



Executive Summary

Department: Community Development
Issue Title: Shoreline Master Program Periodic Review Work Study
Meeting Date: May 5, 2021
Time Required: 60 minutes
Attendees: Jeff Rimack, Angie Silva, Dave Ward, Kirvie Mesebeluu-Yobech

Action Requested at This Meeting:

None. For briefing and discussion.

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.

Planning Commission Deliberations and 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 at their April 20th meeting. The Department is transmitting a copy of the signed and approved Planning Commission Findings of Fact and Recommendation on proposed amendments to the Shoreline Master Program and related code revisions (Attachment 1).

Planning Commission Recommended Changes to Highlight

- Acknowledgement of tribal treaty rights in the Shoreline Master Program intent and purpose (Attachment 2 - Public Comment Matrix Issue no. 9)
- Remove language about Kitsap resident's age and insert language about inclusivity to the Shoreline Master Program intent and purpose (Attachment 2 - Public Comment Matrix Issue no. 9)
- Clarify view blockage requirements for reconstruction and remodeling (Attachment 2 - Public Comment Matrix Issue no. 2.c)
- Clarify definition for hybrid shoreline stabilization structure (Attachment 2 - Public Comment Matrix Issue no. 13.a)
- Accept additional amendments to Title 19 Critical Areas Ordinance Chapter 19.200 Wetlands to maintain consistency with most recent Ecology guidance for exemptions to isolated wetlands (Attachment 2 - Public Comment Matrix Issue no. 16.c), reference to mitigation standards, and drilling in new utility corridors in wetlands and buffers (Attachment 2 - Public Comment Matrix Issue no. 16.d)
- Clarify language for permits required for subdivision within shoreline jurisdiction (Attachment 2 - Public Comment Matrix Additional Department Recommended Corrections)
- Update view blockage diagrams with clearer and labeled diagrams (Attachment 2 - Public Comment Matrix Additional Department Recommended Corrections)

Submittal to Ecology for Initial Determination

The Department submitted proposed amendments and 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 (Attachment 2); proposed 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.

Initial Comment from Ecology

The Department received initial comments from Ecology's Floodplain Management division regarding changes to the definition of 'floodway' in KCC Title 15 Flood Hazard Areas. While we are still awaiting a full completion of Ecology's review on the proposed amendments, Ecology's Floodplain division recommends that Kitsap County not proceed with the changes to the "floodway" definition proposed in KCC Title 15 as part of the SMP periodic review process. Ecology also notes that leaving the definition of "floodway" as it stands in Title 15 ensures the definition remains in compliance with the National Flood Insurance Program minimum standards. Ecology initially recommended updating the definition of 'floodway' as prescribed in the 2019 Shoreline Master Program Periodic Review Checklist and documented in Section 2 of Kitsap County's Shoreline Master Program Periodic Review [Consistency Analysis Report](#). With this new direction from Ecology, the Department does not recommend these changes to the definition of 'floodway' in KCC Title 15.

Where we are

Phase 4: Adoption (May – June 2021)

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.

The Board of County Commissioners public hearing and agency review is scheduled for May 24, 2021 at 5:30 P.M. The notice of public hearing will be released around May 12, 2021. Given the tight turnaround time to deliberation, we recommend the Board close verbal testimony the night of May 24, but to only extend written comments to be received no later than May 26 at 5:00 P.M.

Next steps

Following the close of the Board of County Commissioner's public comment period, they will deliberate and render a final local decision by the June 30, 2021 deadline (see below tentative schedule).

Once 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

- **May 5** – Board of County Commissioners work study
- ~ **May 12** – Notice of Public Hearing released, public comment period opens
- **May 24** – Board of County Commissioners Public Hearing (verbal testimony closes)
- ~ **May 26 at 5:00 P.M.** – Board of County Commissioners public comment period closes for written comments
- **June 9** – Board of County Commissioners deliberation
- **June 28** – Board of County Commissioner decision

Attachments

1. Planning Commission Findings of Fact and Recommendations
2. Public Comment Matrix (Department recommendations transmitted to Ecology on 4/9/2021)