

1 **FINDINGS OF FACT, CONCLUSIONS AND RECOMMENDATIONS OF THE KITSAP**
2 **COUNTY PLANNING COMMISSION TO THE DEPARTMENT OF COMMUNITY**
3 **DEVELOPMENT REGARDING PROPOSED AMENDMENTS TO KITSAP COUNTY**
4 **CODE TITLES 15 (FLOOD HAZARD AREAS), TITLE 19 (CRITICAL AREAS**
5 **ORDINANCE), TITLE 21 (LAND USE AND DEVELOPMENT PROCEDURES) AND**
6 **TITLE 22 (SHORELINE MASTER PROGRAM)**

7 **Section 1. General Findings.**

8 The Kitsap County Planning Commission finds as follows:

- 9 A. Kitsap County is subject to the requirements of the Washington State Growth
10 Management Act (GMA), RCW 36.70A.480 ‘Shorelines of the State.’
- 11 B. On January 30, 2013 (Ordinance # 502-2013), Kitsap County completed a comprehensive
12 update to the SMP as required by law. This comprehensive SMP update review included
13 but was not limited to assessment of ecological functions, baseline conditions, and SMP
14 environmental designations. This local adoption was approved by the Washington State
15 Department of Ecology (Ecology) on December 24, 2014.
- 16 C. The Washington State Shoreline Management Act (SMA), RCW 90.58.080 (4)(a)(ii),
17 mandates Kitsap County shall periodically review its SMP every 8-years. This periodic
18 update is due June 30, 2021. The purpose of this periodic review is to update the local
19 SMP to reflect changes to state law and associated rules and guidance, ensure internal
20 consistency with the Kitsap County Comprehensive Plan and associated development
21 regulations, as well as provide an opportunity to improve usability and predictability of
22 the SMP.
- 23 D. The GMA, RCW 36.70A.130(1), also mandates that Kitsap County’s Comprehensive
24 Plan and development regulations are subject to continuing review and evaluation.
- 25 E. RCW 36.32.120(7) provides that the county legislative authorities shall make and
26 enforce, by appropriate resolutions or ordinances, all such police and sanitary regulations
27 as are not in conflict with state law.
- 28 F. Kitsap County Code (KCC) Chapter 21.08 sets forth a process and criteria for making
29 amendments to development regulations. Specifically, KCC 21.08.100 outlines review by
30 the Kitsap County Planning Commission. In its making recommendations, the Planning
31 Commission shall consider:
- 32 a. whether the proposal is supported by the capital facility plan;
 - 33 b. whether the proposal is consistent with the requirements of the GMA, Kitsap
34 Countywide Planning Policies or other applicable laws or provisions of the
35 Comprehensive Plan;
 - 36 c. whether the proposal reflects current local circumstances; and

1 d. whether the proposal bears a substantial relationship to the public's general
2 health, safety, morals or welfare.
3

4 G. With the assistance of a consultant and development of a consistency analysis, Kitsap
5 County Department of Community Development (Department) proposed amendments to
6 KCC Titles 15 (Flood Hazard Areas), Title 19 (Critical Area Ordinance), Title 21 (Land
7 Use and Development Procedures) and Title 22 (Shoreline Master Program).

8 H. Following review and approval by the Kitsap County Board of Commissioners, a public
9 participation plan and consistency analysis was developed to aid in developing the draft
10 amendments.

11 **Section 2. General Procedural Findings.**

12 The Kitsap County Planning Commission finds as follows:

13 1. On October 20, 2020, following timely and effective notice, the Planning Commission
14 was briefed on the scope of work and timeline for the Shoreline Master Program periodic
15 review process.

