



## **Planning Commission Executive Summary**

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**Issue Title:** Shoreline Master Program Periodic Review Deliberations  
**Meeting Date:** April 6, 2021  
**Time Required:** 90 minutes  
**Department:** Department of Community Development (DCD)  
**Attendees:** Jeff Rimack, Dave Ward, Kirvie Mesebeluu-Yobech, Dan Nickel (The Watershed Company)

### **Action Requested At This Meeting:**

Planning Commission second of two deliberation meetings on proposed code amendments to the Shoreline Master Program and consideration of public comments and testimonies.

### **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 2<sup>nd</sup>. Four public testimonies were recorded during the joint public hearing on March 2<sup>nd</sup>.

### **Planning Commission Deliberations and Recommendation Process**

The March 16 and April 6 Planning Commission meetings are scheduled for deliberations on the proposed amendments and consideration of public comments received during the public comment period.

Due to tight turnaround timeframes for the March 16 meeting as well as the complexity to fully vet public comments received, including time for legal counsel review, the Department transmitted responses and recommendations for a limited portion of the public comments received in [Comment Matrix Part 1](#). The Department, the consultant and legal counsel continued to review the remaining comments and provided additional responses and recommendations in [Comment Matrix Part 2](#) to the Planning Commission at their March 16<sup>th</sup> meeting.

For the April 6<sup>th</sup> Planning Commission meeting, the Department is transmitting complete and final responses and recommendations in Comment Matrix Part 3 (Attachment 3), a draft Shoreline Master Program Periodic Review No Net Loss Addendum (Attachment 5), and a draft Planning Commission Findings of Fact and Recommendation document (Attachment 6). The draft No net Loss Addendum analyzes how specific SMP amendments (i.e. for trams, hybrid shoreline stabilization, and expansion of development below reduced standard buffer) and future development guided by new regulations will not result in a net loss of shoreline ecological functions.

### **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).

### **Next steps**

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. This next step of legislative process is slated for May 2021. Following the close of the Boards testimony period, they will deliberate and render a final local decision by the June 30, 2021 deadline.

Once local final action is taken via ordinance, the Department will submit Shoreline Master Program amendments to the Department of 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 6** – Planning Commission SMP Deliberation
- **April 15** – Monthly SMP project update
- **April 19** – Board of County Commissioners update
- **April 20** – Planning Commission SMP Findings of Fact

### **Attachments**

1. Staff Report (3/26/2021)
2. Proposed Amendments Subject to the Planning Commission's Joint Public Hearing
  - [DRAFT Shoreline Master Program](#) (KCC Title 22) and SMP [Appendix F](#)
  - [DRAFT Critical Areas Ordinance](#) (KCC Chapter 19.200)
  - [DRAFT Land Use and Development Procedures](#) (KCC Chapter 21.04)
  - [DRAFT Flood Hazard Areas](#) (KCC Title 15)
3. Kitsap Shoreline Master Program Periodic Review Planning Commission Comment Matrix Part 3
4. [Written Comments and Verbal Testimonies](#) Received between February 2 to March 3, 2021 (numbered 1 – 20)
5. Draft No Net Loss Addendum
6. Draft Planning Commission Findings of Fact and Recommendation