

(KITSAP COUNTY RESPONSES IN BOLD August 4, 2011)

Sandy Hook Shoreline Property Owners SMP Meeting July 26, 2011

Cynthia Montagne and Tom McMahon gave brief introduction of Rob and purpose of meeting.

Rob gave overview of timing of SMP and process. Essential message: "The County needs to be compliant with the state but we are not here to take anyone's property right away, we want to be compliant and respect the property owners' rights."

Questions/Comments:

1. Monica Bernard (12.5-year resident)

Pt Bolin area has a different environment designation. Why is it different and what are the implications?

A: Point Bolin, like many of our shoreline neighborhoods, contains both residential development and critical areas such as steep slopes. The preliminary environment designation of Rural Conservancy recognizes the importance of single-family residential development in such areas, while also recognizing the presence of critical areas.

2. Dean Fuji (22-year resident)

Where does the measurement for the 200' zone begin? What is the water mark used and who determines that? What is the basis?

A: The Shoreline Management Act was enacted by the citizen-elected state legislature in the early 1970s, and it addresses the water, beach and land in the shoreline environment. The 200 foot shoreline zone is measured from the high tide mark. It is important to note that this area is not a "buffer", but rather the zone where development activities must be reviewed for consistency with the Shoreline Management Act.

3. Loyal & John Hansen (resident since 1945)

What exactly is grandfathering? Can the property be sold?

A: "Grandfathering" is a term commonly used to describe structures or uses that have been in place prior to the adoption of new regulations. For example, building codes are updated regularly, but such updates typically have little or no affect on existing buildings. Kitsap County is not aware of any evidence indicating that such circumstances affect property sales.

4. Ed Johnson (30-year resident)

Is it the footprint that is grandfathered? The structure? Clarification needed on grandfathering.

A: The Washington Administrative Code recognizes single-family development as a "preferred" use on shorelines, and it is the County's intent to recognize and protect private property rights as part of the SMP update. The SMP update includes work on language that addresses standards for existing single-family development. While such language is not yet drafted, the County is reviewing many available examples from other cities and counties that have undertaken SMP updates.

5. Brian Schwalbach (house built in 1932)

In terms of preserving shoreline, if a bulkhead needs work, for example, to what extent can we make improvements? Can we maintain the integrity of the bulkhead? He mentions no net loss and need clarification.

A: Bulkhead *repair and maintenance* activities may occur subject to applicable permit requirements. *Expansion* of existing bulkheads would be considered "new development", and would need to demonstrate that no net loss of shoreline ecological functions, such as new fill on the beach, would occur as a result of the expansion.

6. Larry Worley (40-year resident)

He has seen the beach change at his home...from sandy to rock because of the bulkheads that were built. Bulkheads need to be built correctly to prevent loss of sand.

A: Many citizens do not realize the effects that bulkheads have on beach materials. Fortunately, state resource agencies have completed and compiled research that is very informative and is helping staff to answer some of the questions related to bulkhead construction. "Soft" shoreline armoring alternatives such as anchoring logs in place may help reduce beach impacts, although individual circumstances and permitting requirements may vary.

7. Dean Fuji

My existing driveway is paved with asphalt – will that require modification? If I have a lawn or non-conforming vegetation, is that okay?

A: No modifications are required to existing development, including driveways, lawns and landscaping. The shoreline regulations are only applicable to new development or redevelopment activities within the 200' shoreline jurisdictional area.

8. Tom McMahon

The Kitsap Sun article said that storm water runoff is the largest cause of pollution. Why are you picking on me? You should be dealing with storm water.

A: In 1972, the citizen-elected Washington State Legislature enacted the Shoreline Management Act to manage, plan and protect shorelines for the benefit of present and future generations. Stormwater runoff is but one of many elements that must be considered in the local Shoreline Master Plan.

Loyal commented that the tribe has two 18" pipes that run water onto the beach. Why don't they do something about that?

A: Kitsap County and the State do not have jurisdiction over tribal trust lands.

9. Cynthia Montagne

She has kayaked all along the shoreline. 98% of homes have gardens. When she read about the SMP she found the words alarming that "landscaping would need to be replaced with native plants." She said this mandate was based on only one study – other studies are in favor of lawns/grass as a natural percolator. What can I do to disagree with the state?

A: While vegetation requirements are still being drafted for the SMP update, they will only apply to new or re-development activities. However, installation of native vegetation may be one option to help offset impacts on a case-by-case basis for new development proposals.

10. Irish Coles

KAPO says this will end in court. Different government bodies can take on each other in court. Will the County take on the state?

A: Kitsap County's working relationship with the state agencies has been quite positive, and we hope that will continue.

11. Monica Bernard

If we are a non-conforming landscape and we want to sell our property, do we need to change our landscaping to sell it?

