



Kitsap County Department of Community Development Shoreline Master Program Periodic Review 2020-2021

ATTACHMENT 5: Public Comment Matrix (6.2.2021)

Introduction to the Board of County Commissioners Public Comment Matrix:

The Board of County Commissioners (BoCC) Public Comment Matrix includes all public comments received during the Kitsap County BoCC comment period held **May 12 to 26, 2021** and at the BoCC Public Hearing held **May 24, 2021**, including verbal testimony. The comments are binned into topic areas shown in bold text under column three - Summary of Concern. Column one includes the Issue Reference Number. Column two includes the Comment Reference Number(s) which correspond with specific comment letters received and recorded during the public comment period (See list of comment reference number and commenter name or organization in table below). Full comment letters, emails and online open house submission are numbered 1 –13 and attached to this matrix as a reference. The Summary of Concern column includes a summary of the public comments. The Department Response column indicates whether a revision to the proposed code amendment based upon the public comment input is recommended and includes rationale for the final recommendation by the Department.

List of comment reference number and commenter name or organization

Comment Reference Number	Name / Organization
1	William McCoy
2	Port Gamble S'Klallam Tribe
3	Anthony Hitchman
4	Jan Wold
5	Tony Hitchman
6	Taylor Shellfish
7	Hood Canal Environmental Council
8	Jan Wold
9	Gary T. Chrey
10	Skokomish Tribe
11	Kitsap Alliance of Property Owners
12	Suquamish Tribe
13	Maradel Gale

Board of County Commissioners Public Comment Matrix: SUMMARY AND RESPONSE			
Issue Ref. No.	Comment Reference Number(s)	Summary of Concern (See comment matrix below for detailed comments)	Department Response
1	1, 3, 5	<p>View Blockage (Remove SMP Revisions)</p> <p>a. Restore original language of view blockage code from before the 2014 Comprehensive SMP update (KCC 22.400.135).</p> <p>b. Primary structure in the context of the View Blockage section is not used correctly.</p> <p>c. Amendments to this section protect the views of neighboring and adjoining properties, and this is not lawful.</p>	<p>a. <u>Change not recommended.</u> The Department proposed the language clarification to apply development standards consistently and streamline Permit Center customer inquiries. The proposed language is consistent with the Director’s Interpretation – Shoreline View Blockage, Adjacent and Accessory Structure published on December 27, 2018: https://www.kitsapgov.com/dcd/CodeInterpretations/T21%20-%20DI%20Shoreline%20View%20Blockage%20Adjacent%20Accessory%20Structure.pdf</p> <p>b. <u>Comment noted. Change not recommended.</u> The Kitsap County Code 22.400.135(A) preamble describes view blockage and was amended to provide clarity on use of principal buildings and additions to principal buildings when determining view blockage.</p> <p>c. <u>Change not recommended.</u> Please see the response to a. above.</p>
2	2, 12	<p>View Blockage (Add SMP Revisions)</p> <p>a. Support for vegetation not being</p>	<p>a. <u>Comment noted.</u></p>

