



The Sentry News Letter
[insideKAPO](#) | July 2, 2011 | [kapo.org](#)

KAPO's Mission Statement

1. To free private property from unreasonable government regulation
2. To work for responsible wildlife habitat protection and for conservation of natural resources
3. To support those who defend the rights guaranteed to owners of private property by the United States and Washington State Constitutions

Coming Events

Kitsap Commissioners Pass Battelle Report
Rules for Buffers and Setbacks in Kitsap County
Inadequacies in Battelle Research
At Risk Shorelines
Enetai Beach Response to Shoreline Buffers
Amicus Briefs Filed
ATTENTION Salt waterfront Owners
PETITION
How to Join KAPO

Coming Events

*Who Speaks For Us In Olympia?
Jan Angel does and she has a lot to say!*

*Meet Jan for dinner at McCloud's Grill & Saloon, 2901 Perry Ave, Perry Ave Mall, East Bremerton, Thursday July 28th at 5:30. McCloud's will be putting on a prime rib, smoked chicken buffet for this special occasion at \$13.50 p/p all inclusive.
Come and hear Jan Angel speak about the legislatures' last session. Where did we ended up, where are we going and where do property rights stand at this time.*

Directors Meeting LOCATION Has CHANGED For July and August

The Board of Directors meet the 1st Tuesday of every month from 1-3pm. This month it is July 5th. Because of construction at the Home Builders we will be meeting at the **Kitsap County Association of Realtors Office, 3689 NW Munson, Silverdale, WA. 98383.** They are located in the 2nd house on the left up from Silverdale Way. Parking is sparsed, try to car pool if possible. The public is invited but would you let us know you are coming, space is tight. Contact Jackie Rossworn at 360-990-1088

Shoreline Master Plan Update Meeting Schedule

Bainbridge Island SMP Update

Joint Planning Commission/City Council Meeting
21 July 2011, 7 pm, Council Chamber, City Hall
http://www.ci.bainbridge-isl.wa.us/smp_update_-_schedule.aspx

Overview- WAC Guideline Principles & Requirements [NNL, including Mitigation & Restoration, Use of Science; Inventory & Characterization; Public Access; Use Restrictions (e.g. armoring restrictions)]
http://www.ci.bainbridge-isl.wa.us/smp_update_-_schedule.aspx

Bremerton SMP Update

Planning Commission Meeting July 19, 2011

Meetings are held in the first floor meeting chambers of the Norm Dicks Government Center at 5:30PM.

Topic: Regulations

Agenda and meeting materials for upcoming Planning Commission meetings will be posted roughly one week in advance of the meeting date.

<http://www.ci.bremerton.wa.us/display.php?id=1111>

Port Orchard SMP Update

Shoreline Advisory Committee

No meetings scheduled

<http://www.cityofportorchard.us/shoreline/>

Poulsbo SMP Update

The City's official Draft Shoreline Master Program (SMP) will be released on July 5, 2011 for a six-month public review and adoption process.

An informal public question and answer session will be held from 5:00-6:30 pm on August 9, 2011, prior to the initial Planning Commission workshop at 7:00 pm.

http://www.cityofpoulsbo.com/planning/planning_shoreline.htm

Kitsap County SMP Update

There are no Taskforce meetings scheduled for Summer 2011

<http://www.kitsapshoreline.org/>

Kitsap County Commissioners passed the Battelle generated Kitsap County Inventory and Characterization Report.

http://www.kitsapgov.com/boc/agenda_attachments/2011/Regular%20Meeting/5-23/2011_0523_DCD_M_KC%20Shoreline%20Inventory%20&%20Characterization.pdf

All three commissioners accepted this as the bases for our Shoreline Master Plan (SMP) Update.

