KITSAP COUNTY PLANNING COMMISSION
FINDINGS OF FACT, CONCLUSIONS AND RECOMMENDATIONS

Update to Kitsap County Code Title 22: ‘Shoreline Master Program’

General Background. The Kitsap County Planning Commission makes general findings as follows:

1. Kitsap County’s Shoreline Master Program (SMP) (Title 22 KCC) implements the requirements of Chapter 90.58 RCW, the Shoreline Management Act of 1971 (SMA or the Act), and Chapter 36.70A RCW, the Growth Management Act (GMA). RCW 90.58.080 directs local governments to develop and administer local shoreline master programs for the regulation of uses on shorelines of the state. RCW 36.70A.480 provides that the goals and policies contained in a local shoreline master program shall be considered an element of the local comprehensive plan required by GMA. All other portions of the local shoreline master program, including the regulations, are considered a part of the local development regulations required by GMA.

2. RCW 90.58.050 provides that the Act is intended to establish a cooperative program between local government and the state. Whereas local governments are to have primary responsibility for planning and administering the regulatory program, the state, through the Department of Ecology (Ecology), is to have primarily a supportive and review role with an emphasis on providing assistance and ensuring compliance with the Act.

3. In this supportive role, RCW 90.58.060 and .200 authorizes Ecology to adopt guidelines as necessary and appropriate to carry out the provisions of the Act. Chapter 173-26 WAC provides these guidelines as minimum procedural requirements for updating local programs that are compliant with the statutory requirements but also include procedural systems based on local needs and circumstances. Under RCW 90.58.080, a local SMP is to be consistent with these guidelines.

4. In 2003, Ecology substantially revised Chapter 173-26 WAC to address advancements in science and shoreline management practices. In 2011, Ecology further amended the guidelines to address geoduck aquaculture, as required by RCW 43.21A.681.

5. In 2003, the Legislature established a timeline for more than 260 local jurisdictions to conduct comprehensive updates of their local master programs in accordance with the newly applicable guidelines. Pursuant to RCW 90.58.080, Kitsap County and its cities were scheduled to update their master programs on or before December 1, 2011. Subsequently, a one year extension was granted, resulting in a December 1, 2012 deadline.
6. Pursuant to the Shoreline Management Act, the Department of Ecology must approve master programs prepared by local governments or adopt them by rule consistent with the Act.

7. Kitsap County’s local master program was first adopted in 1976, and last amended in 1999.

Procedural History. The Kitsap County Planning Commission makes general procedural findings as follows:

8. The planning process for Kitsap County’s master program update began in 2009 when a Public Participation Plan was prepared.

9. In early 2010, a dedicated SMP website was established in order to share information related to the update (www.kitsapshoreline.org). The website serves as a hub for SMP Task Force and Planning Commission meeting materials, schedules and timelines, informational fact sheets and draft documents. A comment portal allows for submittal of public comments via the website.

10. Also in early 2010, County staff conducted initial outreach efforts through individual letter mailings to shoreline property owners, a display booth with surveys at the Kitsap Home and Garden Show, outreach meetings with community and professional groups, and updates to the SMP website.

11. In March 2010, following effective and timely public notice, the Kitsap County Board of Commissioners (Board) signed Resolution 052-2010, “Establishing and appointing members to the Shoreline Master Program Update Task Force.” The 20 member Task Force includes a wide variety of members representing various perspectives, including shoreline property owners, Kitsap Alliance of Property Owners, conservation groups, port districts, tribes, Kitsap Home Builders Association, the aquaculture industry and various interested citizens. Department of Ecology staff also participated in the Task Force meetings.

12. Between March 2010 and January 2012, the SMP Task Force met on various topics related to the SMP update. Additional subcommittee meetings were conducted to assist with specific topics such as general SMP goals and policies, and policies and regulations for bulkheads, buffers and docks. The public was invited to attend, and a brief public comment period was held at the end of each Task Force meeting.

13. Since 2010, County staff has conducted monthly SMP coordination meetings with local Kitsap cities and tribes, along with state agencies including but not limited to the Departments of Ecology, Fish and Wildlife, and Natural Resources.
14. Between January and May 2011, following effective and timely public notice, the Planning Commission and Board of County Commissioners conducted separate public hearings on the *Kitsap County Shoreline Inventory and Characterization Report*, which is a comprehensive inventory of existing shoreline conditions. The report was recommended for approval with clarifying language by the Planning Commission, and approved by the Board on June 13, 2011 (Resolution No. 093-2011).

