

# Zoning Use Table Written Comment Guide

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**From:** [Kathlene Barnhart](#)  
**To:** [Darren Gurnee](#)  
**Subject:** Suquamish Comments- T17 Zoning Use Table Update  
**Date:** Tuesday, September 21, 2021 3:50:33 PM  
**Attachments:** [image001.png](#)  
[KC T17 Zoning Use Table Update Suquamish Comments.docx.pdf](#)

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Darren,  
Please find the attached comments on the Title 17 Zoning Use Table Update. Do not hesitate to call or email if you have any questions.

Kathlene Barnhart  
Ecologist



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# THE SUQUAMISH TRIBE

NATURAL RESOURCES DEPARTMENT  
PO Box 498 Suquamish, WA 98392-0498

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TRANSMITTED BY EMAIL

September 21, 2021

Darren Gurnee, Senior Planner  
Kitsap County DCD  
614 Division Street, MS-36  
Port Orchard, WA  
98366

RE: Kitsap County Code Title 17 Zoning Use Table Update

Dear Mr. Gurnee,

Thank you for the opportunity to review and comment on the proposed amendments to the Kitsap County Code Title 17 Zoning Use Table Update (materials available for comment period beginning August 20, 2021). The Tribe seeks protection of all treaty-reserved natural resources through avoidance and minimization of negative impacts to habitat and natural systems within its adjudicated usual and accustomed fishing area (“U & A”). The Tribe reviews projects and regulations which might affect the health and sustainability of tribal resources and that may impact treaty-reserved resources.

The Tribe has reviewed the above referenced code revisions and has the following comments.

**ALQ vs. Attached ADU:** The Tribe has significant concerns with the removal of “Accessory Living Quarters” and substitution with “Accessory Dwelling Unit- Attached”. Attached ADUs, like detached ADUs, are increasing density. However, they are proposed to be permitted outright in the Rural zones just ALQs were. If Attached ADUs are to allow for full living provisions (kitchen, etc) and require new septic or water hookups, then they should be treated like Detached ADUs and still require a CUP in the Rural zones. The Tribe continues to object to ADUs in the rural areas due to the resulting increase in densification. No analysis has been completed by the county to evaluate the impacts of current and future accessory dwelling units on population, density, and natural resources (specifically water) in the areas outside of UGA’s.

**Public Facilities:** DCD is proposing to separate out public facilities under 300 square feet and those over. Those under 300 square feet would be “permitted outright”. Clarification is needed that even if under size thresholds for building or grading permits, critical area review will still be required. Even these smaller facilities can have significant impacts to critical habitats and species if not sited correctly. The Tribe requests DCD consider development of a separate Critical Areas Review permit for the many cases when development does not reach standard thresholds for a permit, but may still impact Critical Areas. The County has a requirement under the GMA to

protect Critical Areas whether a permit is required or not. (See KCC 19.100.110(F)).

**Airport:** The County is adding a definition for “Airport” to include an “area of land” used for aircraft. The Tribe would like to see the County also regulate the use of seaplanes by not limiting this definition to “areas of land”. Sea planes have similar noise concerns that zoning should be considered for, as well as having potentially greater impacts on critical habitats and species and Tribal Treaty fishery activities. At a minimum, similar rules should apply for the use of seaplanes as do for other aircraft.

**Campground:** The proposal has added a “Campground” definition. Do not include the “for rent” portion of this definition. Many individuals will purchase land for the purpose of developing a campground for their extended family to use and would not be charging a fee. However, the use may still include permanent impacts such as roads and utilities and have the same temporary impacts such as vehicles and noise.

**Home Business:** Include definitions for what distinguishes a “home business” as ‘incidental’, ‘minor’, and ‘moderate’.

**Transportation Terminals-Marine:** Add a note that SMP requirements may not permit the use even with ACUP for zoning. Why is the Kitsap County Zoning Use Table addressing this shoreline use, but not others? This should probably be removed from this table and addressed in the SMP as they are likely to only be permitted within the High Intensity Shoreline Environment Designation.

**Top Soil Production and Stump Grinding:** The Use Table has added ‘firewood cutting and composting’ to this use and reduced the permitting requirement from a CUP to an ACUP. However, while “top soil production” is defined as commercial, the other uses in this category are not defined. It should be clarified in the Use Table that this refers only to COMMERCIAL top soil production, stump grinding, firewood cutting and composting.

**LAMIRD Permitting Changes:** Within the Suquamish LAMIRD and in the SVLR and SVR zones the following changes are proposed:

- Cottage Housing- CUP to ACUP
- Duplex- CUP to Permitted
- Multi-family- Prohibited to ACUP

LAMIRDs are not be areas of growth. According the Rural Element outlined in WAC 365-196-425 (6), LAMIRDs are intended to minimize and contain sprawl in the rural area by recognizing pre-existing areas of denser development. This includes allowing for small-scale residential, commercial, industrial and economic development and/or redevelopment within the LAMIRD boundary and consistent with the rural character.

From the *Suquamish Rural Village Subarea Plan, 1999*:

*“Residential densities in the heart of the Rural Village will vary in size, recognizing existing densities, but not necessarily allowing continued development at those same densities. Commercial and industrial uses will be small in scale, providing necessary*

*services to the Village community.”*

[https://www.kitsapgov.com/dcd/PEP%20Documents/Suq\\_Final\\_Plan\\_1999.pdf](https://www.kitsapgov.com/dcd/PEP%20Documents/Suq_Final_Plan_1999.pdf)

The designation of LAMIRDs recognized existing patterns and densities, but were not intended to allow continued growth at the same density, or in this case, even allowing for greater densities. Allowing greater density housing within the LAMIRD, or reducing the level of permit review to do so, goes against both the intent of the Rural Element and the basis of the Suquamish Subarea Plan. The more recent subarea plan (2016) focuses on providing adequate transportation, utilities and other amenities. Greater densities will put more strain on existing infrastructure and make it more difficult to keep up with the desired levels of service identified by the community in the goals and policies of the Subarea Plan. The County and cities must adhere to the GMA and continue focusing growth and infill development within existing Urban Growth Areas and cities, and which does not support densification within the LAMIRD.

Thank you for the opportunity to comment on the above referenced proposal. Please keep us informed of any project status and any related project actions. If you have questions or concerns, please don't hesitate to email at [kbarnhart@suquamish.nsn.us](mailto:kbarnhart@suquamish.nsn.us) .

Sincerely,



Kathlene Barnhart  
Ecologist, Natural Resources Department  
Suquamish Tribe

**From:** [Nick Bond](#)  
**To:** [Darren Gurnee](#)  
**Subject:** Comments on Zoning Code Amendments  
**Date:** Thursday, September 16, 2021 10:32:28 AM  
**Attachments:** [Letter to KC DCD re 2021 County Zoning Changes Final Clean.pdf](#)

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Darren, please find the City's comments on the proposed amendments to the Kitsap County Code as attached to this email.

Thanks,

**Nicholas M. Bond, AICP**  
**Development Director**

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September 16, 2021

Darren Gurnee, Senior Planner  
Kitsap County Dept of Community Development  
619 Division Street, MS-36  
Port Orchard, WA 98366

Re: 2021 Kitsap County Zoning Use Table Update

Dear Mr. Gurnee:

The City of Port Orchard received notification of the County's intent to update the zoning use table in KCC Title 17 (Zoning). The City offers the following comments on the proposed amendments to the zoning use table and related code sections. The comments are organized under the following three main subject areas:

1. "Manufactured/Mobile/RV/Park-Model/Tiny Home Park" and "Recreation Vehicle Camping Park."
2. Pending Port Orchard Appeal.
3. Places of Worship/Schools.

We offer these comments in partnership with Kitsap County with the intention of making the Kitsap County Code more transparent and more equitable. It is our hope that the revised code will result in increased investment in Kitsap County and high-quality development that will make our County an excellent place to live, work, open a business, and recreate.

**1. "Manufactured/Mobile/RV/Park-Model/Tiny Home Park" and "Recreation Vehicle Camping Park."**

In the proposed revision to the zoning table, the county proposes to group several types of dwellings, vehicles, and trailers into a single use category under the umbrella of a "park." This is problematic for a variety of reasons. For starters, all the terms proposed for inclusion in the use table and in the corresponding definition in KCC 17.110.472 are also defined in state law and these are not fully consistent with the state law definitions. The following definitions are found in state law.

RCW 43.22.335: Manufactured Home, Mobile Home, Park Trailer, Recreation Vehicle

RCW 35.21.686: Tiny House Communities

RCW 46.04.302: "Mobile Home, Manufactured Home"

RCW 35.63.160 Designated Manufactured Home, New Manufactured Home

## The Washington IRC 2018: Tiny House

The county's terms in some cases differ from the term in state law in some cases, for instance RV vs. Recreational Vehicle. Consistency with state law provides more predictability and clarity in the code. Moreover, the county does not define each individual element of the proposed land use in the proposed land use definitions table. This will likely create confusion in future permitting processes and could result in both inconsistent application of the code and in litigation from applicants or stakeholders.

The evaluation of impacts is also a possible source of confusion that may result both delay in permitting and ultimately in litigation from frustrated applicants or stakeholders. The potential impacts of a tiny house (defined in the IRC as a dwelling that is less than 400 square feet) is very different than the impacts from a manufactured home which could be more than 1,000 square feet and contain 3 or 4 bedrooms. This difference has implications for school impacts, traffic impacts, water and sewer impacts, and more.

Another inconsistency with the draft code is that the state subdivision act. RCW 58.17.040 provides an exception to requirements for a subdivision ("Chapter inapplicable, when"):

*(5) A division for the purpose of lease when no residential structure other than mobile homes, tiny houses or tiny houses with wheels as defined in RCW 35.21.686, or travel trailers are permitted to be placed upon the land when the city, town, or county has approved a binding site plan for the use of the land in accordance with local regulations;*

However, this exception does not apply to all recreational vehicles, only to travel trailers. Presumably the state does not want people living in a vehicle that includes an engine and gas tank due to the risk of fire or carbon monoxide poisoning. By defining RV as a type of dwelling when it is in a Manufactured/Mobile/RV/Park-Model/Tiny Home Park, the county is inadvertently creating a conflict with the state subdivision act. To create a division of land and to "offer it for lease for an RV (other than a travel trailer) as a dwelling would be a violation of the state subdivision act under RCW 58.17.300 which states:

*Any person, firm, corporation, or association or any agent of any person, firm, corporation, or association who violates any provision of this chapter or any local regulations adopted pursuant thereto relating to the sale, offer for sale, lease, or transfer of any lot, tract or parcel of land, shall be guilty of a gross misdemeanor and each sale, offer for sale, lease or transfer of each separate lot, tract, or parcel of land in violation of any provision of this chapter or any local regulation adopted pursuant thereto, shall be deemed a separate and distinct offense.*

Allowing a vehicle that meets the state's definition of a recreational vehicle to be parked in an RV park is not a violation of the subdivision act. However, by redefining a "dwelling unit" to include RVs

when the RV is in a “park” and then allowing the lease of space in a Manufactured/Mobile/RV/Park-Model/Tiny Home Park, the county would be permitting a violation of the State Subdivision Act which could carry criminal penalties.