They approved an amending changes to Chapter 17 Zoning relating to Non-Conforming Use and Structures, KCC Chapter 17.460 http://www.kitsapgov.com/boc/agenda_attachments/2011/Regular%20Meeting/5-23/2011_0523_DCD_O_Ordinance%20amending%20portions%20of%20KCC%20Title%2017%20zoning%20-%20Non-conforming%20uses,%20structures%20or%20use%20of%20structures.pdf

The ordinance clarifies that the application for change of Non-Conforming (NC) use of land is a Type II decision made by a hearing examiner and provides for NC structures to be rebuilt within a 1-yr period with permit application as a trigger, and allows for a 24-month clause for abandonment of use.

They also accepted "The Year of the Rural" new comprehensive plan written by Kitsap County's Dept. of Community Development (DCD).

http://www.kitsapgov.com/dcd/community_plan/rural_policy/Rural_Policy_default.htm They are now working on the Agricultural Plan. It sets parts of rural property aside for farms. All three commissioners are excited about the Agricultural plan. And the Commissioners are slated to receive a nice award for **"SMART GROWTH"**

Kitsap County is rewriting the Nuisance Code and Code Enforcement Chapter. DCD wrote and tried to pass an ordinance about violating codes in the comprehensive plan that would penalize the property owner by possible arrest as a misdemeanor, up to 90 days in jail and up to a \$1000.00 fine.

http://www.kitsapgov.com/boc/agenda_attachments/2011/Regular%20Meeting/6-13/2011_0613_DCD_O_New%20Code%20Enforcement%20Code.pdf

It was stopped by the Home Builders, Kitsap County Association of Realtors and Kitsap Alliance of Property Owners. (DCD is rewriting and will present the Commissioners with a new version). I encourage you to review the proposed Enforcement code and provide your feedback to the county Commissioners. Josh Brown email:

jwbrown@co.kitsap.wa.us

Rob Gilder email: gelder@co.kitsap.wa.us

Charlotte Garrido email: cgarrido@co.kitsap.wa.us

Jackie Rossworn, Executive Director
Kitsap Alliance of Property Owners
rosswornjr@wavecable.com
360 990-1088

Rules for Buffers and Setbacks in Kitsap County

by Alan Beam, Director

The current rules for Buffers and Setbacks enforce are defined by the Kitsap County Critical Areas Ordinance Title 19 <http://www.codepublishing.com/wa/kitsapcounty/>. The Current Kitsap County Shoreline Management Master Program Title 22 <http://www.codepublishing.com/wa/kitsapcounty/> defers to the Critical ordinance for residential development. (22.28.230)

Definitions

Buffers are defined as: 19.150.170 Buffer. "Buffer" means a non-clearing native vegetation area which is intended to protect the functions and values of critical areas.

Setbacks are further restrictions on structures to ensure the buffers remain unencumbered.

Water Typing

Type S: means all waters, within their ordinary high-water mark, as inventoried as "shorelines of the state" under chapter 90.58 In Kitsap County this translates to : Segments of Big Beef Creek, Curley Creek, Chico Creek, Burley Creek, Union River, Blackjack Creek and Tahuya River

Type F : " **Stream segments having a defined channel of 2 feet or greater** within the bankfull width in Western Washington; or 3 feet or greater in width... and having a gradient of 16 percent or less"

Type NP: "means all segments of natural waters within the bankfull width of defined channels that are **perennial nonfish habitat streams. Perennial streams are flowing waters that do not go dry any time of a year of normal rainfall** and include the intermittent dry portions of the perennial channel below the uppermost point of perennial flow."

Type NS: "means all segments of natural waters within the bankfull width of the defined channels that are not Type 1, 2, 3, or 4 Waters. **These are seasonal, nonfish habitat streams in which surface flow is not present for at least some portion of the year and are not located downstream from any stream reach that is a Type 4 Water.** Type 5 Waters must be physically connected by an above-ground channel system to Type 1, 2, 3, or 4 Waters."

