Susan asked members to review the public access requirements in WAC 173.26.244. September 2 will also be a “pause and reflect” meeting for the group to review the process to date and make adjustments as needed.