

RESOLUTION NO. 133-2019

PROVIDING FOR THE ANNUAL REVIEW AND POTENTIAL AMENDMENT OF THE KITSAP COUNTY COMPREHENSIVE PLAN, LAND USE MAP, ZONING MAP AND CORRESPONDING DEVELOPMENT REGULATIONS – REVISED 2019 FINAL DOCKET

WHEREAS, the Washington State Growth Management Act (GMA), RCW 36.70A.130(5), mandates that Kitsap County's Comprehensive Plan and development regulations be reviewed and, if needed, revised at least every 8-years. The most recent Kitsap County 8-year update concluded with the adoption of the 2016 Kitsap County Comprehensive Plan on June 27, 2016 by Ordinance 534-2016 and last amended on December 10, 2018 by Ordinance 565-2018; and

WHEREAS, the GMA, RCW 36.70A.130(1), also mandates that Kitsap County's Comprehensive Plan and development regulations be subject to continuing review and evaluation and sets forth a docketing process, RCW 36.70A.470, to accomplish this; and

WHEREAS, Chapter 21.08 of Kitsap County Code (KCC) implements RCW 36.70A.470 and establishes procedures for persons to propose amendments to the Comprehensive Plan; and

WHEREAS, KCC 21.08.030 provides that the Board of County Commissioners (Board) will establish a schedule for an annual review and potential amendment of the Comprehensive Plan including associated changes to development regulations; and

WHEREAS, the GMA, RCW 36.70A.130(2), and KCC 21.08.040 requires all proposed amendments to the Comprehensive Plan be considered concurrently so that the cumulative effects of the amendments can be determined; and

WHEREAS, the GMA, RCW 36.70A.130(1), and KCC 21.08.070 requires all Comprehensive Plan amendments to conform to both the GMA and Kitsap Countywide Planning Policies as well as be internally consistent; and

WHEREAS, Chapter 21.08 of Kitsap County Code describes a public participation process that complies with the GMA, RCW 36.70A.035 and RCW 36.70A.140, and provides for early and continuous public participation in the development and amendment of the Comprehensive Plan and associated development regulations; and

WHEREAS, on December 10, 2018, following timely and effective legal notice, the Board of County Commissioners held a public hearing to consider written and verbal testimony on the draft resolution.

WHEREAS, on December 19, 2018, the Board of County Commissioners adopted an initial docket for the 2019 annual Comprehensive Plan amendment process by Resolution 227-2018; and

WHEREAS, on April 24, 2019, the Board of County Commissioners reviewed the status of County-sponsored amendments in development and site-specific amendment applications submitted under the scope of the initial docket (Resolution 227-2019), decided to make revisions to the docket, and adopted the final docket (Resolution 069-2019); and

WHEREAS, on August 21, 2019, the Board of County Commissioners were briefed on recommended additions to the final docket by the Department of Community Development and decided to make revisions to the final docket.

NOW, THEREFORE, BE IT RESOLVED:

1. **Areas of Consideration:** The annual amendments to the Comprehensive Plan (and associated development regulations, as necessary) considered for 2019 will be as follows.
 - A. **County-sponsored amendments:** Kitsap County departments shall develop and analyze the following amendments to the Comprehensive Plan for further consideration pursuant to Kitsap County Code (KCC) Chapter 21.08.
 1. Clarifying Edits: Limited text and map amendments to improve the clarity and consistency of the Kitsap County Comprehensive Plan and Kitsap County Code. These amendments will be non-substantive and will not change the intent or interpretation of policies or regulations.
 2. Public Facilities: Updates to Public Facility designations and Park classifications to reflect the acquisition, transfer, and disposal of property.
 3. MRO Zone Clean-up: Remove the Mineral Resource Overlay from parcels where (1) there has been a change in circumstances beyond the control of the landowner [WAC 365-190-040(10)(b)(ii)] or (2) the parcel was designated in error [WAC 365-190-040(10)(b)(iii)]. This amendment is primarily intended to remove MRO regulatory restrictions from parcels substantially encumbered with existing residential or commercial uses and may include a limited number of small undeveloped parcels as deemed appropriate by the Department of Community Development. Other parcels may be evaluated as part of a future county-wide mineral resource inventory.
 4. Initial centers designations for unincorporated Kitsap County consistent with the regional centers framework recently updated by the Puget Sound Regional Council. Center boundaries and policies will be developed through future subarea planning.
 5. Clarification of policy regarding the future incorporation of the Kingston Urban Growth Area and future annexation or incorporation of the Central Kitsap Urban Growth Area.
 6. Comprehensive Plan and Code Amendment Process: Review and update the process for amending the Kitsap County Comprehensive Plan and Kitsap County Code to improve the efficiency and predictability of the process as well as clarify the code.