Current Buffer and Setbacks

Saltwater Shorelines and Lakes

Shoreline Designation	Buffer	Setback
Urban	50 Ft	15 Ft beyond the Buffer

Semi-Rural and Rural

shorelines and Lakes less than 20 acres	100 Ft	15 Ft beyond the Buffer
Conservancy	50 Ft	15 Ft beyond the Buffer
Natural Streams And Wetlands	100 Ft	15 Ft beyond the Buffer
Type S	200 Ft	15 Ft beyond the Buffer
Type F	150 Ft	15 Ft beyond the Buffer
Type NP	50 Ft	15 Ft beyond the Buffer
Type NS	50 Ft	15 Ft beyond the Buffer

Inadequacies in Battelle Research

by Carl Shipley

June 6, 2011

Subject: Comments on SMP Process - specifically inadequacies in Battelle research
Honorable Commissioners and SMP Coordinator,

I have attended many of the SMP meetings and have tried to research the shoreline science that county planners appear to be using in developing regulations. It is clear that much of the rationale for the Kitsap SMP process comes from a single study of Kitsap beaches carried out by the Battelle Research Institute.

This study, the "East Kitsap County Habitat Assessment and Restoration Framework," claimed to find a weak negative relationship between shoreline development and nearshore environmental health. The full report is available online (a link is included below).

I have read this study carefully, as well as the Battelle study of Bainbridge Island beaches. I have a Ph.D. from UCLA in Experimental Psychology for which I took numerous classes in statistical analysis and experimental design. I can assure you that the experimental design used in the Battelle study is totally inadequate to support the claim that proposed stressors such as bulkheads, docks, stairs to the beach, and the like have clear negative effects on nearshore environmental health. This claim is made on page ii of the Battelle East Kitsap study: "The validation indicates that improving processes at the site and drift cell scale will improve ecological functions." and on page 40, which makes the very strong claim that: "moving a stressor score from 0.4 to 0.2 would predictably result in improvement in functionality from the existing low-moderate score to high moderate or high functionality score."

These claims are clearly guiding much of the thinking of county planners but a careful reading of the Battelle report reveals that the claims are based on scientific methodology that is so flawed it would not be accepted in even an introductory college course in statistics or experimental design.

The Battelle East Kitsap validation study is seriously flawed for at least the following reasons:

- 1) An inadequate sample size was used. Ultimately, a sample of 14 beaches (termed NAUs in the report - Nearshore Assessment Units) was used for the functional validation study of the effect of proposed stressors on environmental health. This sample was taken from a population of over 1000 beach areas in the Kitsap assessment (this figure includes the Battelle research on both East and West Kitsap beaches since the study of West Kitsap beaches did not contain any validation work and simply referenced the East Kitsap study).
- 2) Sample size was really smaller than 14 because the validation study is intended to document the relationship between stressors and health for all beach types in the county - that is to say, for sites as different as high bluffs, rocky shores, salt

marshes, estuaries, and broad sandy beaches. The study acknowledges that physical processes affecting environmental health differ for these different beach types. Yet, for most beach types (termed geomorphologies in the study), only a single example was included in the validation study and for some beach types, no example was included. Only one beach type, the "transport" beach, was represented by more than one sample and this type was represented by only 7 cases.

3) Beaches selected for inclusion in the validation study were not randomly sampled - in fact, the word "random" does not appear in the report. This is an inexcusable breach of the most basic tenets of experimental design. When people brought this issue up to R.Thom, the senior author on the study, he claimed that the beaches were selected using "stratified random" methodology. This is simply not true. Stratified random sampling means the experimental design requires that some subcategories of a variable be sampled in specific amounts - for example, in a study of voters, a stratified design might specify that equal numbers of men and women voters would be sampled. However, in this kind of design samples are still taken randomly from within a stratified subcategory. This was not done in the East Kitsap validation study. Only one beach type was sampled more than once for the validation study and the beaches in this small group of 7 study areas were clearly not chosen randomly - many of them are right next to each other near Point No Point and all are in North Kitsap .