15. Throughout 2011, County staff conducted regular SMP briefings to apprise the Planning Commission of SMP Task Force progress.

16. Between January and July of 2012, County staff conducted 17 SMP public outreach events:

- West Sound Conservation Council
- Kingston Citizen Advisory Council
- Central Kitsap Community Council
- Kitsap Home Builders Ass’n
- DCD Advisory Committee
- Suquamish Citizen Advisory Council
- Kitsap County Ass’n of Realtors
- Seabeck Town Hall Meeting
- SMP Open House #1 (County Administration Building)
- Manchester Citizen Advisory Committee
- League of Women Voters
- SMP Open House #2 (North Kitsap Fire and Rescue)
- Greater Hansville Advisory Committee
- Kingston Town Hall
- SMP Open House #3 (County Administration Building)
- SMP Open House #4 (Poulsbo City Hall Council Chambers)
- Hood Canal Environmental Council

17. On-going electronic notification of important SMP update information occurs via Kitsap County’s “GovDelivery” electronic notification system. The SMP update list currently has in excess of 550 subscribers, and interested parties continue to be added to the subscriber list upon request.

18. During February and March 2012, County staff briefed the Planning Commission on a draft SMP in a series of four work studies (February 7, February 21, March 6 and March 20, 2012).

19. In May 2012, the first public draft of the SMP was formally issued for public review and comment. An informational video was also produced in coordination with Bremerton-Kitsap Access Television, the local cable access channel, to accompany the release of the First Draft SMP.

20. On June 6, 2012, at the County Commissioner Chambers in Port Orchard, the Planning Commission held the first of two public hearings on the First Draft SMP. The second hearing was held on June 11, 2012 at the City Hall Council Chambers in Poulsbo. Following these hearings, the Planning Commission extended the public comment period to June 28, 2012. Notice for these
hearings were given by legal advertisement in the Kitsap Sun, posting on the SMP website, and notification to SMP subscribers via GovDelivery.

21. At the Planning Commission hearings, oral testimony was given and thirty-six written comments and/or summaries of oral testimony were received. A three-part comment matrix with 12 primary comment themes was prepared for Planning Commission deliberations.

22. On July 24, August 1, August 7 and August 21, 2012, the Planning Commission deliberated on the draft SMP at the County Commissioner Chambers beginning at 9 a.m. On September 18, 2012, the Planning Commission held their final deliberations and voted on the draft SMP. This last meeting was held at 6 p.m. to encourage public involvement.

23. Following deliberations on September 18, the Planning Commission voted 8 to 0 (one absent) to recommend approval of the First Draft SMP, incorporating the text and map revisions voted on during the deliberation meetings.

Substantive Findings and Conclusions. The Kitsap County Planning Commission makes following substantive findings and conclusions:

24. The proposed SMP submitted herewith is consistent with the 14 statewide planning goals contained within the Growth Management Act, the 14th being the policy and goals of the Shoreline Management Act.

25. The proposed SMP is consistent with the County Wide Planning Policies and with the goals and policies contained in the Kitsap County Comprehensive Plan.

26. The proposed SMP is supported by the Capital Facilities Plan, which concludes that projected level of service standards for shoreline public access are currently being met. In addition, the SMP contains a shoreline environment designation system designed to reflect current and future Urban Growth Area boundaries.

27. Based on information compiled in the Kitsap County Shoreline Inventory and Characterization report, the proposed SMP reflects current local circumstances.

28. The proposed SMP promotes the public health and welfare of the citizens of Kitsap County in accordance with the Shoreline Management Act and the implementing Guidelines at Chapter 173-26 WAC.

NOW THEREFORE, the Kitsap County Planning Commission recommends to the Board of County Commissioners as follows:
RECOMMENDATION:  Adopt the proposed SMP text and map revisions as presented by staff and amended by the Planning Commission. The final recorded motion reads as follows:

"Move that the Planning Commission accept the SMP with the changes as discussed today."

This motion passed unanimously and was supported by 17 approved motions that made changes to the May 18, 2012 SMP presented by staff. The Planning Commission understands that final review and approval is required by the Department of Ecology, and Ecology provides feedback and comments throughout the review process through the SMP Checklist. The Planning Commission also understands that the Planning Commission recommendations will be merged with Ecology's comments in the next SMP draft.

Attachments:

1. Planning Commission text revisions
2. Shoreline Environment Designation maps

Approved by the Planning Commission of Kitsap County, Washington, at a regular meeting thereof, held this 2nd day of October, 2012.

By
Michael Brown, Chair