The county’s proposal to group all these building types, vehicles, and trailers together under the umbrella of a “park” is also problematic due to the variety of regulations applicable to each individual building type, vehicle, and/or trailer. If the county wants to allow “Tiny Home Communities” as authorized under state law, then these should be listed as an individual land use. Likewise, recreational vehicle parks which are currently allowed as a “Recreational Vehicle Camping Park” and includes a definition that explicitly states that these are for “vacation or similar transient, short term stays” should be allowed as its own use type. This approach (of the single use type on a lot) would be consistent with the definition for Recreational Vehicle found in state law which states (underline and bold for emphasis):

*(7) "Recreational vehicle" means a vehicular-type unit **primarily designed for recreational camping or travel use** that has its own motive power or is mounted on or towed by another vehicle. The units include travel trailers, fifth-wheel trailers, folding camping trailers, truck campers, and motor homes.*

In this proposed revision, the county is proposing to delete this land use from the zoning table altogether and replace it with the new land use called Manufactured/Mobile/RV/Park-Model/Tiny Home Park. It is not clear why the county is deleting this land use from the zoning table but is retaining the definition in KCC 17.111. It seems like the county would still want to offer the ability to construct traditional campgrounds for RV and tent users as these types of development increase tourism, economic activity, and recreational opportunities in Kitsap County.

Finally, the City of Port Orchard is concerned that lower land values in the south end of the county will result in the bulk of these housing developments being located in the Port Orchard UGA which is neither equitable to the future residents of these types of housing nor to existing surrounding residents. This would also result in significant impacts to one small area of the county. Port Orchard recommends that county find a methodology to ensure that these facilities are distributed evenly in all areas of the county, regardless of land value. Some ideas to accomplish this goal include quotas, proximity restrictions (2,500 feet of separation between facilities), or an overlay district that identifies suitable locations for this land use.

## **2. Pending Port Orchard Appeal.**

The draft ordinance proposes to renumber the existing section 17.110.655 as 17.110.651, without changing its language. However, all occurrences of the “Recreational Vehicle Camping Park” use have been removed from the zoning use table and replaced with other uses in the same section of the table.

On June 11, 2021, the City of Port Orchard filed an appeal to the Kitsap County Hearing Examiner of the SEPA determination on the Sidney RV Park conditional use permit (CUP) application (County Planning File No. 19-00734; Appeal File No. 21-03295). This appeal is still pending with no action by the Hearing Examiner as the CUP for the project has not yet issued.

The Sidney RV Park has been proposed as a “Recreational Vehicle Camping Park” which created probable significant adverse impacts to a Category III wetland and other critical areas, the Port Orchard drinking water well located nearby, transportation, schools, nearby residential property, and emergency services. It is unclear how the proposed removal of this term as an allowed land use from the zoning use table will impact this pending application or the City’s appeal. The City’s appeal hinges, in part, on the assertion that the proposed Sidney RV Park does not meet the County’s definition of a “Recreational Vehicle Camping Park”. Therefore, by removing this use from the zoning use table and replacing it with other uses, the County may be taking an action that undermines the City’s appeal without that appeal having been heard. Moreover, as described above, the disparate impacts of a mix of tiny homes, RVs, manufactured homes on transportation, schools, and utilities will only complicate the permitting and appeal of this pending project. In any case, this type of use should require the full CUP so that all impacts can be reviewed, and the project conditioned to mitigate those impacts.

### **3. Places of Worship/Schools.**

The amended zoning code use table proposes that places of worship and schools will only require an administrative conditional use permit review, instead of the full (hearing examiner) conditional use permit review. Both land uses should continue to require full CUP review in all residential zones, due to their unique off-peak traffic impacts that can be challenging to mitigate. These types of projects tend to create neighborhood concerns that are best considered in an open hearing.

Thank you for considering the City’s comments on the zoning code use table update. Please feel free to contact my office should you have any questions.

Sincerely,

*Nicholas Bond*

Nicholas Bond, AICP  
Community Development Director



**From:** [Nick Bond](#)  
**To:** [Darren Gurnee](#)  
**Subject:** Comments on Proposed Land Use and Zoning Changes  
**Date:** Thursday, September 16, 2021 11:42:38 AM  
**Attachments:** [Manufactured Home Park Preservation Study.pdf](#)

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Darren, I want to supplement the comment letter that I just submitted. I am currently sitting in the PSRC RSC meeting and am listening to a presentation from the City of Kent on manufactured/mobile home parks. It looks like no one from Kitsap County is in attendance. I would suggest that someone from the County go back and watch this presentation (the last item on the agenda). Kent's consultant BERK prepared the attached report. I am concerned that some of the existing Manufactured/Mobile/RV/Park-Model Parks in Kitsap County may be in a similar condition as some of Kent's facilities and could require repairs, upgrades, and enforcement. I don't believe that Kitsap County should move forward on the current proposal to allow expanded mixed Manufactured/Mobile/RV/Park-Model/Tiny Home Parks without understanding the ongoing need to manage, inspect, and monitor the condition of the existing stock for code compliance and life safety issues.

Another thing that was presented at PSRC RSC is that these parks are super lucrative when privately owned. Basically the land owner sees low overhead and the land value appreciates. By contrast, the homeowners carry all of the depreciation. I would like to suggest that the county consider limiting this use to non-profit organizations at this time. This would ensure greater affordability and accountability when compared to private ownership.

Thanks,

**Nicholas M. Bond, AICP**  
**Development Director**

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City of Kent

# Manufactured Home Park Preservation Study

April 2021



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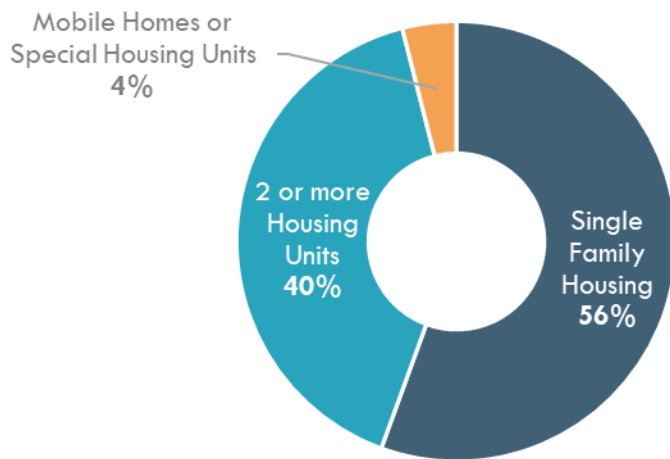
# Introduction

The City of Kent seeks to preserve and increase affordable housing options in the community. Many Manufactured Home Parks (MHPs) provide a unique, quality, affordable housing option for Kent’s residents.

This study identifies 26 MHPs in the City of Kent, as shown in the map in **Exhibit 2** (page 3). MHPs in this study include a reported 1,722 housing units. This aligns with the proportion of manufactured housing units as a total share of Kent’s housing stock. See

**Exhibit 1.** Using the average household size reported by residents, the study estimates 5,235 residents of Kents MHPs, or 4% of Kent’s 2020 population.<sup>1</sup>

**Exhibit 1: Kent Housing Stock by Unit Type, 2020.**

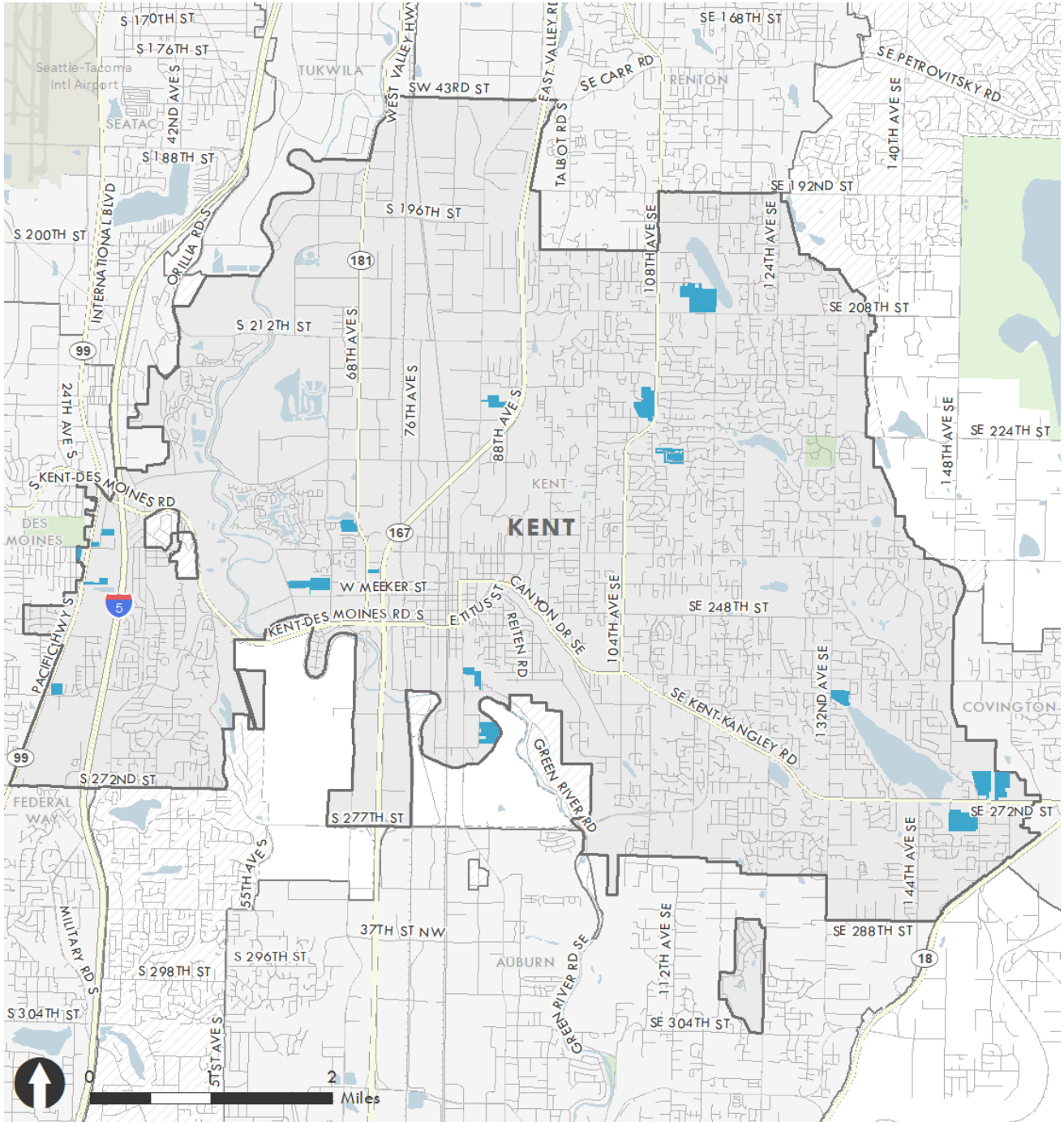


Sources: Washington OFM, 2021; BERK, 2021.