4) The study contains no formal statistical analysis of the data - no hypothesis testing, even though the authors claim to have confirmed a hypothesis. By hypothesis testing I mean the standard experimental practice of quantifying the degree to which a study's results could be expected to occur purely by chance. The reason the authors of the Battelle study did not use this standard approach is that they did not use standard scientific methodology - random sampling, adequate sample size, any kind of standard statistical analysis.

5) Establishing a functional relationship of the type asserted in the statement (p. 40) that a change in stressor score will "predictably result in improvement in functionality" cannot be done on the basis of the correlational approach used in the study. The kind of functional relationship implied by the assertion of "predictable" change can only be established by experimentation in which confounding variables are controlled or eliminated and systematic changes in one variable are shown to reliably produce changes in a second variable.

6) The approach of the east Kitsap validation study was to look at stressors to see if they were related to measures of environmental health. This is similar to the approach used in the Battelle Bainbridge study, which also used a number of measures of environmental health in an attempt to determine if health was affected by proposed "stressors" such as bulkheads. One would assume that in the east Kitsap validation, the Battelle team would use the same standard measures of environmental health that were used in the Battelle Bainbridge assessment - but this was not the case.

On Kitsap, Battelle omitted most of the measures of health used in the Bainbridge study including standard metrics of obvious value, such as the presence or absence of fish spawning areas. While the authors state that new measures they used in the East Kitsap assessment are standard measures of health this does not appear to be the case. In fact some of these new measures of health appear to actually be measures of development and, thus, are clearly faulty.

For example, there is a measure of environmental health called "vegetation." The measure is a composite of scoring 4 things: 1) the percent of the NAU with vegetation in the backshore (backshore being defined as area within 75 meters of the shoreline), 2) whether the start of vegetation is within 10 meters of the shoreline, 3) the composition of the vegetation (low scores for landscaping or grass), 4) estimate of the percent of overhanging vegetation on the shoreline. Notice that part of this measure is based on whether there is a lawn or other landscaping anywhere close to the shore of the NAU. If so, the NAU gets a score of one (out of five where five is best) for environmental health (see the score sheet for this is in Appendix F - page F-5). What this means is that if there is landscaping on the shoreline, the measuring system will record harm to the nearshore. What this works out to is that development equals harm to nearshore environmental health by definition. If you measure health in this way, why do a study at all? Why not just say development equals harm to the environment and be done with it? Well, actually, that is pretty much what the Battelle authors did. The county cannot accept this as real science. Similarly, if vegetation is cleared back from the shoreline on a percentage of the NAU (also a proxy measurement of the presence of development) then the NAU gets a low score for environmental health. These indicators don't have anything to do with nearshore - i.e. in the water - environmental health, unless, of course, one takes as a given the idea that landscaping near the shoreline harms nearshore health.

It is not the case that these flawed measures are minor and unimportant oversights. In fact, the study doesn't use many measures of environmental health for most beach types so these flawed measures are important. For the main beach

type, a "sedimentation, depositional, or transport" beach, the category that is sampled 7 times in the study of 14 beaches, there are only 4 measures of environmental health" 1) presence of driftwood on the shore, 2) eelgrass beds in the water, 3) vegetation near the shoreline and 4) beach wrack on the shore. Of these, only eelgrass is a measure that was used in the Bainbridge study. Clearly, if even one of four measures of environmental health is seriously flawed it's a major issue for the assessment.

I do not mean to be overly harsh in saying this but, in all honesty, as someone who had taught basic experimental design, if an undergraduate student at UCLA proposed this kind of research as acceptable science he or she would fail and if a graduate student proposed this kind of methodology he or she would be asked to leave the program. For the county to use this kind of mock science as a basis of establishing important public policy is clearly wrong.