		<p>subject to view blockage requirements as vegetation contributes to water quality and habitat functions.</p> <p>b. Provide clarifying language that the shoreline setback line is going to be the greater of either the view line or shoreline buffer and setback in KCC Section 22.400.135.</p>	<p>b. Comment noted. Change recommended. The current proposed draft provides that the greater of the shoreline structure setback line or the buffer applies in KCC 22.400.135(A)(1), (2), and (4). We recommend removing the strikeout “or the buffer and setback specified elsewhere in this program, whichever is greater” in subsection 3.</p> <p>Proposed language:</p> <p>3. Adjacent Principal Buildings on Both Sides on a Regular <u>Linear</u> Shoreline. Where there are adjacent principal buildings on both sides of the proposed structure on a regular <u>linear</u> shoreline (not along a peninsula or cove), the shoreline structure setback line shall be determined by a stringline setback; line drawn between the building line of the adjacent principal buildings <u>or the buffer and setback specified elsewhere in this program, whichever is greater.</u> <u>A stringline setback means a straight line drawn between the points on the primary structures having the greatest projection waterward. If one of the adjacent properties is developed landward of the vegetation conservation buffer and setback, the line shall not be drawn to that adjacent structure but be drawn to the point where the standard buffer meets the side property line of the lot to be improved.</u> See Figure 22.400.135(A)(3).</p>
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3	2	<p>Trams</p> <p>a. Code should be clear that as trams are accessory structures, and they are not eligible for future shoreline armoring.</p> <p>b. Public notice for proposed beach trams should be required, regardless of shoreline permit requirements.</p> <p>c. Tram landings shall not restrict tribe fishing access.</p>	<p>a. <u>Comment noted. Change Recommended.</u> New draft language has been proposed, per Ecology’s initial determination, that clearly specifies trams are not to be considered appurtenances so that exemptions cannot apply.</p> <p>Proposed language: d. Trams. Trams may be permitted, subject to the permitting requirements of exemption provisions in Section 22.500-100(C)(3) and are considered accessory or appurtenances to the upland use. Trams are not considered appurtenances under this section. Trams utilizing towers require an SDP where exemption provisions are not met. They are prohibited in the Aquatic and Natural Shoreline Environment Designations. The following development standards apply:</p> <p>b. <u>Comment noted. Change not recommended.</u> For proposals triggering SEPA for either work on lands covered by water <i>or</i> cut/fill exceeding the County’s SEPA threshold, public notice will occur. See response a. above regarding a shoreline tram’s status as an accessory/appurtenant structure.</p> <p>c. <u>Comment noted.</u> Kitsap County fully recognizes tribal treaty rights. Additionally, public access to shorelines is encouraged by the Shoreline Management Act whenever feasible and within County regulations while protecting ecological functions of the shoreline. Prior to shoreline use and development, there are specific permit processes to inform tribes prior to a</p>
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<p>4</p>	<p>2, 10</p>	<p>Climate Change/Sea Level Rise a. Address climate change and sea level rise in the SMP and integrate the document and results from the Kitsap County Climate Change Resiliency Assessment, Chapter 10 during the SMP's next Comprehensive Update.</p>	<p>a. Change not recommended. The County agrees that climate change and resulting sea level rise are pressing issues and recognize that the Guidelines encourage jurisdictions to consult Ecology guidance for new information on emerging topics such as sea level rise WAC 173-26-090(1). However, the Shoreline Management Act and Ecology Guidelines currently contain no requirement for SMPs to address climate change or sea level rise. Accordingly, such change is beyond the scope of this periodic update.</p> <p>In June 2020, Kitsap County completed a Climate Resiliency Assessment, which documents and evaluates risk from a variety of climate change and sea-level rise impacts based on magnitude, confidence, and timing.</p>

		<p>b. Consider using the Estuary and Salmon Restoration Program Beach Strategies document to identify priority bluffs to address Sea Level Rise.</p>	<p>The assessment is available at: https://www.kitsapgov.com/dcd/Pages/Climate_Change_Resiliency_KC.aspx Impacts evaluated include public health, economic impacts, culture and recreation, coastal flooding and infrastructure, land use, geologic and natural hazards, habitat and fire. That assessment is intended to inform a more holistic community-based approach, rather than a piecemeal approach, to addressing climate resiliency, possibly guided by recent action in the legislature to include climate planning as a Comprehensive Plan element.</p> <p>b. <u>Comment noted.</u> See response a. above.</p>
5	2, 10, 12	<p>Tribal Lands & Tribal Treaty Rights</p> <p>a. SMP should acknowledge tribal treaty rights and shoreline uses.</p> <p>b. Exempt Tribe from the County SMP.</p>	<p>a. <u>Comment noted.</u> The Kitsap County fully recognizes and acknowledges tribal treaty rights and new language is proposed in KCC 22.100.110. Additionally, public access to shorelines is encouraged by the Shoreline Management Act whenever feasible and within County regulations while protecting ecological functions of the shoreline. See also the response to Issue 3, item c.</p> <p>b. <u>Comment noted.</u> The proposed amendment included in KCC 22.100.120(B)(6) specifically identifies development on tribal trust lands as not being required to obtain shoreline permits or undergo local review.</p>

6	2, 12	<p>Hybrid Structural Shoreline Stabilization</p> <p>a. Support for WDFW comment on hybrid bank protection in KCC Section 22.150.570.</p> <p>b. Tribal request for opportunity to participate in proposals to ensure treaty resources are not impacted by new projects considered hybrid stabilization.</p>	<p>a. <u>Comment noted.</u> The requested WDFW change was incorporated during the Planning Commission comment period and is included in the current BoCC draft SMP.</p> <p>b. <u>Comment noted. Change not recommended.</u> The Department strives to coordinate with tribes on permit applications in sensitive areas within Growth Management Act and Shoreline Management Act noticing and public comment legislative requirements. Prior to shoreline use and development, there are specific permit processes to inform tribes prior to a local decision. In many cases, whether that be an Administrative CUP, a Shoreline CUP or a Type II or Type II Variance, after a local decision, the Department of Ecology must approve the local action as well. Likewise, section 22.300.120 states an SMP goal to protect shoreline features of historic, archaeological, cultural, scientific and educational value or significance through coordinated consultation with affected tribes and property owners.</p>
7	4, 6, 7, 8, 10	<p>Aquaculture</p> <p>a. Supports SMP section requiring CUP for new commercial geoduck permits.</p>	<p>a. <u>Comment noted.</u></p>

