



Executive Summary

Department: Community Development
Issue Title: Shoreline Master Program Periodic Review Deliberation
Meeting Date: June 7, 2021
Time Required: 60 minutes
Attendees: Jeff Rimack, Dave Ward, Kirvie Mesebeluu-Yobech, Dan Nickel (The Watershed Company)

Action Requested at This Meeting:

Board of County Commissioners deliberation on proposed code amendments to the Shoreline Master Program, related codes, and consideration of public comments.

Background

The Department of Community Development is undertaking a periodic review of the 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 4: Adoption (May – June 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) 21.08.110 (review and decisions by board). Following the Planning Commission's Findings of Fact and Recommendations, the Kitsap County Board of Commissioners held a 15-day public comment period. The Commissioners comment period started on May 12, 2021 and ended on May 26, 2021 at 5:00 PM. The Board also held a public hearing on May 24, 2021 to receive verbal testimony. The Department of Community Development received and recorded a total of 13 comments, three of which were public testimonies. The Ordinance to locally adopt the Shoreline Master Program and Ordinance Appendix 1 released for public review are provided as Attachment 1 and Attachment 2.

A compilation of comment letters received and recorded during the Board of County Commissioners public comment period and joint Planning Commission and state Department of Ecology comment period are provided as Attachment 3 and Attachment 4.

For the June 7, 2021 deliberation meeting, the Department is transmitting complete and final responses and recommendations in the Board of County Commissioner Public Comment Matrix. (Attachment 5). The Department is also transmitting a matrix of changes for consideration by the Board of County Commissioners (Attachment 6). The matrix includes recommended changes based on the Department of Ecology's Initial Determination dated May 18, 2021. Recommended changes in the matrix include required changes for consistency with the Shoreline Management Act as well as recommended changes by Ecology and the Department of Community Development for clarity of the code.

Project materials and documentation of the Shoreline Master Program periodic review process are also attached. Project documents include:

- Kitsap County SMP Periodic Review Public Participation Plan (Attachment 7)
- Kitsap County SMP Periodic Review Consistency Analysis Report (Attachment 8)
- Staff Report (Attachment 9)
- SEPA Determination of Nonsignificance (Attachment 10)
- Planning Commission Comment Matrix (Attachment 11)
- Planning Commission Findings of Fact and Recommendations (Attachment 12)
- Department of Ecology Initial Determination (Attachment 13)
- Department of Ecology Initial Determination Attachment 1 (Attachment 14)
- No Net Loss Addendum Revised (Attachment 15)

Department of Ecology's Initial Determination

The Department submitted proposed amendments and supporting documentation to Department of Ecology on April 9 for its initial determination of consistency with state law and comments. The Department of Ecology issued an initial determination on May 18, 2021. The change matrix in Attachment 6 includes required and recommended changes based on Ecology's initial determination.

Planning Commission Recommendation

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.

The Planning Commission met on March 16 and April 6 to deliberate on the proposed amendments and consider public comments received. The Planning Commission reviewed and approved the Findings of Fact and Recommendation (Attachment 12) at their April 20th meeting.

Next steps

Following deliberation by the Board of County Commissioners, the Board will render a final local decision at its June 28, 2021 regular meeting.

Once Commissioners take final local action via ordinance, the Department will submit the Shoreline Master Program amendments to Ecology for final approval and determination of consistency 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

- **June 28** – Board of County Commissioner decision

Attachments

- Attachment 1 – [Ordinance to locally adopt Shoreline Master Program](#)
- Attachment 2 – [Ordinance Appendix 1](#)
- Attachment 3 – Compilation of Board of County Commissioners public comments
- Attachment 4 – [Planning Commission/Ecology public comments](#)
- Attachment 5 – Board of County Commissioner’s Public Comment Matrix
- Attachment 6 – Recommended Changes for Consideration by the Board of County Commissioners
- Attachment 7 – [Public Participation Plan \(10/25/2020\)](#)
- Attachment 8 – [Consistency Analysis Report \(11/25/2020\)](#)
- Attachment 9 – [Staff Report \(3/26/2021\)](#)
- Attachment 10 – [SEPA Determination of Nonsignificance \(3/4/2021\)](#)
- Attachment 11 – [Planning Commission Comment Matrix \(3/30/2021\)](#)
- Attachment 12 – [Planning Commission Findings of Fact and Recommendations \(4/20/2021\)](#)
- Attachment 13 – [Department of Ecology Initial Determination](#)
- Attachment 14 – Department of Ecology Initial Determination [Attachment 1 \(5/18/2021\)](#)
- Attachment 15 – No Net Loss Addendum Revised (5/28/2021)