<sup>1</sup> Average household size of 3.04 residents. Population estimate from Washington OFM population estimates, 2021.



**Exhibit 2: MHPs in Kent, 2021.**



- City of Kent
- Urban Growth Areas
- + Mobile Home Parks
- ~ Water Bodies
- Public Lands



Note: Kenton Firs 1 is not shown on this map or considered as part of this study. The project understanding, confirmed by an HOA representative, is that residents in this community own their parcels individually. While the homes are manufactured housing units, the lack of shared land ownership makes the community a subdivision rather than a “park”.

Sources: King County Assessor, 2021; BERK, 2021.

## Study Questions

The Kent Manufactured Home Park Preservation Study will support the City's future policymaking for MHPs including strategies to preserve MHPs where they provide quality, safe, affordable housing for Kent's residents. The study sought information that would help the city determine MHP suitability for preservation and assess possible policy interventions.

The Study is driven by eight key questions:

1. What are the conditions of existing Manufactured Home Parks in Kent?
2. What are the conditions of manufactured and mobile homes in Kent?
3. What are the characteristics of Manufactured Home Park communities in Kent?
4. What role do manufactured homes play as part of the overall inventory of housing options in Kent?
5. What are the common landlord-tenant arrangements between park owners and residents? What do residents understand to be the responsibility of the park owner? What role(s) do park owners play in the community? What are the mechanisms of accountability?
6. What are the tools or resources available to support the preservation of Mobile Home Park communities in Kent when they provide quality, affordable housing for the benefit of the community?
7. What are the barriers to improving conditions in parks or units? What physical deficiencies are most impactful to residents? What are most impactful to owners?
8. What are the tools and resources available to support residents when Mobile Home Parks are replaced with other land uses? How can hardships to residents be minimized or mitigated?

## Study Components

In addition to this *Findings and Recommendations Report*, the study includes other components to help the City of Kent assess possible policy and regulatory interventions for preserving manufactured home parks going forward. These include:

- **Attachment A. Park Quality Assessment.** The Park Quality Assessment tool details the approach used for assessing MHP quality. As part of this project, a standardized assessment tool was developed for a systematic and transparent method for assigning a quality rating. These assessment results are supplemented by qualitative findings documented in site visits, staff interviews, and input from both owners and residents.
- **Attachment B. Resource Options Toolkit.** The Resource Options Toolkit reviews and describes resources, policy models, and protections available to residents of MHPs in Kent.
- **Attachment C. Kent Manufactured Home Park Inventory.** The Park Inventory provides information on each of the identified MHPs in Kent.

## Methods and Data Sources

### *Community and Stakeholder Input*

Stakeholder outreach was conducted between December 2020 and March 2021. Public safety measures related to the coronavirus pandemic prevented gatherings or tenant meetings.

- An **Owner’s Questionnaire** was mailed to the registered “taxpayer” of all MHPs in Kent. After the initial mailing, attempts were made to reach unresponsive owners through phone, email, text, site visits, and intercepting residents in the community to get updated information on park managers.
- A **Resident’s Questionnaire** that covered home repair needs, park conditions, what residents liked about their MHP, and residents’ concerns. Strategies to reach residents to increase awareness of the project and gather input were developed for each park depending on the cooperation of the park/owner. Park managers were not asked for the contact information of residents. Methods include sending a notice of the study in the park tenant’s monthly billing statement, posting flyers about the study to residents’ doors, sending letters about the study and inviting resident participation, mailing an initial postcard in advance of site visits, visiting MHPs and telling the residents about the study, customizing mailings to specific parks, announcing the study on Spanish radio. Outreach efforts were conducted in English and Spanish.
- **Interviews** with relevant expert stakeholders including MHP specialists and representatives from service organizations.

### *Other Data Sources*

- **King County Assessor:** County assessor data includes details on park parcels, including the registered ownership entity, zoning, estimated value, and an inventory of units – listed as accessory structures – with varying levels of detail. Some properties include the park age. The size of the site also comes from this source, contributing to the units per acre density calculations.
- **FEMA:** FEMA mapping data identifies 100-year and 500-year floodplains.
- **American Community Survey (ACS):** ACS data provides demographic summaries and household income information, used in this report to gauge housing affordability in Kent.
- **Washington Office of Financial Management (OFM):** OFM data compiles estimates for housing units by type and total population for cities in Washington.
- **Resident and Owner Questionnaire:** Questionnaire responses from Kent’s park owners and residents contribute to our understanding of park conditions and tenant-owner relationships. We received owner questionnaires from 19 of 26 parks (73%) and from 156 residents. Results from these questionnaires are presented throughout this report.
- **Zillow:** Estimates for current housing costs are based on reporting from Zillow. Home value estimates and rental trends over time are based on published datasets. Apartment rents and manufactured housing payments are based on current postings (updated as of April 2021).

## Key Findings

### 1. There is a wide range of conditions at Kent’s MHPs.

Park conditions and land use designations are driving factors impacting the likelihood that a MHP will



remain a MHP. Parks on land not designated for MHP use are at a greater risk of being closed and the land converted to another use. Parks with poor maintenance, or infrastructure not suited to their current use, are also at risk due to the complexity and cost of updating the park infrastructure.

**The conditions of MHPs vary across Kent.** The most significant determining factors appear to be the property management approach, site density, and the age of the units at the park. Newer parks tend to have wider lot sizes, community amenities, and newer housing units. Signals of poor park condition include high site density, frequency of unsafe accessory structures, improper fuel storage, poorly maintained site grounds, age of units, and unresponsive or irresponsible management practices.

**Many older parks are prone to crowded conditions and deferred maintenance issues.**<sup>2</sup> Some of these parks were established to serve as temporary mobile home parking in the 1960s and are geared toward smaller vehicles and dwellings. The size of manufactured housing has grown over time, making the smaller lot sizes in these MHPs incompatible with modern units. A history of deferred site maintenance results in needed infrastructure upgrades or flood prevention measures. At some parks, ownership has removed site amenities, like playgrounds and clubhouses, and replaced them with additional housing units. These practices contribute to crowding and lower quality of life for all park residents.

## Park Rating Designations

A 3-scale rating system designates each park's overall condition as: "highest level of concern", "improvement efforts needed", or "well maintained". These ratings are visualized within a category matrix in **Exhibit 4** and on the map in **Exhibit 5**. The category matrix adds land use context, an important reference point for considering long-term displacement risk.

- **Highest level of concern.** MHPs in this category are those with poor site quality conditions. The parks score a 2 or below on the assessment tool, or a 3 with significant documented resident complaints. Park concerns are likely to include three or more of the following: crowding of units, high frequency of unsafe accessory structures, improper fuel storage, poorly maintained site grounds, high percentage of units in disrepair, and unresponsive or irresponsible management practices. Residents are likely to express dissatisfaction with park management or appear guarded and unwilling to share information management.
- **Improvement efforts needed.** MHPs in this category demonstrate deficiencies in park maintenance, home repair, and/or management practices. Their assessment scoring is between a 2 and a 4, reflecting a mix of positive reviews and areas of concern. Concerns are likely to include one or more of the following: crowding of units, high frequency of unsafe accessory structures, improper fuel storage, poorly maintained site grounds, high percentage of units in disrepair, and unresponsive or irresponsible management practices. Resident surveys may reveal mixed reviews on site quality, unit upkeep, and management satisfaction.
- **Well maintained.** MHPs in this category score above a 3 on site assessments. Residents are generally happy with management practices or identify targeted concerns that do not pose imminent health and safety risks. Identified concerns apply to a limited number of units or spaces within the park. These parks are seen as successful examples of MHPs providing safe, quality housing in Kent.

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<sup>2</sup> We use "crowded" to describe the arrangement of manufactured/mobile homes as violating the setback requirements for home placement.

## Residential Zones

The underlying land use of MHPs is an important factor to consider. The land use designation determines whether the park can be converted to another use. Kent's land use code incorporates provisions for a Mobile Home Park zone within its residential categories. This zone protects manufactured housing communities from conversion to site-built housing, multifamily structures, and commercial uses, which are not permitted in the MHP zone.

There are 7 MHPs in Kent located outside of the MHP zone. Four of these are in zones where redevelopment is more likely – three in Midway Transit Community zones (MTC-1 and MTC-2), adjacent to incoming light rail development, one of these is also partially in the Midway Commercial/Residential (MCR) zone, and the fourth is in a Community Commercial (CC) district. Development pressures are more likely to affect these parks. The MTC-2 and MCR zones allow buildings up to 16 stories or 200 feet, the MTC-1 zone allows building up to 7 stories of 65 feet, and the CC zone allows buildings up to 3 stories or 40 feet. Owners are incentivized to sell or redevelop the property into another use that generates greater revenue. Three additional MHPs are located in lower-density residential zones: Soos Creek in SR-1, Kenton Firs 2 in SR-6, and Glenbrook condominium in SR-8. While these zones do not incorporate the commercial and multifamily uses found in the MTC and CC zones, they do allow for site-built homes. The density permitted in the SR-8 zone is only slightly less dense than the MHP zone (8.71 dwelling units/acre compared to 9 dwelling units/acre). In the scenario of residential land scarcity in Kent, these parks would be more vulnerable to purchase and redevelopment.<sup>3</sup>

## Rating Results

**This study identifies seven parks as “highest level of concern” for park quality conditions.** Four of these seven parks are clustered in western Kent near incoming light rail development.<sup>4</sup> Four are in land use zones that allow higher density, multifamily development. At least three of these parks opened pre-1980 (three parks do not report age in assessor data). Site conditions reveal unit crowding, many unpermitted accessory structures, lack of park amenities, and poor maintenance. Many of these parks include a higher number of RV parking spaces. Unit density per acre is higher than the citywide average and MHP zoning allowance for all seven of these parks, with a group average of 13.4 dwelling units per acre (See [Exhibit 3](#)).

