

**ATTACHMENT A: FINDINGS AND CONCLUSIONS  
FOR PROPOSED LIMITED AMENDMENT TO THE CITY OF POULSBO  
SHORELINE MASTER PROGRAM**

SMP Submittal accepted July 21, 2015, Resolution 2015-07  
Prepared by Joe Burcar on October 26, 2015

**Brief Description of Proposed Amendment:**

The City of Poulsbo submitted to Ecology for approval, a limited amendment to their Shoreline Master Program (SMP) to re-designate a 2.69-acre shoreline parcel from the existing “Shoreline Residential 1 and 2” to a “Natural” designation.

**FINDINGS OF FACT**

**Need for amendment.** The proposed amendment is needed to comply with the proposed use of the site as a passive use public park. The property was recently acquired by the City and will allow for expansion of the adjacent Fish Park onto the parcel. The proposed “Natural” designation would be consistent with the designation of other shoreline oriented parks within Poulsbo.

**SMP provisions to be changed by the amendment as proposed:** The proposed change will not amend text within the SMP, but rather will apply to the City’s “official shoreline master program map.” Specifically, the change will amend the shoreline designation from “Shoreline Residential 1” and “Shoreline Residential 2” (exhibit B) to a “Natural” designation (exhibit C) on a single 2.69-acre parcel<sup>1</sup> (exhibit A).

**ANALYSIS:**

The subject 2.69-acre site is located within the City of Poulsbo, adjacent to the Dogfish Creek Estuary at the mouth of Liberty Bay. The whole site is located within shoreline jurisdiction, but is bisected by Bond Road, for which one portions of the parcel is located between the road and the shoreline edge and the remainder is located upland of the road. Areas to the south of the site are designated Shoreline Residential - 2 and Urban Conservancy. Whereas surrounding area to the north and west of the site are designated as Natural and are part of Fish Park, a City owned and operated public recreational park.

The subject parcel was recently acquired by the City with the sole intent to expand the boundary of Fish Park on both sides of the estuary. Zoning for the site and under the City’s Comprehensive Plan is already classified as “Park”, which is aligned with the City’s intended use of the site, but is inconsistent with the current “Shoreline Residential” designation within the City’s SMP. Therefore the City proposes to change the shoreline environment designation for this site to align with their zoning, Comprehensive Plan, and the intended use of the site as a public park. The City also notes that change would also be consistent with the *Natural Environment Policies (NE-8.14)* in their SMP and would ensure consistency with other shoreline parks within the City that are similarly designated as “Natural” by the SMP.

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<sup>1</sup> This parcel is located at: 20663 Bond Road NE, Poulsbo, WA 98370. Assessor’s Tax Parcel #: 152601-1-001-2005.

**Existing designation:** Section 16.08.170.A (below) describes the intent of “Shoreline Residential” environment to accommodate residential development through use of two shoreline residential sub-designations.

*“The shoreline residential environment is intended to accommodate residential development consistent with the city’s shoreline management standards; protect ecological functions and natural habitat, and restoration when feasible; and provide public access and recreational uses, where appropriate. The shoreline residential environment is divided into two subdesignations: shoreline residential-1 (SR-1) and shoreline residential-2 (SR-2).”*

Shoreline Residential-1 (SR-1) is intended to apply to shoreland areas immediately adjacent to the shoreline edge. Whereas the Shoreline Residential-2 (SR-2) designation is assigned to upland areas landward of the shoreline buffer or bisecting road, but still within shoreline jurisdiction.

According to the City, in addition to being inconsistent with the City’s “Park” zoning, Comprehensive Plan and the intended use of the site, establishment of a park use at the site would require a shoreline Conditional Use Permit, as the designation is intended to accommodate residential development, not a public park use.

**Proposed designation:** Section 16.08.170.D (below) describe the intent of “Natural” environment, which centers on protection and restoration of undeveloped areas and specifically calls out “Fish Park, as well as other shoreline parks throughout the City.

*“The natural (N) shoreline environment is established to protect and restore shoreline areas that are relatively free from human influence, undeveloped, and/or include intact or minimally degraded shoreline functions that are sensitive to proposed impacts from development. N areas within the city include the majority of Fish Park, and areas of Muriel Iverson Waterfront Park, Net Shed Park, American Legion Park and Nelson Park, that are within zero to one hundred feet of the ordinary high water mark of Liberty Bay and/or the estuarine portion of Dogfish Creek.”*

Under the proposed designation, a park use is considered a “permitted use” pursuant to the use table provided in section 16.08.180 of the SMP.

