



# Kitsap County Department of Community Development

## Staff Report and Recommendation 2022 Administrative Code Edits

**Report Date** October 10, 2022

**Hearing Date** October 18, 2022

**Amendment Type** Kitsap County Development Regulation Update

**Description** The Kitsap County Community Development Department proposes to do Administrative, or “housekeeping” edits to the Kitsap County Code (KCC). Edits may be related to KCC Titles 16, 17, 18, 19 and 21.

The scope of this project is limited to edits that are not considered substantial and that will not materially change the intent of any existing code. The objectives of this project include:

- Eliminate or reduce conflicting provisions of code.
- Add clarity to existing sections of code without changing meaning or intent of language.
- Create more predictability and certainty in development standards and the permit review process.
- Create an efficient system to catalog and organize previous and new code edits initiated by County Staff or the public.

**Geographic Area Affected** Unincorporated Kitsap County

**SEPA** Determination – in process

**Department Recommendation** Adopt as proposed

This report and recommendation are based on information available at the time of publication. If new relevant and material facts are discovered through the public comment process before the Planning Commission and Board of County Commissioners (Board) as outlined in Chapter 21.08, this staff report may be revised, and the department recommendation may be modified.

### 1. BACKGROUND

The Kitsap County Community Development Department proposes to do Administrative, or “housekeeping” edits to the Kitsap County Code (KCC). Edits may be related to KCC Titles 16, 17, 18, 19 and 21.

The purpose of this project is to make administrative edits, and will not address edits that are considered substantive in nature.

These administrative edits are an important part of maintaining clarity and consistency in the Kitsap County Code. The County intends to repeat this process on an annual basis.

**A. Authority**

The Growth Management Act (GMA) mandates that Kitsap County’s Comprehensive Plan and development regulations be reviewed and, if needed, revised at least every 10 years [RCW 36.70A.130(5)]. The most recent Kitsap County periodic update concluded with the adoption of the 2016 Kitsap County Comprehensive Plan on June 27, 2016 by Ordinance 534-2016. The GMA also mandates that Kitsap County’s Comprehensive Plan and development regulations be subject to continuing review and evaluation, allowing for annual amendments to the Comprehensive Plan [RCW 36.70A.130(1)] and as-needed updates to development regulations to ensure consistency with desired development outcomes.

**B. Proposed Amendment**

Various general amendments to Titles 16, 17, 18, 19 and 21.

**C. Geographic Description**

The amendments do not have a geographic focus and apply to all of Unincorporated Kitsap County.

**2. DEPARTMENT RECOMMENDATION**

Having analyzed the proposed amendment and other alternatives, if applicable, the Department recommends:

- Adoption of the amendment:
  - as proposed above
  - as described in Alternative \_\_\_ below
  - with revisions described below
  - with conditions described below
- Deferral of the amendment to a future docket
- Denial of the amendment

**A. Rationale**

Substantive Findings:

- The proposed code amendments were developed with multiple opportunities for public participation and comment as required by GMA and the State Environmental Policy Act (SEPA), chapter 43.21C RCW.

- The proposed code amendments were developed according to, and are compliant with, the requirements of GMA, chapter 36.70A RCW, the Countywide Planning Policies, the Kitsap County Comprehensive Plan, Kitsap County Code, and other applicable laws and policies.
- The proposed code amendments are consistent with the Kitsap County Comprehensive Plan by:
  - (a) Eliminating or reducing conflicting provisions of code.
  - (b) Adding clarity to existing sections of code without changing meaning or intent of language.
  - (c) Removing redundancy or regulation that is no longer applicable
  - (d) Creating more predictability and certainty in development standards and the permit review process.
- The proposed code amendments promote the public interest and welfare of the citizens of Kitsap County.

