



Planning Commission Executive Summary

Issue Title: Shoreline Master Program Periodic Review Deliberations
Meeting Date: April 20, 2021
Time Required: 30 minutes
Department: Department of Community Development (DCD)
Attendees: Jeff Rimack, Angie Silva, Dave Ward, Kirvie Mesebeluu-Yobech

Action Requested At This Meeting:

Planning Commission findings of fact, conclusions, and recommendation on proposed code amendments to the Shoreline Master Program.

Background

The Department of Community Development is undertaking a periodic review of Kitsap County's Shoreline Master Program, as required by the Washington State Shoreline Management Act, RCW 90.58.080(4). The Shoreline Management Act requires Kitsap County's Shoreline Master Program be reviewed, and revised if needed, once every eight years. The periodic review ensures the Shoreline Master Program remains current with changes in state laws and rules and remains internally consistent with County plans and regulations. This periodic review also provides an opportunity to propose clarifications and process improvements consistent with the Shoreline Management Act.

Where we are

Phase 3: Review and Analysis (February – April 2021)

Proposed amendments to the Shoreline Master Program and associated revisions to development codes were available for formal public consideration per Kitsap County Code (KCC) 21.08.100 (review by planning commission). Kitsap County and the Washington State Department of Ecology accepted comments on the periodic review of the Shoreline Master Program under RCW 90.58.080(4). Kitsap County opted for a joint review, public hearing and comment period with the state Department of Ecology per WAC 173-26-104 and WAC 173-26-110. A joint Kitsap County Planning Commission and Department of Ecology public hearing was held on March 2, 2021. The public comment period closed on March 3, 2021 at 5:00 P.M.

The Department received and recorded 20 comments since the opening of the public comment period on February 2nd. Four public testimonies were recorded during the joint public hearing on March 2nd.

State Environmental Policy Act (SEPA) Determination

A Determination of Nonsignificance was issued per WAC 197-11-340(2) on February 18. The SEPA comment and appeal period ended on March 4. The Department received one SEPA comment letter from the Suquamish Tribe. The Suquamish Tribe also submitted the same letter as its comments on the proposed amendments and are addressed by the Department as part of the comment matrix. The SEPA Determination is document in the updated Staff Report (Attachment 1).

Planning Commission Deliberations and Recommendation

The Planning Commission met on March 16 and April 5 to deliberate on proposed amendments and consider public comments received.

Due to tight turnaround timeframes as well as the complexity to fully vet public comments received, including time for legal counsel review, the Department transmitted responses and recommendations in phases over the March 16 and April 6 Planning Commission deliberations. A complete and final response and recommendations are noted in [Comment Matrix Part 3](#).

Following deliberation, the Planning Commission will consider findings of fact, conclusions, and recommendations at its April 20th meeting. A draft Planning Commission Findings of Fact and Recommendation document is included as Attachment 1.

Submittal to Ecology for Initial Determination

The Department submitted draft amendments and other supporting documentation to Department of Ecology on April 9 for their initial determination and comments. The SMP documents transmitted to Ecology include a Comment Response Matrix; proposed draft amendments to Kitsap County Code Titles 15, 19, 21, and 22; draft No Net Loss Addendum; and the Consistency Analysis Report completed in November 2020. Ecology has 30-days to review proposed amendments and provide initial determination for consistency with the Shoreline Management Act and related rules. After receiving initial determination and comments from Ecology, the Department will update proposed draft amendments as necessary and prepare final ordinance for the Board of County Commissioner's public and agency comment and consideration.

Next steps

Phase 4: Adoption (May – June 2021)

Following the Planning Commission's findings of fact and deliberation meetings on the proposed amendments, the Board of County Commissioners will hold a public hearing and provide an opportunity for additional public and agency comment in May 2021. Following the close of the Board of County Commissioner's testimony period, they will deliberate and render a final local decision by the June 30, 2021 deadline (see below tentative schedule).

Once the Board of County Commissioners take final local action via ordinance, the Department will submit Shoreline Master Program amendments to Ecology for final approval and action per WAC 173-26-120. Ecology will review the amendments for consistency with state laws and rules. Ecology may either approve the program as adopted locally, may recommend changes or deny based upon consistency with RCW 90.58.

Upcoming meetings and important dates

- **April 15** – Monthly SMP project update
- **April 19** – Board of County Commissioners update
- **April 20** – Planning Commission SMP Findings of Fact
- **May 5** – Board of County Commissioners work study
- **May 24** – Board of County Commissioners Public Hearing
- **June 9** – Board of County Commissioners deliberation
- **June 28** – Board of County Commissioner decision

Attachment

1. Planning Commission Findings of Fact and Recommendation