A: You will not need to change your landscaping to sell your property. However, the addition of native plants may be one option to consider when new or re-development activities are proposed on a parcel.

12. Ed Johnson

What is the flavor of the other commissioners? Where do they stand on this?

A: Because the SMP update is still in progress, the decision making role of the Board of Commissioners is currently not in play. However, the Board of Commissioners, as well as the general public receives regular SMP updates by reviewing the dedicated SMP website: www.kitsapshoreline.org.

13. Heidi (3rd generation resident)

I live in a house on cedar posts. She is within 200' buffer. What if I have to move my house to put in a foundation, can I do this? If not is there an appeal process?

A: Yes. Repair and maintenance of existing structures is recognized as a common and accepted activity within the shoreline jurisdictional area.

14. Tom McMahon

The information chain on important issues from the County needs to be improved. A notice in the newspaper about something as drastic as the SMP is not enough. "I should have received a registered letter. I would have liked to have been on the task force....not some guy who lives in an apartment in Poulsbo."

A: Kitsap County has previously conducted several outreach efforts including postcard and letter mailings, and press releases that have resulted in front page newspaper stories. While it would likely be cost prohibitive to send registered letters, we appreciate the feedback and will continue to look for ways to improve outreach as upcoming draft documents are released for comment. As always, such documents will be posted at the dedicated SMP website: www.kitsapshoreline.org.

15. Roger Merrifield

About re-sale of my property, if I am in the 200' zone, will this drastically affect the value of my home? His understanding is that the "non-conforming" tag will make his property value plummet. Then his high taxes should be lowered too. He has significant equity and he struggles with the possibility of losing value because of the tag.

A: Kitsap County is not aware of any data or documentation that suggests that property values are reduced for non-conforming uses and structures.

16. Monica's husband

Are there any real estate folks on the task force who understand this? Their voice is important with respect to the fall out about property values and the difficulty it would be to bring properties to conform in order to sell.

A: Kitsap County is not aware of any data or documentation suggesting that non-conforming uses and structures would not qualify for financing.

17. Paul – Heidi's husband (cedar stump house)

If property values go down, the tribe could buy them up cheaply and NOT comply. So why is the tribe on the task force and involved in the planning process? It is not fair as they have incentive to make it hard for property owners.

A: In recognition of the fact that tribes do have an interest in activities that impact their usual and accustomed fishing grounds, a tribal representative is on the SMP Task Force. Coordination with the tribes early in the planning process will hopefully reduce the potential for later conflicts during the permit review process.

18. Don Carlson (resident since 1965)

On the 200 foot zone, what can the public do on his property in that zone? Can they camp? Etc.
Mentions Sammamish where public is using the zone on someone's home.

A: Existing legally established uses, structures and activities are not affected by new shoreline regulations. New or redevelopment activities, such as home or bulkhead construction, must be reviewed pursuant to the shoreline regulations. Camping would not generally be considered a development activity unless it requires significant clearing, grading and/or other lot improvements in order to occur.

19. Larry Worley

What impact does SMP have on undeveloped parcels?

A: New development activities on undeveloped parcels would need to be reviewed for consistency with the SMP, however specific regulations have not yet been drafted.

20. Cynthia Montagne

Has Dept of Ecology approved other SMPs in other counties?

A: Yes, Ecology has approved 35 (of 265 total) SMPs to date, including some counties.

Also, there is a lot of angst among residents because of the proposals (Chapter 4) on the website.

A: Draft Chapter 4 of the SMP includes policies that are only applicable to previously designated "Shorelines of Statewide Significance". In Kitsap County this includes all of Hood Canal, but only areas below extreme low tide in other areas of the County. The policies were drafted by a sub-committee of the SMP Task Force; additional comments are welcome.

21. Tom McMahon

He mentioned the passage of sub Senate Bill 5451 which changes the language from "non-conforming" to "legally conforming."

A: Kitsap County is considering all options with regard to non-conforming language, including sub Senate Bill 5451, which says that local governments may use the term "legally conforming" in certain circumstances.

22. Winsom Schwabach?

What about brand new construction? I have a very small shack as the existing structure? Can I tear it down and build a new house that is bigger?

A: New construction within the 200 foot shoreline jurisdictional area must comply with the shoreline regulations. Staff is currently drafting language that will address new single-family construction, which is recognized as a preferred use on shorelines. The County strives to balance private property rights with the State guidelines requiring that new development result in "no net loss of shoreline ecological functions".

23. Larry W

What is the bigger issue to the County...pollution concerns or the recharge of ground water?

A: The Shoreline Management Act places an emphasis on the overall ecological function of the shoreline. The ecosystem is the sum total of all factors that affect the shoreline environment, all of which must be considered in the SMP update process.