**There are nine parks rated as “well maintained”.** The common areas of these parks are kept clean and there is generally an active on-site management presence. The units tend to be newer and in better condition. Some parks have tenants' organizations. Several of these parks are senior living communities, for residents 55 and older. All of these parks are located in either central or eastern Kent. Six of these parks are in MHP zoned areas; three are located in low density residential zones. All parks have lower than average site density. Three of these parks are located within the 100-year floodplain. The average unit density for these parks is 6.9 units per acre and none of the parks exceed the MHP zoning threshold of 9 units per acre.

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<sup>3</sup> [KCC 15.04](#) for zoning regulations.

<sup>4</sup> One MHP in Kent (Jackson MHP) has been closed to accommodate the Federal Way Light Link Extension. Four others front or face the light rail construction sites (Green Acres, Mar A Vue, Tip Top, and Midway). A portion of Tip Top Trailer Park has been converted to accommodate the light rail extension. The property manager for both Midway and Tip Top report greater difficulty in leasing spaces due to the construction impacts. The property owner at Green Acres reports that residents are excited about the proximity of the future light rail station.

**The remaining ten parks fall somewhere in-between.** Some of these parks are older with deferred maintenance issues, but the site is generally well kept with less unit crowding. Other parks show signs of decline, with amenities removed and less management oversight on conditions. All of these parks are located within MHP zoning. Five are in floodplains (4 in 500-year and 1 in 100-year). These parks are scattered across Kent and do not follow a common geographic pattern. The average unit density for these parks is 10.8 units per acre – six of the parks have unit densities that exceed the MHP zoning threshold.

**Exhibit 3: Site Density by Quality Rating of Kent MHPs.**

	Average Dwelling Units per Acre
Well maintained	6.9
Improvement Efforts Needed	10.8
Highest level of concern	13.4
<b>Overall</b>	<b>10.1</b>

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**According to Kent Municipal Code, the maximum density for new Manufactured Home Parks is 9 units per acre.**

*KCC 12.05.200*

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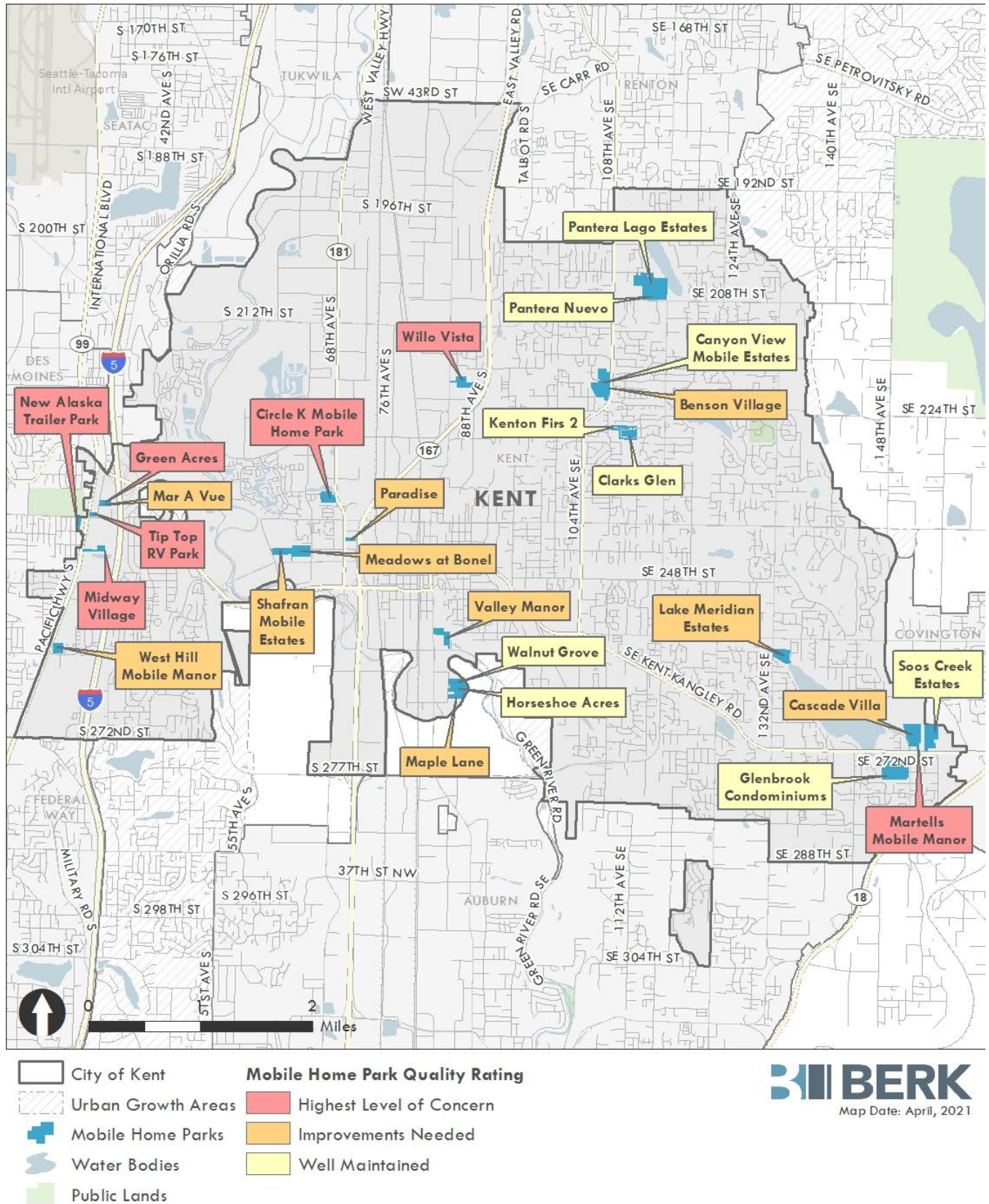
Sources: King County Assessor, 2021; BERK, 2021.

**Exhibit 4: Kent MHP Classification Matrix.**

		Park Quality Rating		
		Highest Level of Concern	Improvements Needed	Well Maintained
Underlying Land Use Designation	<ul style="list-style-type: none"> <li>● 100-year floodplain</li> <li>● 500-year floodplain</li> </ul>			
	<b>Transit Center/Commercial Zoning</b>	Martells Mobile Manor New Alaska Trailer Park Tip Top RV Park Midway Village MHP		
	<b>Other Residential Zoning</b>			Glenbrook Condominium Soos Creek Estates ● Kenton Firs 2
<b>MHP Zoning</b>		Circle K MHP ● Green Acres MHP Willo Vista MHP ●	Benson Village Estates Cascade Villa MHP Lake Meridian Estates Maple Lane ● Meadows at Bonel ● Mar a Vue MHP Paradise MHP ● Shafran Mobile Estates ● Valley Manor MHP ● West Hill Mobile Manor	Canyon View Clarks Glen Mobile Park Horeshoe Acres MHP ● Pantera Lago Estates Pantera Nuevo Walnut Grove MHP ●

Sources: Zoning from Kent Municipal Code, 2021; Floodplain Status from FEMA, 2021; BERK, 2021.

**Exhibit 5: Quality Assessment Ratings of Kent MHPs.**



Sources: King County Assessor, 2021; BERK, 2021.



## 2. Many manufactured and mobile homes in Kent need repairs and upgrades to modern safety standards.

Similar to MHPs, the conditions of manufactured housing units vary widely across Kent.<sup>5</sup> Some MHP communities are comprised of a wide range of home ages, styles, and conditions, while others are more homogenous with all homes being of similar vintage and condition. See a summary of unit age in **Exhibit 8**. Unpermitted accessory structures are very common and often lack basic construction safety standards. They also tend to remove the intended buffer space between units, leading to crowding that can be unsafe in case of fires. Homes built prior to the introduction of HUD's manufactured housing standards in 1976 often lack fire safety considerations and proper electrical wiring. Unsurprisingly, many of the parks identified as the highest level of concern for overall conditions are also those with the oldest housing units.

Manufactured homeowners report a wide range of concerns for home conditions. The MHP resident questionnaire included a list of potential home maintenance concerns typical of mobile/manufactured housing. MHP residents most commonly report housing issues with pests, internal condensation from cooking or showering, soft spots in the floors, a lack of adequate heating, and a need for entryway repairs. Residents who live at parks with higher concentrations of older units report many home repair problems. More than 3 home repair issues are identified by many respondents, particularly those from Mar a Vue, Willo Vista, Meadows at Bonel, Lake Meridian Estates, and West Hill. **Exhibit 6** and **Exhibit 7** summarize MHP resident responses related to home conditions.