I realize that you may not bring formal training in experimental design to your role as a commissioner but one does not have to have formal training to understand that random sampling is a foundation of experimental research or to understand that tiny samples and unusual metrics, of the kind used in the Kitsap beach research, do not provide an adequate basis for developing important shoreline regulations. I believe the environmental movement takes it as obvious that structures such as small residential bulkheads or small docks must be harmful to the environment. But, in fact, there is little evidence that this is true, especially for structures in relatively sheltered waters such as we have in many parts of Kitsap county. A very detailed study of Bainbridge Island beaches failed to find clear evidence that bulkheads had any negative effect on common measures of nearshore environmental health such as eelgrass beds and fish spawning areas.

Every year tens of thousands of salmon return to Chico creek, swimming past some of the most highly developed shoreline in the county in the process. The county has done excellent work in upgrading habitat in Chico creek and the results are highly commendable. The county should be putting scarce resources into that kind of effort instead of pouring hundreds of thousands of dollars - perhaps millions - into regulations of highly questionable value based on science that is clearly flawed.

Sincerely,
Carl Shipley
17434 Nordic Cove Ln NW
Poulsbo

Links to the studies

East Kitsap Assessment:

http://www.kitsapgov.com/dcd/nr/nearshore/NSA_REPORT/East_Kitsap_Assessment_Final.pdf

<http://www.kitsapgov.com/dcd/nr/nearshore/>

Bainbridge Assessment

http://www.ci.bainbridge-isl.wa.us/nearshore_report.aspx

West Kitsap Assessment:

<http://www.kitsapgov.com/dcd/nr/nearshore/westkitsapnearshore.htm>

At Risk Shorelines/Relationship Maps

by Michael Gustavson, Director

Director, Department of Community Development, MS-36
Attn: Mr. David Greetham
614 Division St
Port Orchard, WA. 98366

Dear David,

Perhaps the following will be helpful in developing the Shoreline Master Plan Update. I recommend these maps be developed and included in the Shoreline Inventory and Characterization study:

"At Risk" Shorelines Relationship Maps

The biological relationships per NAU or parcel between "stressed" and "stressor" are nowhere displayed, thus preventing meaningful regulation of individual building permit applications.

These maps would display the relationship between an alleged "Stressor" and a "Stressed Biological Creature"

For instance, a map displaying bulkheaded parcels and the locations of forage fish spawning beaches would be appropriate.

A map of bulkheads and beaches that are frequently impacted by shipping wake action might be appropriate. A map of parcels with riparian vegetation and forage fish spawning beaches might be appropriate.

A map of piers and fish passage or existence would be appropriate. There is a body of evidence supporting the premise that piers are not an impediment to either fish habitat or passage.

A map of bulkheads and geoduck beds or eel grass beds would likely not be appropriate because there is no logical relationship, since both of eel grass and geoducks are sub-tidal and beyond the reach of bulkhead wave influence.

The benefit of this type of mapping would be to show where regulation might be most appropriate and effective for future development.

It is worth keeping in mind that existing structures, and I believe that includes bulkheads, become "grandfathered" and their continuance would be allowed. Given that being the case, we're really only in the position of regulating new construction bulkheads.

Because new construction bulkheads must be constructed at or above the mean higher high tide line, they become useful for abating excessively high waves. These occur at high tide from storms (fairly rare) and ship wakes (frequently several times each day).

It has been shown soft bulkheads are effective in sheltered areas, but do not survive on exposed beaches, especially points which receive higher wave impacts. This might drive the application of regulations regarding the type of new construction bulkheads allowed as new construction.

You may reach me reached at michaelgustavson@mac.com if you have further questions or if I may be of further assistance.

Sincerely

Michael A. Gustavson

Enetai Beach Response to Shoreline Buffers
by Enetai Community President, Glen Jurges
June 5, 2011

Dear Commissioners Brown, Garrido and Gelder,

I am the President of Enetai Community located in East Bremerton representing 16 shoreline property owners which include the Croxton House (The first mayor of Bremerton) and the Bremer Estate (Currently owned by the Ben Cheney Foundation).