	<p>b. Geoduck permit review needs to occur more frequently. County shellfish permit approval do not require renewals, although the Federal Army Corps requires new permits/renewals. County should not have approval authority over shellfish harvesting as research and data is always changing; conservancy is a must</p> <p>c. Any new commercial non-geoduck aquaculture should require a CUP as well.</p> <p>d. Aquaculture should not be a preferred use in Hood Canal, as stated in KCC 22.600.115.C.1.a. Many types of shellfish aquaculture activities lead to increased carbon dioxide emissions.</p> <p>e. Add "...unless they are in violation of their permit." to KCC 22.600.115.C.2.b. 'Additional standards for Commercial Geoduck Aquaculture.'</p>	<p>b. <u>Comment noted.</u> The County acknowledges this comment. However, addressing this issue would require remanding the topic back to the Planning Commission (per KCC 21.08.110) since it was not included in the original scoping matrix brought to the Board for approval, resulting in significant project delays and not meeting the State deadline. The Department supports investigating the impacts of the non-expiry of shellfish permit approvals, as ecosystems are in constant flux. See response c. below.</p> <p>c. <u>Comment noted.</u> The Department supports the request to revisit permitting requirements for aquaculture. Further evaluation may be considered during the next SMP update. See response b. above.</p> <p>d. <u>Comment noted. Change not recommended.</u> See response b. above. Further evaluation of these issues may be considered at the forthcoming County Comprehensive Plan Update and/or Long Range Planning Division workplan.</p> <p>e. <u>Change not recommended.</u> If an aquaculture operation is in violation of their permit, then the right to harvest becomes an enforcement issue.</p>
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8	2, 8, 10	<p>Hood Canal</p> <p>a. Constrained lots along the Hood Canal shoreline rural development zones should not be eligible for shoreline buffer variances in KCC 22.400.120.C.1.b.</p> <p>b. Tribal concerns regarding the Hood Canal Watershed pursuant</p>	<p>a. <u>Change not recommended.</u> If a landowner or agent submits a shoreline buffer variance request, variances are evaluated based upon strict variance approval criteria. Variances in the SMP are a discretionary permit. Site specific considerations related to existing and future development are also reviewed at the time of a development application. This includes a minimum submittal of a shoreline mitigation plan demonstrating no net loss of ecological function.</p> <p>b. <u>Comment noted.</u> The County's shoreline master program is developed and implemented consistent</p>

		to the Clean Water Act and Navigable Waters Protection Rule and specifically permitted activity along the shoreline that affect tribal use of the shoreline.	with the State’s Shoreline Management Act. The SMP comprehensive update included a detailed analysis of cumulative impacts and a no net loss evaluation to ensure ecological functions are maintained. See also the response to Issue 5, item a.
9	12	<p>Trails</p> <p>a. Revise KCC 22.400.120.(D)(1), Boardwalks should be reviewed under the same standards as stairs and stair landings within shoreline buffers or below the OHWM, and subject to grated decking.</p>	<p>a. <u>Change not recommended.</u> The County recognizes and acknowledges Tribal agency concerns. The permitting process for recreational uses requires applicants, both public and private, provide a demonstration of no net loss with each submittal and - if required by a qualified professional – mitigation plantings. Pursuant to KCC 22.400.120(B)(2), mitigation sequencing is applied in the same way to trails, stair landings and stairs, thus also capturing environmental protections for work below the OHWM.</p> <p>Work below the ordinary highwater mark, despite structure type or scope is subject to other state and agency permitting, and subject to the same shoreline exemption thresholds. Notably, trails are limited to five feet in width. The County at this time recognizes boardwalks are limited to five feet in width, when spanning hydrologically connected areas and subject to any WDFW regulations or conditions.</p>
10	2	<p>Shoreline Access</p> <p>a. Tribal concerns regarding private beach access, particularly on coastal bluff. Request that beach stairs and shoreline trams are not an outright permitted use.</p>	<p>a. <u>Change not recommended.</u> See the response to Issue 3, item c. Further, beach stairs and trams may be allowed only in limited situations where specific environmental protections are met.</p>