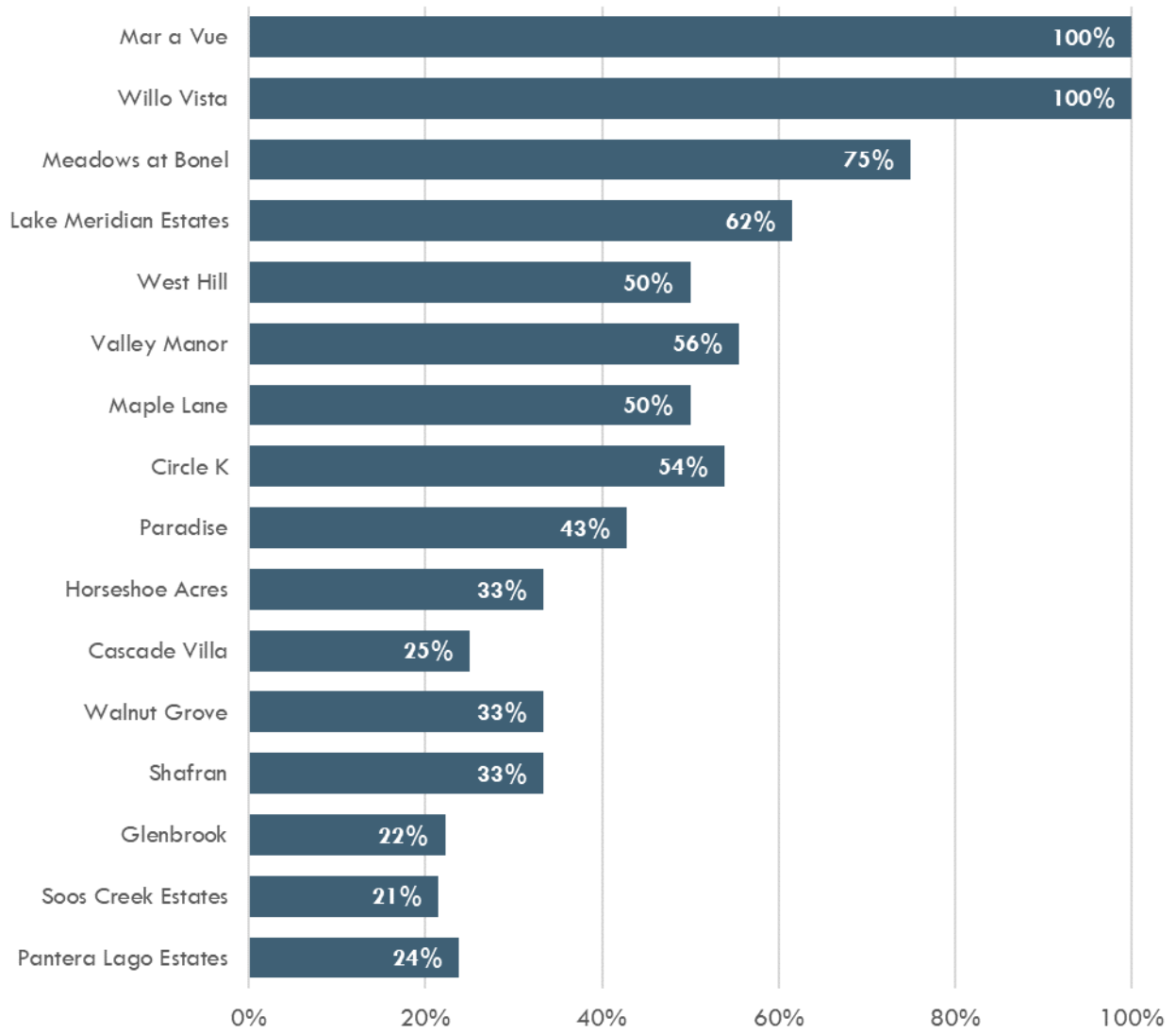
Some residents offered comments about their greatest home maintenance concern. A sampling of comments are:

- “Handrail needed in the next few years due to age”
- “Electrical issues and critters in the crawl space under home”
- “We keep an eye on the patched roof”
- “The ceiling is dripping because there is no filtration”
- “My bathroom leaks a lot and there’s rats”
- “The ant infestation every spring and summer. Even the exterminator has difficulty getting rid of them.”
- “Water leaks. Need to have my dishwasher hoses replaced.”

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<sup>5</sup> Summaries of home conditions in individual parks are presented in Attachment C: Kent Manufactured Home Park Inventory.

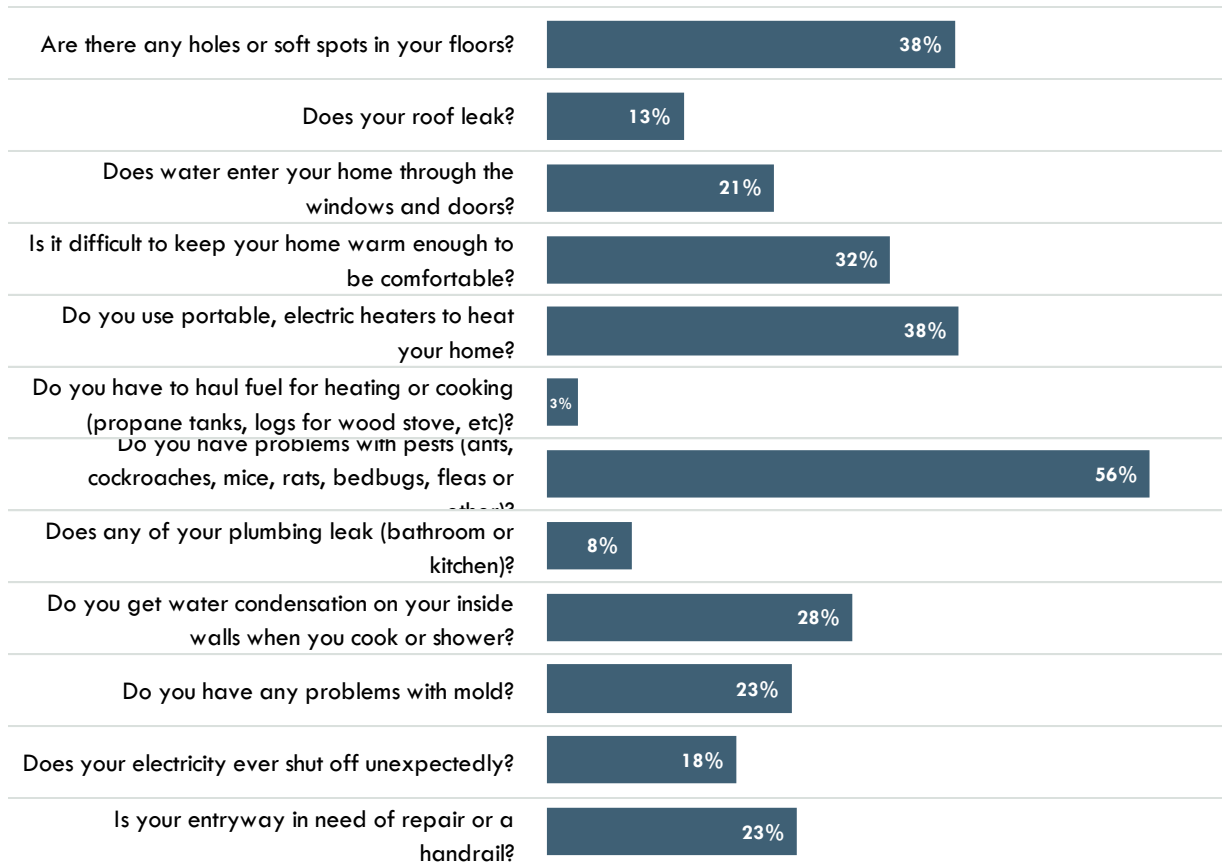
**Exhibit 6: Percent of MHP Residents Reporting 3 or More Home Conditions Issues.**



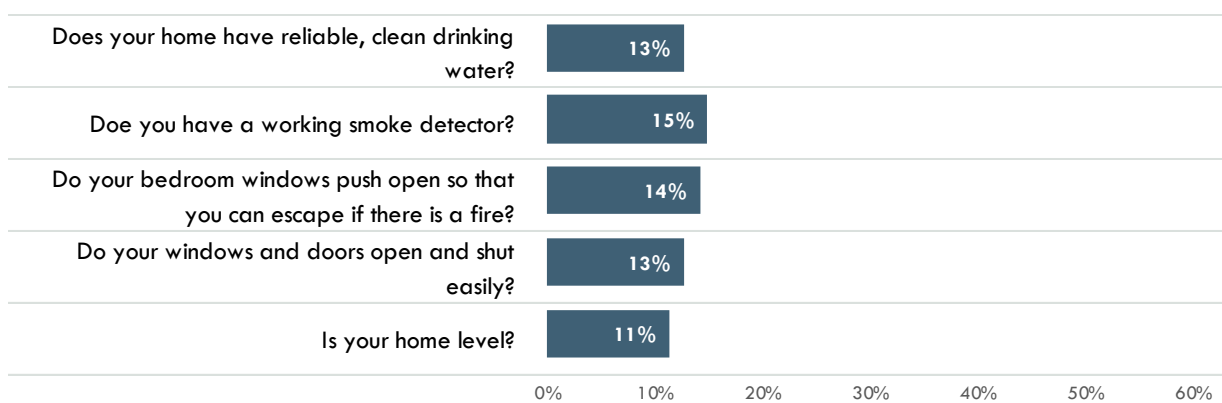
Source: BERK, 2021.

## Exhibit 7: Percent of MHP Residents Indicated a Housing Problem

### % Respondents responding "Yes" indicating a housing problem.



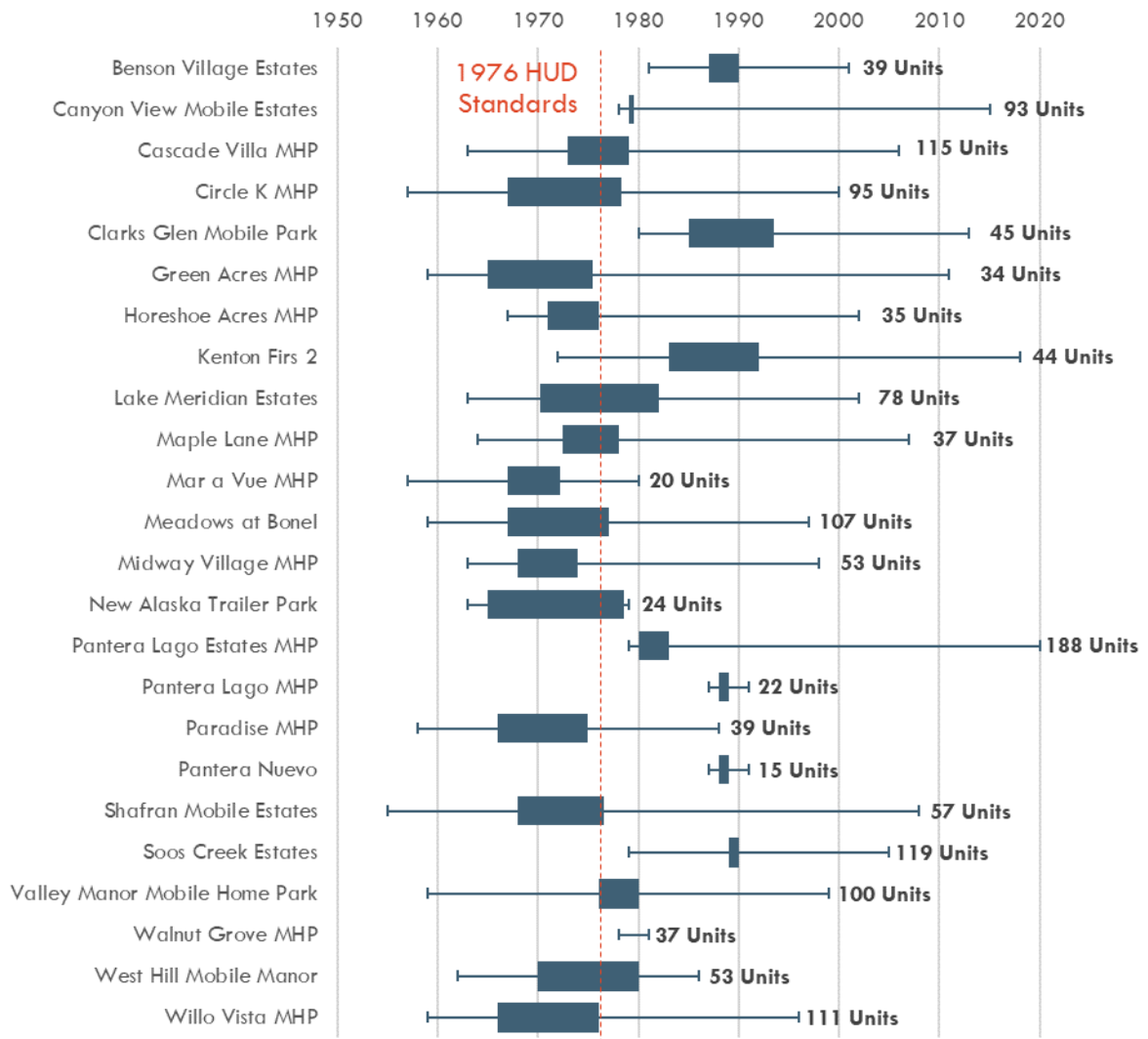
### % Respondents responding "No" indicating a housing problem.