16 2. On October 28, 2020, following timely and effective notice, the Board of County
17 Commissioners reviewed and approved the Shoreline Master Program Periodic Review
18 Public Participation Plan. The Public Participation Plan was submitted to Ecology (see
19 [staff report](#) Attachment D1). Public outreach regarding the proposed amendments was
20 conducted through:

- 21 a. A dedicated web page and online open house portal;
22 b. Legal notices published in the official newspaper of record for Kitsap County;
23 c. Monthly project updates and community question and answer time offered
24 virtually throughout the periodic review process
25 d. Announcements posted to subscribers of www.nextdoor.com in Kitsap County;
26 e. Electronic announcements and notifications to:
27 i. Subscribers of relevant GovDelivery lists in the Kitsap County Electronic
28 Notification System;
29 ii. Relevant Kitsap County advisory groups; and
30 iii. Relevant local, state and federal agencies, and community groups;
31 f. Notification letters to federally recognized tribes with usual and accustomed areas
32 in Kitsap County and relevant tribal organizations;
33 g. Meetings with citizen advisory groups and various interested parties.
34

35 3. On November 17, 2020, Department staff sent an electronic notification via GovDelivery
36 announcement to all subscribers of the SMP topic, Commissioner District newsletters,
37 and numerous code update topic subscribers announcing the kick-off of the SMP periodic
38 review process and how to participate and stay engaged.

- 1 4. On November 17, 2020, following timely and effective notice, the Planning Commission
2 was briefed on the Shoreline Master Program Periodic Review Public Participation Plan
3 and the goal to conduct early and often public outreach and education about the periodic
4 review process.
- 5 5. On November 25, 2020, following timely and effective notice, the Board of County
6 Commissioners reviewed and approved a proposed scope of code amendments noted in
7 the Consistency Analysis Report. As a first step in determining the extent of the proposed
8 amendments for periodic review process, the County, with the consultant support,
9 identified gaps in consistency with state laws using Ecology's periodic review checklist,
10 gaps in consistency with the County Comprehensive Plan and associated development
11 regulations, as well as revisions to improve usability and predictability (see Attachment
12 A1 of the [staff report](#)).
- 13 6. On December 1, 2020, following timely and effective notice, the Department staff briefed
14 the Planning Commission on proposed code amendments to the Shoreline Master
15 Program and related codes based on the [Consistency Analysis Report](#).
- 16 7. On December 5, 2020, Department staff sent via email the Consistency Analysis Report
17 to partners and interested parties listed in section 5 of the Shoreline Master Program
18 periodic review [Public Participation Plan](#).
- 19 8. On December 17, 2020, following timely and effective notice, the Department staff
20 conducted the first virtual monthly project update meeting about the Shoreline Master
21 Program periodic review process and launched the SMP online open house.
- 22 9. In January 2020, following timely and effective notice, the Department staff provided
23 numerous briefings and outreach to the County's citizen advisory groups, tribes, and
24 community groups and organizations as outlined in Section 7 of the [staff report](#).
- 25 10. On January 19, 2021, following timely and effective notice, the Department staff
26 provided a status update, and reviewed with the Planning Commission, preliminary
27 approaches for draft amendments to several sections of the Shoreline Master Program and
28 related codes.
- 29 11. On January 21, 2021, following timely and effective notice, the Department staff
30 conducted the second virtual monthly project update meeting about the Shoreline Master
31 Program periodic review process, update on development of code amendments and
32 upcoming joint public comment period.
- 33 12. On January 25, 2021, following timely and effective notice, Department staff reviewed
34 and discussed with the Board of County Commissioners preliminary approaches to all
35 proposed draft amendments to the Shoreline Master Program and related codes to kick-
36 off discussions and receive initial feedback.
- 37 13. On January 27, 2021, following timely and effective notice, the Department staff
38 provided a status update and shared with the Planning Commission the project webpage