**Amendment History, Review Process:** The proposed designation change originated from a comprehensive plan amendment filed on November 14, 2014. The record shows that the City provided notice of the proposed amendment to interested parties on February 20, 2015 and March 6, 2015 ahead of the City’s Planning Commission public hearing for the amendment on March 24, 2015. After consideration of all testimony received, the Planning Commission issued a recommendation to the City Councils to approve the amendment. The Poulsbo City Council held a public hearing on the proposed amendment on April 8, 2015. Following the public hearing, the City Council approved resolution #2015-07 on May 20, 2015, thus adopting the amendment to change the designation of the subject 2.69-acre parcel from “Shoreline Residential 1” and “Shoreline Residential 2” (exhibit B) to a “Natural” designation (exhibit C).

With passage of Resolution #2015-07, the City authorized staff to forward the proposed amendments to Ecology for review and approval.

The proposed SMP amendments were received by Ecology on June 19, 2015 and verified as complete pursuant to WAC 173-26-100 and 110 on July 22, 2015. Notice of the state comment period was distributed to state and local interested parties on September 10, 2015, in compliance with the

requirements of WAC 173-26-120 (2) and as follows: The state comment period began on September 15, 2015 and continued through October 15, 2015. Notice of the comment period, including a description of the proposed amendment and the authority under which the action is proposed including the manner in which interested persons may obtain copies and present their views was provided on Ecology's website<sup>2</sup> and as part of the written notice provided to state and local interested parties. Ecology only received one comment supporting the proposed amendment.

**Consistency with Chapter 90.58 RCW:** The proposed amendment has been reviewed for consistency with the policy of RCW 90.58.020 and the approval criteria of RCW 90.58.090(3), (4) and (5). The City has also provided evidence of its compliance with SMA procedural requirements for amending their SMP contained in RCW 90.58.090(1) and (2).

**Consistency with "applicable guidelines" (Chapter 173-26 WAC, Part III):** The proposed amendment has been reviewed for compliance with the requirements of the applicable Shoreline Master Program Guidelines (WAC 173-26-171 through 251 and 173-26-020 definitions). This included review of a SMP Submittal Checklist, which was completed by the City and submitted to Ecology for review along with the other amendment materials.

**Consistency with SEPA Requirements:** The City submitted evidence of SEPA compliance in the form of a SEPA checklist and issued a Determination of Non-Significance (DNS) for the proposed SMP amendment on March 9, 2015. Notice of the SEPA determination was published in *North Kitsap Herald*. Ecology did not provide comments to the City on the DNS.

**Other Studies or Analyses supporting the SMP update:** Ecology also reviewed the following materials submitted by the City in support of the limited SMP amendment:

- *Comprehensive Plan Amendment staff report dated March 9, 2015;*
- *CPA 2015-02 Current and proposed designation maps dated February 13, 2015;*
- *CPA 2015-02 Environmental SEPA checklist dated February 13, 2015;*
- *A May 20, 2015 signed copy of Resolution 2015-07 approved by the City Council; and*
- *A June 19 2015 package of materials submitted to Ecology including the above referenced materials and other materials related to the submittal requirements from WAC 173-26-100.*

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<sup>2</sup> <http://www.ecy.wa.gov/programs/sea/shorelines/smp/mycomments/PoulsboLimitedAmendment.html>

## **CONCLUSIONS OF LAW**

After review by Ecology of the complete record submitted, Ecology concludes that the City's limited SMP amendment is consistent with the policy and standards of RCW 90.58.020 and RCW 90.58.090 and the applicable SMP guidelines (WAC 173-26-171 through 251 and .020 definitions).

Ecology concludes that the City complied with the requirements of RCW 90.58.100 and WAC 173-26-201(1) regarding the SMP amendment process and contents.

Ecology concludes that the City complied with the requirements of RCW 90.58.130 and WAC 173-26-090 regarding public and agency involvement in the SMP update and amendment process.

Ecology concludes that the City complied with the purpose and intent of the local amendment process requirements contained in WAC 173-26-100, including conducting public hearings, notice, consultation with parties of interest and solicitation of comments from tribes, government agencies and Ecology.

Ecology concludes that the limited amendment is consistent with requirements from WAC 173-26-201(1)(c)(i)(D) as the amendment align the shoreline designation with the proposed use of the park and local zoning at the site.

Ecology concludes that the City has complied with requirements of Chapter 43.21C RCW, the State Environmental Policy Act.

Ecology concludes that the City's limited SMP amendment submittal to Ecology was complete pursuant to the requirements of WAC 173-26-110 and WAC 173-26-201.

Ecology concludes that it has complied with the procedural requirements for state review and approval of shoreline master program amendments as set forth in RCW 90.58.090 and WAC 173-26-120.

## **DECISION AND EFFECTIVE DATE**

Based on the preceding, Ecology concludes that the limited SMP amendment is consistent with Shoreline Management Act policy, the applicable guidelines and implementing rules. Ecology's approval of the proposed limited amendment will be effective 14 days from the date of the Directors letter to the City notifying them of this approval.