As you will see below, maintaining the 35 foot shoreline buffer is very, I repeat very, important to all Enetai Beach property owners. The consequence of increasing the shoreline buffer to 100 feet has very serious financial, private property rights and a way of life issues for all Kitsap County shoreline property owners.

The Enetai Beach homes were constructed in accordance with Kitsap County Building Permits beginning in 1901 until 1964. No homes have been built since 1964, however, several have been remodeled in accordance with all the appropriate regulations.

Some of the homes were located 35 feet from high water plus a 15 foot setback while others were situated further back depending on the particular lot configuration. Some homeowners installed bulkheads in accordance with the regulations at the time.

Increasing the shoreline buffer to 100 feet plus the setback significantly limits the use of their property because all the homes will now be classified as non-conforming structures. **We strongly oppose increasing the buffer beyond the existing 35 feet which is explained in more detail below.**

The Kitsap County Department of Community Development (DCD) is proposing to increase the current 35 foot shoreline buffer to 100 feet based on an unproven theory of "best available science", pressure from the unelected Central Puget Sound Growth Management Board, the Department of Ecology and various environmental groups.

The basis of this increase has never been adequately explained or subjected to an unbiased peer review by the scientific community. These "experts" **have NOT shown** the 35 foot buffer is inadequate or increasing it will reduce the pollutants entering Puget Sound or protect the shoreline marine habitat.

When the proposed 100 foot buffer is applied equally to all urban, semi-rural and rural shorelines in Kitsap County without support from the scientific community it is "one size fits all" government decision making which irresponsible and puts an unfair burden on shoreline property owners.

The efforts by many property owners and government agencies in the last 20 years through education, repairing failing septic systems, improved management practices, enforcement of existing regulations, restrictions on wetlands, stormwater collecting facilities resulted in improving the water quality of many Kitsap County water bodies. Although these improvements do not receive the media attention as the major sewage or oil spills they have shown to be effective.

The Kitsap Sun dated 31 May 2011 reported the success of the Bremerton Water Treatment improvements by stating "Water-quality tests showed the waterways were cleaner than ever before. The effort proved so successful that some shellfish beds in Dyes Inlet, which had been closed for nearly 40 years, were reopened to commercial harvesting, which continues today." In addition, the Enetai Beach property owners have seen a huge reduction in the amount and type of debris washing up on our beaches. Years ago it was common to find partially filled paint cans, medical waste, occasionally oil and a lot of general garbage. Today, it is very unusual to find anything except an occasional plastic bottle.

The shoreline property owners have been and will continue to be excellent stewards of their property. The undisputable results from several credible sources state Puget Sound is getting cleaner **AND** without increasing the shoreline buffers.

The State of the Sound Report released by the Governor's Office on January 18, 2005 concluded "**Stormwater is a leading pollution problem in the region**". The largest source of pollutants flowing into Puget Sound comes from dozens of creeks and streams collecting untreated stormwater runoff. In addition, thousands of gallons of untreated sewage are routinely discharged directly into Puget Sound during heavy rains due to equipment failures or facilities not designed for these higher flow rates.

When viewed as a whole, the runoff from **private shoreline properties is miniscule** compared to the other much larger sources from stormwater pollutants and untreated sewage. Even when these events occur from time to time it appears Puget Sound is cleaner than ever before. It should be pointed out that every home owner pays an annual stormwater fee supporting various programs that continue cleaning up Puget Sound.

Increasing the buffer beyond 35 feet will significantly impact all Enetai Beach homes because they will now be classified as non-conforming structures. **Again, we strongly oppose increasing the 35 foot buffer for the following reasons:**

1. **Increasing the shoreline buffer will NOT solve the pollution problem but will severely limit property rights, the quality of life and decrease property values.**

2. It has **NOT been shown the 35 foot buffer is inadequate or increasing it to 100 feet will reduce the pollutants entering Puget Sound or will protect the shoreline marine habitat.** The technology is available **to measure the water quality at the most sensitive marine areas and identify the locations where increasing the buffer will be the most effective.** **Pierce County classified only 13% of their shoreline as critical habitat where Kitsap County has classified 100% as critical.**