Procedural Findings:

- On July 19, 2022, during a regularly scheduled and properly noticed meeting, DCD presented the Planning Commission with a work plan to discuss the proposed administrative amendments to Kitsap County Code Titles 16, 17, 18, 19, 21 and 22.
- On July 25, 2022, during a regularly scheduled and properly noticed meeting, DCD presented the Board of County Commissioners with a work plan to discuss the proposed administrative amendments to Kitsap County Code Titles 16, 17, 18, 19, 21 and 22. The Board approved the work plan for this project.
- Public outreach regarding the proposed amendments was conducted through a dedicated up-to-date web page, postings in the Kitsap Sun newspaper, direct notification to over 2,200 GovDelivery subscribers, direct email notifications and meetings with various interested parties.
- On August 16, 2022, during a regularly scheduled and properly noticed meeting, the Planning Commission held a work study session to review and discuss the proposed administrative amendments.
- On September 22, 2022, the County published the draft ordinance, staff report, and SEPA checklist to the project website.
- On September 27, 2022, The County issued a SEPA Determination of Non Significance with a 30-day Comment Period.
- On October 4, 2022, the County provided required notification to the Department of Commerce.

### **3. OTHER ALTERNATIVES CONSIDERED**

The Department prepared a preliminary draft for initial discussions. No official alternatives are considered as part of this staff report.

#### **4. COMPREHENSIVE PLAN CONSISTENCY**

The proposal is supportive of the Kitsap County Mission:

Kitsap County government exists to protect and promote the safety, health and welfare of our citizens in an efficient, accessible and effective manner.

The proposal incorporates elements of the Kitsap County Vision Statement:

- Effective and Efficient County Services - County government continuously assesses its purpose, promotes and rewards innovation and improvement, fosters employee development and uses effective methods and technologies to produce significant positive results and lasting benefits for citizens.
- Inclusive Government - County government conducts all activities in a manner that encourages citizen involvement, enhances public trust and promotes understanding.

The proposal is also supported by vision elements of the Comprehensive Plan 2016-2036 Vision: County Government.

County government that is accountable and accessible; encourages citizen participation; seeks to operate as efficiently as possible; and works with citizens, governmental entities and tribal governments to meet collective needs fairly while respecting individual and property rights.

#### **5. DEPARTMENT ANALYSIS:**

As further explained below, the Department recommends approval of the proposed amendments because they:

1. Eliminate or reduce conflicting provisions of code.
2. Add clarity to existing sections of code without changing meaning or intent of language.
3. Create more predictability and certainty in development standards and the permit review process.

#### **6. STATE ENVIRONMENTAL POLICY ACT (SEPA)**

The Kitsap County's SEPA Official has reviewed the SEPA checklist prepared for this amendment and will expect to issue a SEPA threshold determination soon and is in process. Notice of this SEPA threshold determination will be:

- Filed with the Washington State Department of Ecology SEPA Register;
- Published in the Kitsap Sun newspaper.

#### **7. PUBLIC INVOLVEMENT AND OUTREACH**

Kitsap County's public involvement and outreach for this amendment meets the requirements of the Growth Management Act (RCW 36.70A) of early and continuous involvement, as well as the procedures outlined in Kitsap County Code (KCC 21.08). The Department conducted early and often public outreach as shown below. The outreach provided preliminary feedback to staff, including suggestions for revisions to an early version of the draft code.

Past outreach:

- Sent email to Subscribers of DCD GovDelivery "Code Update" list in August of 2022 and again in October of 2022.
- Sent email to PEP outreach letter mailing list in August of 2022 and again in October of 2022.
- Posted Legal notices in the Kitsap Sun Newspaper
- Provided project website for administrative code update project with staff contact for public comment. Project website includes information about previous, current, and upcoming phases of the code project continues to be provided:  
<https://www.kitsapgov.com/dcd/Pages/Administrative-Code-Edits.aspx>
- Issued SEPA DNS on September 27 with a combined 30 day public comment period.

Future outreach:

- Notifications and announcements regarding the upcoming process with the Board of County Commissioners will include:
  - Legal notice published in the Kitsap Sun newspaper;
  - Electronic announcements via GovDelivery;
  - Email notification letters sent to Tribes with usual and accustomed area in Kitsap County, other local government and state agencies, and other interested groups.

## 8. STAFF CONTACT

Report prepared by:



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