Planning Commission Findings of Fact & Recommendation

- 1 draft amendments proposed in KCC Titles 15, 19, 21, and 22. This was in advance of the
2 formal 30-day joint public comment period with the Planning Commission and Ecology
3 of February 2 to March 3, 2021.
- 4 14. On January 28, 2021, Department staff sent out an electronic notification about the public
5 comment period and public hearing via GovDelivery and NextDoor to SMP topic
6 subscribers, District newsletters, and numerous code update topics on the proposed
7 amendments to KCC Titles 15, 19, 21 and 22. The Department also sent formal letters via
8 email to partners and interested parties including tribes, cities, counties, special districts,
9 community group, environmental groups, and state and federal agencies.
- 10 15. On February 2, 2021, following timely and effective notice, the Planning Commission
11 held a work study session on the proposed draft amendments to the Shoreline Master
12 Program and related codes. Department staff provided an overview of the proposed code
13 amendments Titles 15, 19, 21, and 22.
- 14 16. On February 5, 2021, Department staff submitted a 60-day notice of intent to adopt
15 amendment to Washington State Department of Commerce.
- 16 17. On February 16, 2021, following timely and effective notice, the Planning Commission
17 held a second work study session on the proposed draft amendments to the Shoreline
18 Master Program and related codes. This was an opportunity to discuss the proposed draft
19 amendments prior to the March 2, 2021 joint public hearing Ecology and subsequent
20 deliberations.
- 21 18. On February 18, 2021, Kitsap County issued a State Environmental Policy Act (SEPA)
22 Determination of Nonsignificance (DNS) per WAC-197-11-340(2). The SEPA comment
23 and appeal period closed on March 4, 2021. The Department received one SEPA
24 comment letter, from the Suquamish Tribe, which also served as the Tribe's comment
25 letter for the Shoreline Master Program draft proposed amendments.
- 26 19. On February 18, 2021, following timely and effective notice, the Department staff
27 conducted the third virtual monthly project update meeting about the Shoreline Master
28 Program periodic review process, update on joint public comment period.
- 29 20. On March 2, 2021, following timely and effective notice, the Planning Commission held
30 a joint public hearing with the Department of Ecology to consider testimony on the
31 proposed draft amendments to the Shoreline Master Program and related codes.
- 32 21. On March 3, 2021 at 5:00 p.m., the joint public comment period with Ecology and the
33 Planning Commission closed. Twenty comment submittals were received through emails,
34 online submittals, and verbal testimony.
- 35 22. On March 8, 2021, following timely and effective notice, Department staff briefed the
36 Board of County Commissioners on all public comments received during the joint
37 Planning Commission and Ecology comment period and public hearing.

Planning Commission Findings of Fact & Recommendation

1 23. On March 16, 2021, following timely and effective notice, the Planning Commission held
2 its first deliberation meeting to review and deliberate on public comments received and
3 Department recommendations.

4 24. On March 18, 2021, following timely and effective notice, the Department staff
5 conducted the fourth virtual monthly project update meeting about the Shoreline Master
6 Program periodic review process, update on joint public comment period and public
7 comments received.

8 25. On April 6, 2021, following timely and effective notice, the Planning Commission held
9 its second meeting to deliberate proposed amendments to KCC Titles 15,19,21 and 22.

10 26. The proposed amendments are consistent with the SMA, GMA, Kitsap Countywide
11 Planning Policies, the Kitsap County Comprehensive Plan, and other applicable
12 requirements.

13 27. The proposed amendments reflect current local circumstances and promotes the general
14 public health, safety, morals and welfare.

15 **NOW THEREFORE, the Kitsap County Planning Commission recommends to the**
16 **Department of Community Development as follows:**

17 **RECOMMENDATION: Adopt the proposed amendments to Kitsap County Code Titles**
18 **15, 19, 21 and 22 attached hereto as Appendix A, B, C, and D and incorporated herein by**
19 **this reference:**

- 20 • Appendix A: Title 15 (Flood Hazard Areas)
- 21 • Appendix B: Title 19 (Critical Areas Ordinance) Chapter 19.200
- 22 • Appendix C: Title 21 (Land Use and Development Procedures) Chapter 21.04
- 23 • Appendix D: Title 22 (Shoreline Master Program) and SMP Appendix F

24
25 **APPROVED BY THE PLANNING COMMISSION OF KITSAP COUNTY,**
26 **WASHINGTON, AT A REGULAR MEETING THEREOF, HELD THIS 20th DAY OF**
27 **APRIL 2021.**

28
29 BY



30 **Joseph Phillips, CHAIR**