11	2	<p>Armoring / Lateral Expansions into Buffers</p> <p>a. Beach stairs, trams and accessory structures for water orientated storage should not be eligible for future shoreline armoring.</p> <p>b. Lateral expansions should be prohibited in the shoreline buffer, with development location outside the buffer to prevent erosion and the need for armoring to protect development.</p>	<p>a. Comment noted. KCC 22.400.105(A)(2) and (3) both address the concern of future shoreline stabilization. Additionally, KCC 22.400.120(D)(1)(f)(iv) specifies that a boat house within a buffer shall not justify the need for shoreline armoring to protect the structure.</p> <p>b. Comment noted. Change not recommended. Pursuant to KCC 22.400.120(C)(2)(c) lateral expansions are permitted by the county subject to specific minimum approval criteria (i)-(iv). During this periodic update, language was added to clarify when these expansions would be allowed. Further any lateral expansions will only occur in existing developed areas (i.e., no new clearing permitted) and no further waterward, up to a maximum of 25 percent of the regulated shoreline buffer.</p>
12	9, 13	<p>Site Specific Concerns</p> <p>a. Individual property owners concerned for regulation changes impacting specific site, constrained by critical areas and shoreline buffers and the resulting impact on future single family residential development.</p> <p>b. Laughlin Cove County Park and the surrounding area should remain a protected area.</p>	<p>a. Comment noted. Site specific considerations related to existing and future development are reviewed at the time of a development application.</p> <p>b. Comment noted. The County proposes no mapping or regulation changes in this geographic area for the Periodic Review. The SMA requires each Shoreline Master Program be reviewed on an eight-year schedule established by the Legislature (RCW 90.58.080).</p>

13	2, 12	<p>Tribal Consultation/Noticing</p> <p>a. Tribe requests additional coordination with Tribal review staff during and throughout shoreline permitting process, including all minor shoreline permits. Public notice should be required with or without a project meeting shoreline exemption criteria.</p> <p>b. Procedural request for County to provide dedicated permit tracking website for all shoreline permits, for agencies and tribes.</p>	<p>a. Comments noted. The Department strives to coordinate with tribes on permit applications in sensitive areas within Growth Management Act and Shoreline Management Act noticing and public comment legislative requirements. Comments noted.</p> <p>b. Comment noted. The County provides public access to an online permit database (Permit Portal), frequently updated. In summer 2021 the Department of Community Development will be expanding permit dashboard with updates in real time to include land use, site development and shoreline permit submittals. Presently, a residential building permit dashboard is live. Check in for permit dashboard updates here: Permit Timeframes & Statistics (kitsapgov.com):www.kitsapgov.com/dcd/Pages/DeptStats.aspx</p>
14	12	<p>Reduced Stream Buffers</p> <p>a. KCC 22.400.120(B)(2)(f) text clarification requested in relation to reduced standard buffer for streams, noting that shoreline streams do not have a reduced standard buffer allowance.</p>	<p>a. Comment noted. Change recommended. The County agrees that clarity is needed regarding reduced standard buffer for shoreline freshwater streams and rivers in section 22.400.120(B)(2)(f).</p> <p>Proposed language: Shoreline jurisdictional freshwater streams and rivers: two hundred feet; buffers may be reduced pursuant to the standards in subsection (C) of this section.</p>

15	1, 2	<p>Clarifying Edits</p> <p>a. List of Shoreline Waterbodies. Add the Dewatto River to the list of shoreline water bodies in KCC 22.800, SMP Appendix F.</p> <p>b. SMP should avoid using undefined terms in document (ex., primary structure, principal building, accessory structure and converted boat house etc.)</p>	<p>a. <u>Comment noted. Change not recommended.</u> Currently, according to the state Department of Ecology’s Washington State Coastal Atlas map; the Dewatto River north of the Kitsap County line is not included in the Shoreline Management Act jurisdiction. The Dewatto River is included in the SMA jurisdiction in Mason County. https://apps.ecology.wa.gov/coastalatlas/tools/Map.aspx</p> <p>b. <u>Change not recommended.</u> Incorporating new definitions within KCC 22.150 will be considered during the next Comprehensive SMP Update cycle.</p>
16	1, 11	<p>Lack of Available Information and Public Participation</p> <p>a. Several commenters voiced concerns that their comments during the Planning Commission hearing and review period were not addressed.</p> <p>b. Difficulty finding access to the Consistency Analysis Report prepared by The Watershed Company.</p>	<p>a. <u>Comment noted.</u> All comment letters and the department’s responses to those public comments were provided to the Planning Commission in the SMP Periodic Review Public Comment Matrix. The Planning Commission held deliberations on March 16th and April 6th, 2021 on the proposed code amendments and considered public comments and testimonies.</p> <p>b. <u>Comment noted.</u> The Consistency Analysis Report is available online at the following links:</p> <ul style="list-style-type: none"> • https://www.kitsapgov.com/dcd/PEP%20Documents/Kitsap%20County%20Consistency%20Analysis.pdf • https://www.kitsapgov.com/dcd/PCDocs/Executive%20Summary%20Shoreline%20Master%20Program%20Briefing%20Consistency%20Analysis.pdf