Source: BERK, 2021.



### Exhibit 8: Age of Mobile/Manufactured Housing Units in Kent MHPs



**Notes:**

Some data do not include recreational vehicles (these are not reported to OFM) and thus undercount the number of homes located in the park. For example, West Hill has 53 mobile or manufactured homes plus an additional 10 recreational vehicles that are integrated as housing units throughout the park.

Tip Top RV Park, Martells Mobile Manor, and Glenbrook HOA unit age not reported in County Assessor data. Tip Top RV Park and Martells are mostly comprised of recreational vehicles and traditionally built structures (duplexes and a house). Glenbrook is a condominium development with all residents reporting a housing unit vintage of 1991.

Sources: King County Assessor, 2021. BERK, 2021.

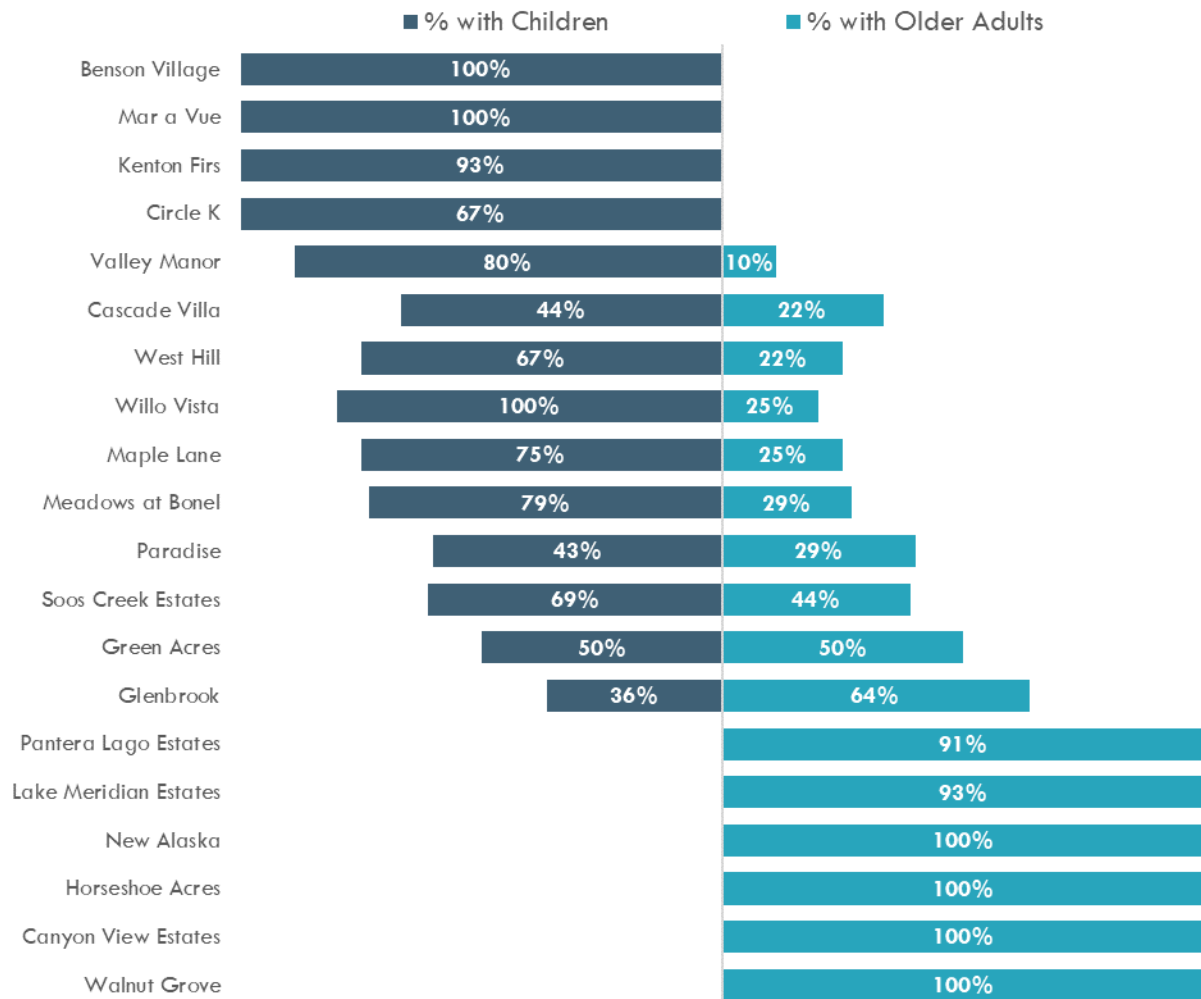
## 3. MHP communities include a diverse range of household types.

There is no single profile of a “typical” MHP household, but many living in these communities represent more socially vulnerable segments of the population. There is limited data on the specific compositions of park communities and park owners and managers are reluctant to collect or report demographic

information due to fair housing laws. The study found:

- Residents are often low-income or fixed income households.<sup>6</sup> “Affordability” and the opportunity for home ownership as the top two factors that residents report they like most about living in their respective MHP communities, presented in **Exhibit 10**.
- Questionnaire results reveal family sizes range from one to eight persons, with an average of 3.4. 45% of households have children under 18 and 49% include older adults. See **Exhibit 9**.
- There is a disproportionate population of Spanish-speaking households among MHP residents. The study team conducted targeted Spanish-language outreach, but even outside of these efforts, 33% of questionnaire respondents speak Spanish compared to 12% in Kent’s population overall.<sup>7</sup> Other languages identified during outreach include Arabic, Ukrainian, and Vietnamese.

**Exhibit 9: Household Composition at Kent MHPs.**



Source: BERK, 2021.

<sup>6</sup> Based on manager and MHP resident reports. The resident questionnaire did not ask about household income.

<sup>7</sup> ACS 5-year S1601 Estimates, 2015-2019.

## Senior Park Communities

Ensuring adequate housing suitable for aging in place is an important policy objective for communities experiencing an increased proportion of older residents. In King County, it is anticipated that by 2040, 20% of residents will be 65 and older. This is almost double the current rate in Kent (11%).<sup>8</sup> Housing well suited for older adults does and will continue to serve an important role in the City's housing stock. Several aspects of manufactured housing make it a good fit for aging in place: homes are single level and more appropriately sized for 1- and 2-person households, monthly costs are lower and thus better suited toward fixed incomes, and the clustered development style can foster community and connectivity among residents.

Not all parks are governed by age-restricted covenants but can still act as de facto retirement communities. The Glenbrook development is one such example. These Kent MHPs are explicitly for residents 55 and older:

- Canyon View Estates (93 units)
- Clark's Glen (45 units)
- Horseshoe Acres (35 units)
- Lake Meridian Estates (78 units)
- Pantera Lago (188 units)
- Pantera Nuevo (15 units)
- Walnut Grove (37 units)

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<sup>8</sup> OFM Medium-Series Estimates, 2017; ACS 5-year S0101 Estimates, 2015-2019

## 4. MHPs fill an important, affordable niche between apartments and single family housing.

Most manufactured homes and manufactured home parks provide quality housing at price points that are more affordable than site-built housing that is similarly located and sized.

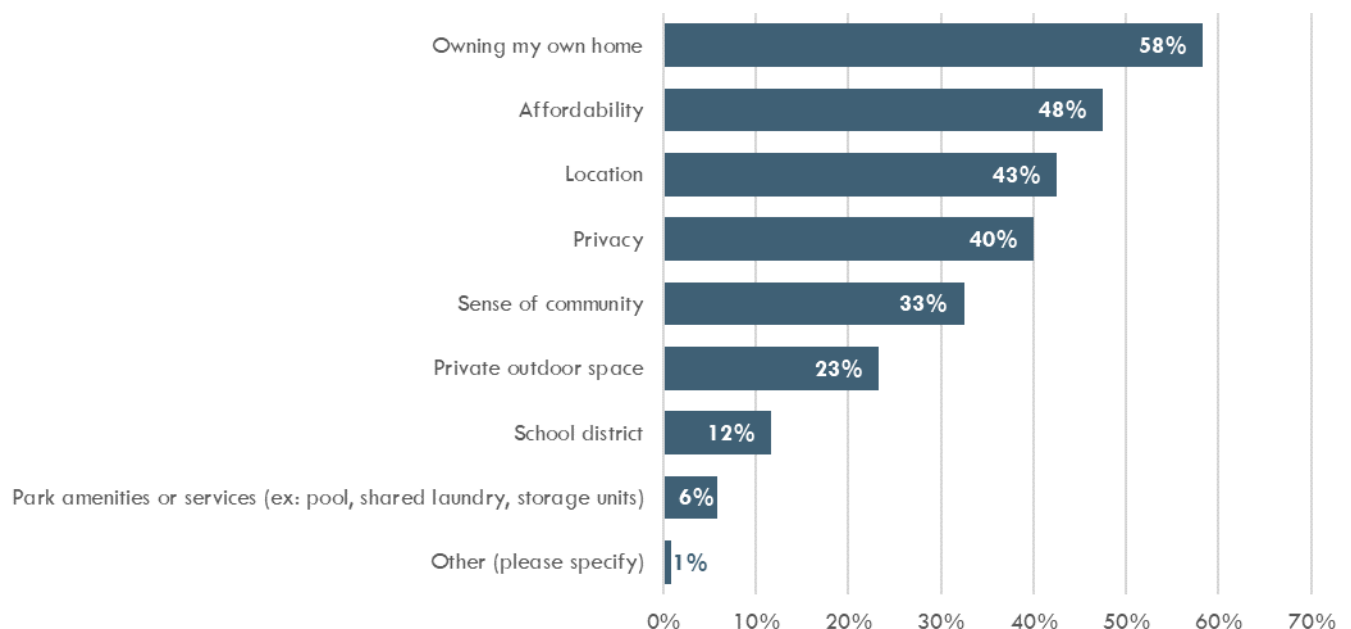
### Benefits of MHP Community Living

Parks range from 7 units to 180 units in size, offering different levels of amenities and service from management. Amenities vary from park to park and include park space, shared laundry facilities, and clubhouses.

