



January 21, 2011

Larry M. Keeton, Director  
Kitsap County Department of Community Development  
619 Division Street MS-36  
Port Orchard, WA 98366-4682

Dear Mr. Keeton:

The purpose of this correspondence is to request a change to the county's proposed shoreline environmental designation system.

Presentations at recent meetings of the Shoreline Master Program Update Task Force indicate that DCD intends to adopt the current WAC 173-26-211 recommended Environmental Designation classification system. DCD has chosen this approach, even though they are allowed by the WAC to establish a different designation classification system, or to retain their current environmental designations.

This table provides a comparison of the proposed designation system and the existing system.

<u>WAC and DCD proposed</u>	<u>Existing</u>
Natural	Natural
Rural Conservancy	Conservancy
Aquatic	Rural
High Intensity	Semi-rural
Urban Conservancy	Urban
Shoreline Residential	

A major problem with the county's proposal, as noted by participants in the January 4, 2011 SMP Task Force meeting, is that the county's current interpretation of "Shoreline Residential" limits its use to within cities, UGAs and LAMRIDS. Thus, under the county's interpretation, residential shorelines in the rural areas would need to be classified "Rural Conservancy". This is inappropriate for the following reasons.

First, the majority of the Kitsap shoreline is already developed with single family residences – with some interspersed but platted vacant lots intended for single family residences. Thus, this portion of the shoreline is clearly "Residential".

Second, "Rural Conservancy" requirements are not compatible with the existing residential shoreline. WAC 173-26-211(5) (b) indicates the appropriate rural conservancy uses include low-impact outdoor recreation, sustainable timber harvesting, agriculture, aquaculture, and low-intensity residential development. There is a real question of whether the existing density

---

*"The small landholders are the most precious part of a state." - Thomas Jefferson*

Post Office Box 1861, Poulsbo, Washington 98370 • [www.kapo.org](http://www.kapo.org)

qualifies as “low intensity” as this term generally refers to zoning that limits development to one home per five, ten, or more acres – not the side by side narrow lots currently found along much of the shoreline.

Third, the use of the word “conservancy”, as typically understood, implies that no development is allowed. The WAC clearly says that the purpose of the “Rural Conservancy” designation is to conserve existing natural resources. Indeed, when “conservancy” is mentioned, it is usually in the context of land which has been placed entirely off-limits to development by some form of land conservancy agreement.

The Shoreline Management Act clearly does not intend that those shoreline areas which have historically been residential in nature be designated something else. WAC 173-26-211(2)(b) says, in part, “This classification system shall be based on the *existing use pattern*, the biological and physical character of the shoreline, and the goals and aspirations of the community as expressed through comprehensive plans as well as the criteria in this section.”

Furthermore, the Shoreline Management Act allows “*all reasonable and appropriate uses...*” and RCW 90.58.20 says that “Alterations of the natural condition of the shorelines of the state, in those limited instances where authorized, shall be given priority for *single family residences* and their appurtenant structures, ...”

WAC 173-26-211(5) (b), which discusses the “Shoreline Residential” classification, says that “Local governments may establish two or more different “shoreline residential” elements to accommodate different shoreline densities or conditions, provided both environments adhere to the provisions in this chapter.”

In short, under the law, the county has considerable leeway in their shoreline designation system, particularly as it applies to existing local conditions.

Thus, it is requested that the county take notice of the concern expressed by the participants at each of the four tables participating in the SMP Task Force environmental designation exercise – and either broaden the existing “Shoreline Residential” classification to include rural residential shorelines or, alternatively, establish an additional designation specific to Rural Residential Shorelines. In either case, these designated rural shoreline areas would be recognized as suitable and planned for single family residence development typified by the existing Kitsap County rural shoreline residential built environment.

Your attention to this request would be greatly appreciated.

Sincerely,



Bob Benze

Copies to:

Kitsap Co. DCD – Charnas, Greetham  
Kitsap Co. SMP Task Force – Norton-Arnold  
Washington State Department of Ecology – Burcar