



## **KITSAP COUNTY DEPARTMENT OF COMMUNITY DEVELOPMENT**

614 DIVISION STREET MS-36, PORT ORCHARD WASHINGTON 98366-4682 Larry Keeton, Director  
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May 10, 2011

Mr. Bob Benze  
Kitsap Alliance of Property Owners  
P.O. Box 1861  
Poulsbo, Washington, 98370

RE: Letter dated April 10, 2011

Dear Mr. Benze:

First, I want to thank you for your participation on the Shoreline Master Program Task Force and the subcommittee regarding the development of Goals and Policies for the Shoreline Update. You clearly represent your organization's position and offer constructive advice and comments.

With regard to your letter of April 10, 2011, the County hears your concerns. We understand that your organization takes issue with some of the restoration language in County documents. As you admit, we have responded to your comments multiple times. Please note that this cannot always be done; we just do not have the resources to respond to each and every comment on an individual basis, nor it is required. Nevertheless, we feel we have acknowledged your concerns and explained why we did not make the requested changes.

Contrary to your position that the County is not engaging in a constructive dialogue, I believe the record shows a significantly different picture. KAPO and other stakeholders were invited, and accepted, to be a part of the SMP Task Force so many points of view could be addressed and so a reasonable plan update and subsequent code could be developed. KAPO has also submitted comments and suggestions that have, to date, resulted in changes to an SMP product, including KAPO's review and comment of the science policy and review of the preliminary draft shoreline designations. More generally, my observation of the task force meetings reveals that there is much back and forth discussion among the members and with the County.

The Department's goal is to propose to the Board of Commissioners a viable Shoreline Management Plan update that meets the requirements of state law, including the governing Washington Administrative Code, and the needs/desires of the citizens of Kitsap County as represented by the Task Force membership. We believe that the right course is being followed in this regard as we are using the collective task force comments to develop the update.

Regarding the allegation that the County is changing state law with the use of the word "restoration" versus "sustaining" as it appears in WAC 173-26-201(2)(c), we continue to disagree. You indicate that the offending statement is the last sentence in the second

recital of Resolution 022-2010. This statement, however, is not a quote from the WAC, nor was it ever intended to be. It is part of a resolution adopting a science policy drafted by both the County and the Department of Ecology, and reviewed/approved by the SMP Task Force before being adopted by the Board of Commissioners. It is not a policy statement and it is not found in the science policy. In short, the statement merely helps establish a reason for the Board to adopt the Science Policy. The County is not misrepresenting state law.

As noted above, we are aware that KAPO is concerned about the restoration requirements in the WAC. The County, however, can only follow state law in this regard. State law requires that the County review areas that could be benefitted by restoration, and requires that the County develop a restoration plan. In addition to non-regulatory actions, at this time, the County is considering using restoration as a mitigation option. This means that if a proposed development cannot avoid or minimize environmental impacts, the applicant may choose shoreline restoration instead of permit denial. We are perplexed that KAPO would have issues with this additional option for permit review and approval that would allow a project to proceed.

Finally, I've said in several meetings that the restoration does not mean reverting land conditions back to pre-colonial time. Restoration is function-based and uses existing conditions as part of the prioritization. Willing landowners proposing shoreline developments now have more options available and restoring shoreline functions is a feasible and suitable option. To date, the Board of Commissioners has agreed with this approach.

Thank you for your comments and another opportunity to clarify.

Sincerely,

A handwritten signature in black ink, appearing to read 'L. M. Keeton', written in a cursive style.

Larry M. Keeton  
Director