Residents report a variety of factors that contribute to their choice to live in MHP communities. When asked to list the three best things about their MHP community the top responses are “owning my own home” (61%) and “affordability” (42%) offered in these parks **Exhibit 10**. The ownership aspect includes the ability to make modifications to the home and the ability to somewhat control changes in housing cost.

Location, privacy, and sense of community are also common responses. Write-in comments echo these sentiments and include detail for various aspects of the community feel, such as “It’s very calm. Kids can play outside”, “I feel safe and comfortable”, and “the Latinx community” as favorite aspects of MHP living.

**Exhibit 10: What MHP Residents Like Best About Living In Their Manufactured Home Community.**

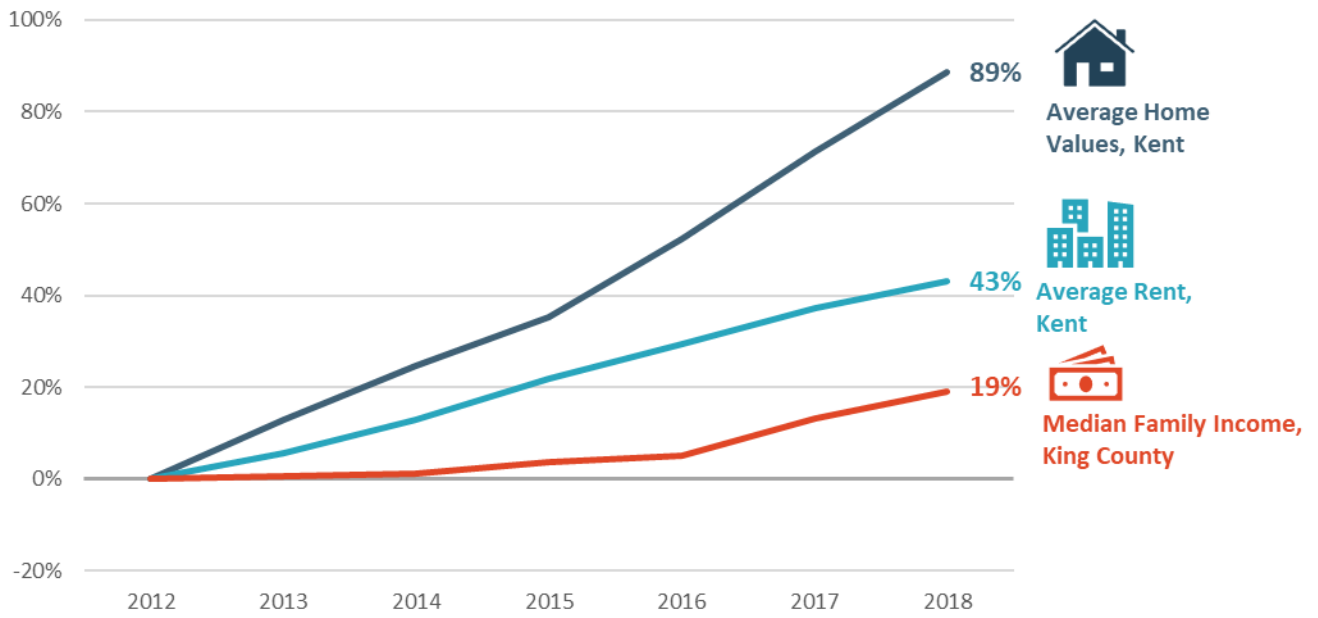


Source: BERK, 2021.

### Manufactured Housing Offers a More Affordable Housing Option

Housing affordability is a statewide challenge in Washington. Kent home values have increased at more than four times the rate of income between 2012 and 2018, as shown in **Exhibit 11**. These dynamics put pressure on household budgets and can lead to difficult financial tradeoffs for households, particularly those who spend 30% or more of their income toward housing.

**Exhibit 11: Percent Change from 2010 for Home Values, Rental Rates, and HUD Area Median Family Income.**

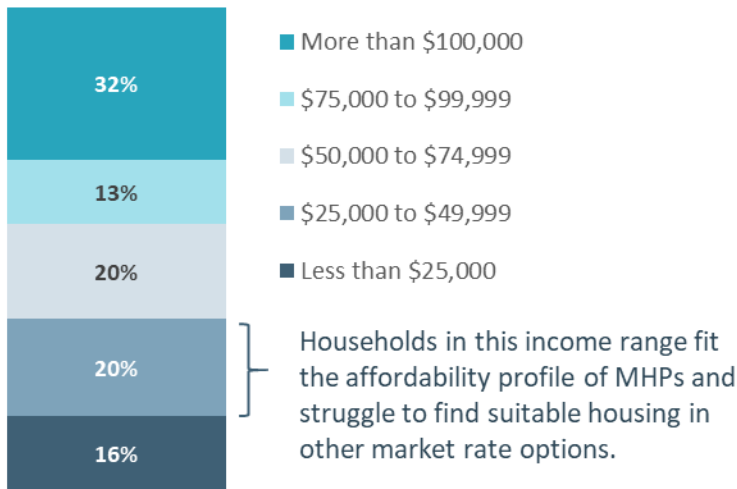


Sources: Zillow, 2020; HUD, 2020; BERK, 2021.

Homeowners of average and below average homes pay an estimated range of \$1,800 to \$2,900 monthly in Kent, before considering utilities and other expenses.<sup>9</sup> Using HUD’s affordability thresholds, this is affordable for households earning \$73,000 or more annually. Apartments and other rental housing in Kent vary widely in cost and size. Active postings on Zillow for one- and two-bedroom rentals start around \$1,300 monthly. This offers affordability for households earning at least \$52,000 annually. See **Exhibit 12** and **Exhibit 13**. Households earning less than this (approximately 36% of Kent households) will struggle to afford quality, market rate housing in the rental and ownership markets.

Residents at Kent’s MHPs report monthly rent ranging from \$575 - \$1,100.<sup>10</sup> These estimates are likely not inclusive of all housing expenses, as utilities, parking fees, and potential home loan payments are additional costs for a park resident. This cost of living is roughly aligned with housing affordability for residents earning \$25,000 - \$50,000 annually. Approximately 20% of Kent’s households fall within this income range. These households struggle to find housing in the private market that meets their needs while staying affordable. See detail in sidebar.

**Exhibit 12: Households by Income Bracket in Kent (as a % of all Households), 2018.**



Sources: ACS 5-year S1901 Estimates, 2018; BERK, 2021.

## HOUSING AFFORDABILITY

The Department of Housing and Urban Development (HUD) sets a threshold of 30% as the maximum amount of monthly income that a household can “afford” to pay toward housing before being considered cost burdened from housing. Cost burden analysis does not consider other essential household expenses such as transportation, healthcare, or food.

In King County, a household earning between \$25,000 and \$50,000 per year fall into “very low income” and “extremely low income” categories. The private market struggles to provide housing affordable to these income groups and, while these families quality for income-subsidized housing, there is a lack of available subsidized housing units in the market.

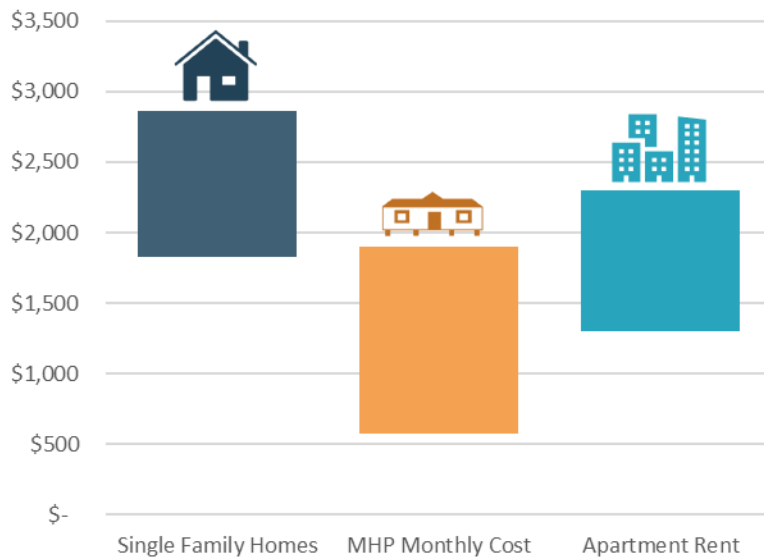
**Manufactured housing and MHPs play an important role in Kent by offering market rate housing options for households in these lower income brackets.**

-Sources: [Department of Housing and Urban Development, 2021](#); [King County Regional Affordable Housing Task Force, 2019](#)

<sup>9</sup> Calculations based on a monthly mortgage with Zillow’s recorded home values for housing that falls within the 5<sup>th</sup> and 65<sup>th</sup> percentile range of estimated value.

<sup>10</sup> Residents living in the two properties owned by the non-profit MHCP report lower rents, in the \$300 - \$600 range.

### Exhibit 13: Estimated Monthly Payments by Housing Type in Kent.



Sources: Single family homes based on estimated monthly mortgages for median and lower market home values (2020), as reported by Zillow; MHP monthly cost based on resident reported rental payments and estimated mortgage for manufactured housing values as found on Zillow, 2021; Apartment rents based on 1- and 2-bedroom apartment rentals as reported by Zillow, 2021; BERK, 2021.