		<p>c. Concern about lack of availability of SMP appendices mentioned in staff report and confusion surrounding lack of attachments which are also mentioned.</p> <p>d. All non-mandated amendments should be removed as the process has lacked involvement</p>	<ul style="list-style-type: none"> • The Consistency Analysis Report was presented to the Board of County Commissioners on November 25, 2020. The full report was posted on the Shoreline Master Program periodic review webpage under Meeting Date 11/25/2020 Board of County Commissioners briefing • On December 1, 2020, the Consistency Analysis Report was presented to the Kitsap Planning Commission. The Consistency Analysis Report is also posted under Meeting Date 12/01/2020 Planning Commission briefing • On December 5, 2020, Department staff sent via email the Consistency Analysis Report to partners and interested parties listed including Kitsap Alliance of Property Owners on the Shoreline Master Program periodic review Public Participation Plan. • Directions to navigate the project website and find project documents and links were provided at monthly project updates, to the Board of County Commissioners, and to the Planning Commission <p>c. Comment noted. All attachments to the Staff Report are available on the Kitsap SMP periodic review webpage. Please find Staff report and associated attachments: https://www.kitsapgov.com/dcd/PEP%20Documents/SMP_Planning%20Commission_Staff%20Report_2-10-2021.pdf.</p> <p>d. Comment noted. Please see response to b. and c. In addition, Staff Report Section 7 ‘Public Involvement and Outreach’ contains a list of various</p>
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		<p>by shoreline property owners. Only items #3 and #24 in the “Other Issues for Consideration” section of the Consistency Analysis, should be considered to carry forward</p>	<p>outreach activities available to the public, property owners and development community (Page 11 of 14). Note, monthly project update notification are distributed via Kitsap GovDelivery, to sign-up for notifications please visit https://public.govdelivery.com/accounts/WAKITSAP/subscriber/new?topic_id=WAKITSAP_36&pop=t</p> <p>Please find monthly project update presentations links below:</p> <ul style="list-style-type: none">• December 2020: https://www.kitsapgov.com/dcd/Documents/Monthly%20Project%20Update%20Dec%2017.pdf• January 2021: https://www.kitsapgov.com/dcd/PEP%20Documents/Monthly%20Project%20Update%20January%2021.pdf• February 2021: https://www.kitsapgov.com/dcd/PEP%20Documents/Monthly%20Project%20Update%20February%2018.pdf• March 2021: https://www.kitsapgov.com/dcd/PEP%20Documents/Monthly%20Project%20Update%20March%2018.pdf• April 2021: https://www.kitsapgov.com/dcd/PEP%20Documents/SMP%20Monthly%20Project%20Update%20April%2015.pdf• May 2021: https://www.kitsapgov.com/dcd/PEP%20Documents/SMP%20Monthly%20Project%20Update%20May%2020.pdf
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			<p>Discretionary items noted as part of this scope of work were approved by the Board of County Commissioners. These proposed amendments are intended to assist and provide predictability to applicants and reviewers in the permitting process, clarify regulation problematic language experienced since the last SMP update, fix errors or omissions, and expand upon existing state legislation.</p>
17	11	<p>Letter of Exemption and Added Cost to Applicants</p> <p>a. The requirement to have shoreline exemptions undergo shoreline review will add time and expense.</p>	<p>a. <u>Change not recommended.</u></p> <p>The proposed amendment is a clarification to specifically describe the process the County currently takes to document review and approve shoreline exemptions. A Shoreline Exemption is an exemption from a Shoreline Substantial Development Permit as guided by RCW 90.58.030 and by WAC 173-27-040. These authorized exemptions must still comply with requirements under the Shoreline Master Program and Shoreline Management Act and prove they qualify for the exemption.</p>