7. Kingston UVC Phase 2: Limited text amendments to the Kingston Subarea Plan for better consistency with code amendments begun separately.

B. **Applications:** The Kitsap County Department of Community Development shall analyze the deferred site-specific amendment application CPA 18-00495 (Port Orchard Sand & Gravel Inc; Dickey Wood LLC) for consideration in 2019 pursuant to Kitsap County Code (KCC) Chapter 21.08.

C. **Other:** The Board may reconsider and revise, by amendment, the scope of this resolution to add or modify the types of applications accepted through this process if a need or inadvertent omission is demonstrated and if a full and cumulative review (including environmental review) and batch consideration can still be concluded by the end of 2019.

2. **Batch Consideration:** The Growth Management Act, RCW 36.70A.130, and KCC 21.08.040(A) require that all proposed amendments be considered concurrently on an annual basis (and no more frequently than once per 12-month period), except for those specifically exempted from the batching requirement in KCC 21.08.040(B). The Board of County Commissioners intends to complete the batch consideration of the amendments under this annual docket by the end of 2019.

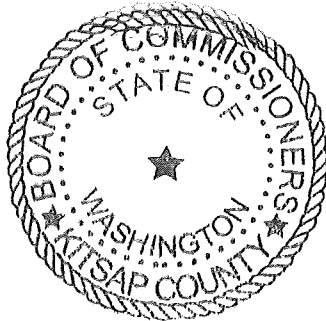
Therefore, amendments meeting the following criteria shall be automatically removed from the 2019 docket because they will prevent the batch consideration of the amendments in a timely manner and any such amendment applications shall be administratively closed by the Department of Community Development except as otherwise provided below.

- A. Any application submittal that remains incomplete more than 30-days after the application deadline.
- B. Any application with an incomplete response to a request for additional information more than 30-days past the date of request unless a later deadline was specified in the request.
- C. Any application with a fee balance more than 90-days past due.
- D. Any application that involves parcels with an active code compliance case in which the proposed amendment is not a part of the agreed upon process to address the non-compliance.
- E. Any amendment issued a Determination of Significance under the State Environmental Policy Act (SEPA). These amendments shall be automatically deferred until:
 1. The SEPA process has produced at least a draft environmental impact statement and the Board of County Commissioners has included the amendment in a future docket;
 2. The amendment is withdrawn by the applicant;
 3. The amendment is administratively closed by the Department of Community Development because the SEPA process has not been completed and the application has been inactive for more than 180-days; or
 4. The Board of County Commissioners decide for any reason to stop further consideration of the amendment and close the application.

3. **Transfer of Development Rights:** Kitsap County Code Chapter 17.580 (Transfer of Development Rights) shall apply to site-specific amendments and acquisition of development rights shall be required at the ratios adopted by Resolution 217-2017, or its successor.
4. **Standards of Review:** The procedures and requirements for application, review, decision, and appeal of amendments to the Comprehensive Plan are described in Chapter 21.08 of Kitsap County Code.
5. **Public Outreach and Participation:** Public outreach and participation will be conducted as set forth in Chapter 21.08 of Kitsap County Code and in compliance with the GMA. Such outreach may include mailings, notifications, signs, a website, and other electronic and non-electronic means appropriate to the nature and location of amendment requests. Existing or new advisory committees will be consulted and public meetings will be conducted, as appropriate to the nature and location of requested amendments. Public hearings will also be conducted by the Planning Commission and the Board of County Commissioners. Individuals, organizations, businesses, tribal governments, government agencies, and others are invited to provide input and comment on any proposed changes to the Comprehensive Plan and, if applicable, associated development regulations.

DATED this 21st day of August, 2019.

KITSAP COUNTY BOARD OF
COMMISSIONERS



Edward E. Wolfe
Edward E. Wolfe, Chair

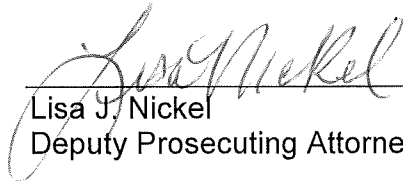
Charlotte Garrido
Charlotte Garrido, Commissioner

ATTEST:

Dana Daniels
Dana Daniels
Clerk of the Board

Robert Gelder
Robert Gelder, Commissioner

Approved as to form:



Lisa J. Nickel
Deputy Prosecuting Attorney