3. **Land use policies must be based on scientific principles not wishful thinking, political pressure or subjective opinions.** RCW 90.58.100(1) states **"that local governments must use a systematic interdisciplinary approach that integrates the natural and social sciences and the environmental design arts; they must consult with federal, state, regional, or local agencies having any specialized expertise with respect to any environmental impact; conduct necessary research; and utilize all available information regarding hydrology, geography, topography, ecology, economics, and other pertinent data."**

4. The **"experts" have never explained the unproven theory of the "best available science" or subjected it to an unbiased peer review by the scientific community.** WAC 173-26-201(2)(a) states "that local governments shall identify and assemble the most current, accurate, and complete scientific and technical information available that is applicable to the issues of concern; and base master program provisions on an analysis incorporating this information." The Kitsap Sun dated May 29, 2011 reported **"the Suquamish Tribe just finished a nine-year study of the near shore of Bainbridge Island in addition to other nooks of Puget Sound"**. Have these studies been incorporated in the "best available science" used to determine the shoreline buffers need to be increased greater than 35 feet? If so, **show us the science.**

5. Applying the 100 foot **"one size fits all"** buffer to all urban, semi-rural and rural shorelines, unless supported by the scientific community, **is irresponsible government.**

6. Mandating a home or property as non-conforming will have a huge financial impact on the property values throughout the county. Financial institutions will charge higher interest rates for loans to refinance or sell non-conforming lots or structures.

7. "Best Available Science" has **NOT shown that increasing the buffers from 35 feet to 100 feet justifies "taking of private property"**. RCW 90.58.100 states "The Shoreline Management Act says that shoreline modifications is to be expected and **requires a balance between property rights and ecological protection.**"

8. **The recently signed SB 5451 - 2011-12 concerning shoreline structures adds a new section to chapter 90.58 RCW. Section 2.(1)(a) may include "Residential structures and appurtenant structures that were legally established and are used for a conforming use, but do not meet standards for the following are to be considered a conforming structure: Setbacks, buffers, or yards; area; bulk; height; or density; and (b) Redevelopment, expansion, change with the class of occupancy, or replacement structure if it is consistent with the master program, including requirements for no net loss of shoreline ecological function". Therefore, a structure legally established or vested on or before the effective date of a master program must be considered a conforming structure.** What this means is if a property owner wants to make any improvements such as rain gardens, raised flower beds, fence repairs, etc or a multitude of normal improvements or maintenance will now require enormous cost for a professional assessment and red tape. Before proceeding the professional assessment must be approved by DCD and could include mitigation and or a variety of other impossible constraints if DCD perceives a net loss of ecological function.

We strongly urge you to retain the 35 foot shoreline buffer. You know the right decision is based on credible science which DCD does not have, so do the right thing.

Respectively,
Glen Jorges, President of Enetai Beach Community

P.S. If the 100 foot shoreline buffer is approved you should immediately direct DCD to implement the same "best available science" and establish the same buffer for **ALL Kitsap County property** bordering any conveyance, whether private or

county, that allows runoff to eventually reach Puget Sound. This should be relative easy considering all the time and effort spent in justifying a 100 foot buffer on all shoreline property owners. So do the right thing and require **ALL property owners** help control the runoff from their property from entering Puget Sound.

News From Brian T Hodges
Managing Attorney
Pacific Legal Foundation
Pacific Northwest Regional Office
10940 NE 33d Place, Ste. 210
Bellevue, WA. 98004
www.pacificlegal.org

Four Amicus briefs have been filed in support of Kitsap Alliance of Property Owners' petition for review. Nobody filed in support of the County. The petition is scheduled to be considered on July 12. Shortly thereafter, we should learn whether the Court will hear our case.

Amicus #1 Bainbridge Shoreline Home Owners, Common Sense Alliance, Olympic Stewardship Foundation

Amicus #2 Citizens' Alliance For Property Rights

Amicus #3 Building Industry Association of WA.

Amicus #4 Freedom Foundation

ATTENTION Salt Waterfront Owners!
by Ron Ross

The county is proposing a 200 foot buffer zone along most of Kitsap's Puget Sound and Hood Canal waterfront.

A 200 foot buffer strip along all salt waterfront (230 miles) in Kitsap equals approximately 1,212 acres. The 394 square miles of land equals approximately 252,160 acres. So the owners of the waterfront are responsible for the protection of all of the upland acreage. The ratio is .5% of waterfront to 99.5% inland.

This puts an extreme burden on the owners of the shore line to shield the upland folks that are no doubt the main source of non-point pollutants. I assume that the beach owners are equally as interested as the upland owners are to protect the environment. That being said, why should .5% of the land mass be responsible for protecting the remaining 99.5% just because they are down stream.

Waterfront owners wake up. The county is proposing to restrict the use of your land to create shore line buffers that will stop pollutants from entering the salt water and allow terrestrial animal's access to salt beaches.

The county's goals are very worthy; however the burden of protection must be shared by all property owners, not just the few that own the shorelines. They are not the problem.

Let me mention that there is an error in my calculations. I should point out that the proposed 200 foot buffer is only applied to the land designated rural. In the urban areas such as Silverdale, Kingston, Manchester and many others with an urban classifications, and DENSELY populated, would be required to provide only a 50 foot buffer. From this rational, I assume that there is proof that extremely densely populated areas are good for the eco-system along the shorelines.

Could, would someone please help me understand why I'm confused about the county's rationale regarding the shore line regulation update?

I suggest that if you are concerned about providing benefits to others without their sharing the burden that you let your opinions be heard at the public meetings, forums, and hearings that will be announced in the near future.

Ron Ross PO Box 56, Silverdale, 98383

PETITION

Below you will find a petition that will be submitted to Kitsap County Commissioners. Copy and use this as a template. Petitions will be collected at our next dinner meeting on July 28th. **OR**

Contact person: Doug Lyons
16255 Virginia Pt. Rd. NE
Poulsbo, WA. 98370
(360) 779-8871
dlyons123@aol.com

We the undersigned are concerned about three elements of the proposed revision to the Shoreline Management Plan (SMP) for Kitsap County.

1. The provision that would designate existing homes as "**Non-Conforming Structures**" if they do not comply with the new setbacks and buffers.
2. Provisions that would **prevent** construction, repair, or maintenance of existing bulkheads to prevent erosion and protect structures.
3. **Mandating** the replacement of lawns and plantings with native plantings on existing waterfront.

WE WANT TO HAVE LANGUAGE ADDED TO THIS REVISION OF THE SMP TO GRANDFATHER (EXEMPT) EXISTING SINGLE FAMILY HOMES AND PROPERTY ON THE SHORELINE. THIS SHOULD ALSO ALLOW FOR MAINTENANCE, REPAIR, REMODELING, AND ADDITIONS AS NOW ALLOWED BY ZONING CODES.

<u>Name</u>	<u>Address</u>	<u>Date</u>
-------------	----------------	-------------

How to Join KAPO

Membership in Kitsap Alliance of Property Owners is available at three levels:

Voting Membership is open to applicants and includes voting rights. Membership dues are \$100 per year.

Associate Membership is also available. Associate Members do not enjoy voting rights. Associate Membership dues are \$25 per year.

Life Membership, voting membership for the life of the member, is available for a single payment of \$1000.

Dues are pro-rated quarterly. Contact Jackie Rossworn for correct amount based on the date of your application.

The list of KAPO members is not released to the public. Individual member information is not used for any other purpose than the specific business of KAPO.

For more information or to receive a membership application visit the KAPO web site at www.kapo.org or contact Executive Director Jackie Rossworn, at 360-990-1088 or via email. rosswornjr@wavecable.com