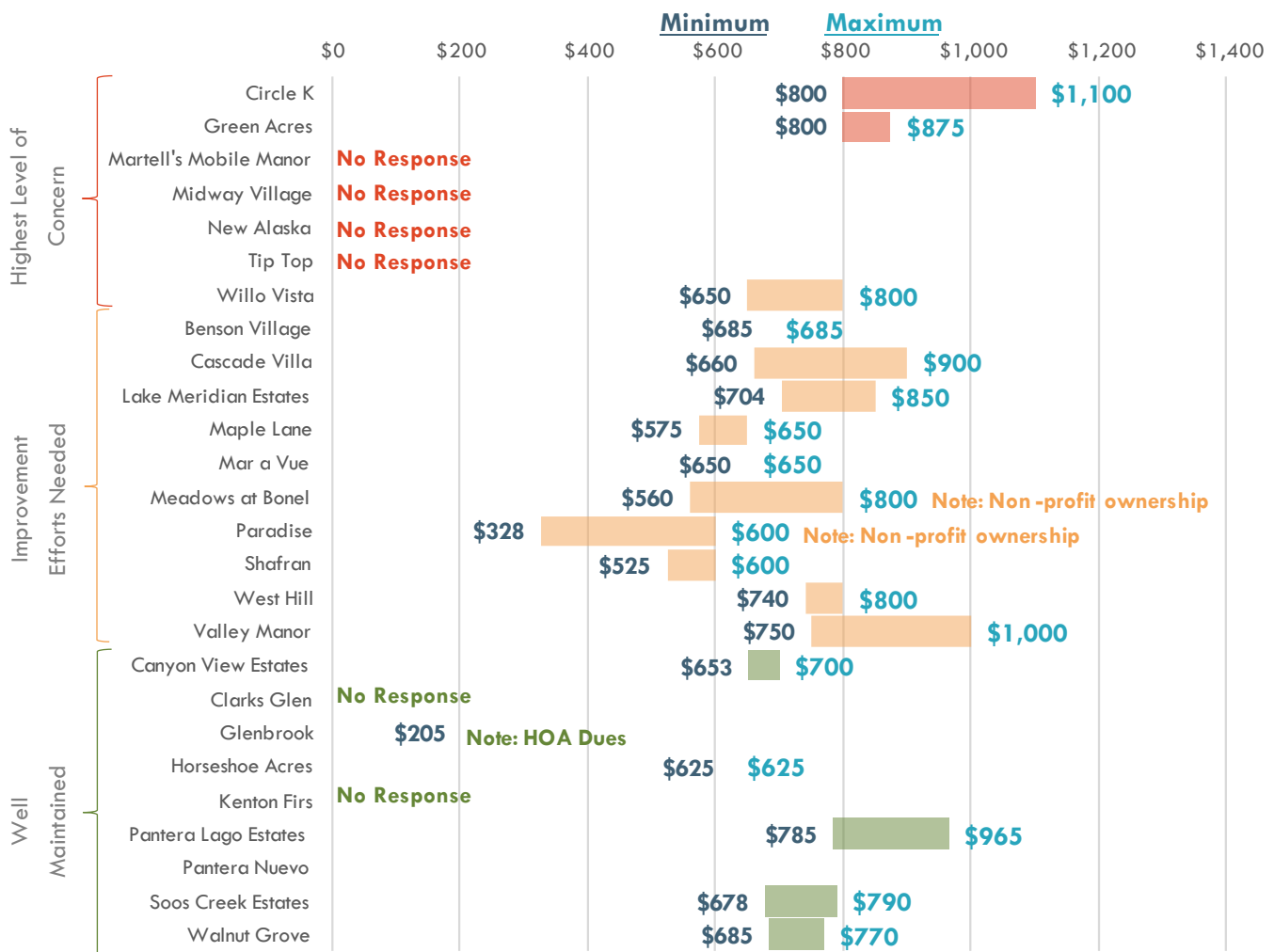
### Inconsistent Price to Quality Relationship

In Kent, there is no clear relationship between the reported lot rent paid by residents and the assessed quality of parks. See **Exhibit 14**. Many parks with low quality ratings charge higher rent than well maintained parks. Residents within the same park report a range of monthly expenses too, with little differentiation between individual lots. This variance may be due in part to added fees for things such as parking, pet ownership, utility use, and site upkeep. These fees can be a substantial percentage of monthly housing costs.

Residents in MHP communities often lack the option to easily leave their home site or move to another park. Vacancy at Kent’s MHPs is very low and moving a manufactured housing unit is costly and could potentially damage the unit. Since market rate housing and apartment rentals are often out of the price range for many of these families, residents are a captive market and vulnerable to increased fees by park management.

This pattern of high fees added to monthly rent appears in some of Kent’s MHP communities. As with site quality and household type, there is a lot of variation between parks. The detail provided during study interviews reveals utilities and fees add anywhere from 10% to 100% on top of the base monthly rent. With few realistic housing alternatives, residents with little income to spare must bear these additional monthly costs.

**Exhibit 14: Resident-reported Monthly Rent by MHP.**



Source: BERK, 2021.

## 5. Some parks have professional third-party management with active oversight and higher levels of service, while others are largely absent and difficult to contact.

### Ownership and Management Arrangements

In most cases, private park owners are quite remote to the park tenants. Parks are commonly held by Limited Liability Corporations (LLC) which reduce the owner's liability, separates assets so that liabilities on one property do not impact other properties, and has the benefit of pass-through taxation. An LLC that owns a specific park could then be held by another LLC, and so on. LLCs allow an investor to syndicate a property, enabling additional investors to participate, thus increasing access to capital for the purchase of more MHPs. The investor groups that own a portfolio of Manufactured Homes Parks tend to have easier access to financing, greater sophistication in management and organization, and some



economies of scale in marketing, legal, and other management functions.<sup>11</sup>

The Manufactured Housing Landlord-Tenant Act (MHLTA) requires the lease agreement to provide the name and address of the landlord or the landlord's agent. In most cases the owner is listed as the LLC, for example the owner of Soos Creek Estates is "Soos Creek Estates LLC". The address provided is commonly the accountant or lawyer of the owner. Most residents do not know who the actual owner of the park is.<sup>12</sup> In most cases they can identify a "park manager," either one who lives in the community or lives in another MHP in the region.

Owners were initially identified through King County Assessor's data. An inquiry about park owners and managers was sent to the party identified as the "taxpayer" for the parcels associated with MHPs in Kent. The study team followed up with other web-based contact information and located some managers that then passed the information on to the owners. Site visits and resident intercepts were also used to clarify or confirm property managers and/or property owners. Finally, business records from the Washington State Department of Revenue were used to identify the governors of LLCs and other corporations listed as owners. Among the combination of park owners and managers in Kent there is a great deal of variation in management approaches spanning from small, family-owned, self-managed parks to professional on-site management. Generalized categories of ownership arrangements represented in Kent include:

- **Resident-owned.** There are two resident-owned MHPs in Kent. Glenbrook is established as a condominium development with each homeowner owning their home as well as a proportional share of the park land. Residents are responsible for their own home maintenance and utilities. Homeowners also pay monthly dues to a homeowner's association (HOA). Glenbrook's HOA receives property management support through Bel-Anderson, a property management company with expertise in working with HOAs. Kenton Firs 1 is a community of 94 properties, located directly adjacent to Clark's Glen and Kenton Firs 2 MHPs. Kenton Firs 1 resembles a traditional single family neighborhood, with parceled land owned by individuals. Most residents of this neighborhood own their home as well as the land where it sits. Some residents own a couple of parcels and rent the homes on them out to tenants. The neighborhood HOA limits individual leased property to a maximum of 30% of total parcels. Because this ownership model is less of a "park" and more of a neighborhood, Kenton Firs 1 is not compared alongside the MHPs in this study.
- **Non-profit owned.** Two of Kent's parks are owned by the non-profit organization Manufactured Housing Community Preservationists (MHCP). These are The Meadows at Bonel and Paradise Mobile Home Park. MCHP operates on a community land trust model by acquiring and holding land on which the residents hold lot leases. The residents are responsible for maintaining their homes as well as their personal utilities, taxes, and insurance. MHCP is governed by a board of directors, with each MHCP community electing one of its residents to the Board. As a non-profit, MHCP was able to secure public funds for financing the land, which places income restrictions on residents (less than

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<sup>11</sup> Washington State Department of Commerce. 2020. Manufactured Housing Communities Workgroup Report. Pursuant to ESHB 1582 (2019).

<sup>12</sup> Most park owners were responsive to our inquiries for information on MHPs in Kent. A few were difficult to reach. Some property managers said they were not allowed to identify, or confirm the identity, of park owners. An owner of Parks Preservation, LLC would not confirm that they owned any parks in Kent (they own three) only that they do own MHPs in Washington.

50% of the area median income). MHCP provides an on-site manager.

- **Owner with third-party managers.** Five (5) parks have owners that contract with a third-party management company. The owners of these parks are typically not involved in the day to day operations of the park and may have very little contact with the park manager familiar to residents. The third-party management companies bring professional management services. The owners may have other primary business interests, with the parks being one component of their investment portfolio.
- **Vertically integrated manager/owners.** Ten (10) parks have owner/manager arrangements without third party management. To keep the management function and related liability separate from the real estate asset, the management company may be its own separate corporation independent of the corporation that holds the real estate (e.g. the park owner). Functionally these operate as a vertically integrated manager/owner operations, removing the need for a third-party manager thus reducing the overall cost to the park owner. Many of the owners in this category are family businesses, some multigenerational family businesses, that specialize in MHPs.
- **Self-managed.** Four (4) parks are smaller, self-managed, mom-and-pop type places. These tend to be the smaller, older parks with a greater mix of housing types (RVs, old site-built homes). These are all self-managed, though three of them have residents who act as a handyman who residents may consider to be a manager but is in fact a resident.

### Residents Most Commonly Look to the Park Manager for Assistance

We asked park residents who they go to for assistance or information. The most common response is the park manager. Only two parks, Glenbrook and Pantera Lago Estates have homeowners associations or formal resident groups. Residents of parks without onsite management are more likely to rely on friends or neighbors living in or outside of the park. Details about specific parks are provided in the Kent Manufactured Home Park Inventory (Attachment C).

**Exhibit 15: Who Kent MHP Residents Go to For Information or Assistance.**

	Park manager	HOA rep	A friend or neighbor who lives in the park	A friend or relative who does not live in the park
Glenbrook	13%	63%	38%	13%
Meadows at Bonel	67%		22%	
Paradise	67%		33%	33%
Soos Creek Estates	90%		10%	10%
Lake Meridian Estates	91%		18%	9%
Walnut Grove	100%		40%	
Horseshoe Acres	50%		50%	50%
West Hill	100%			
Pantera Lago Estates	81%	24%	33%	
Canyon View Estates	50%		100%	
Cascade Villa	100%			
Circle K	60%			20%
Valley Manor	67%			
Mar a Vue	100%			

Source: BERK, 2021.

### Management Challenges

Park owners and managers report a range of issues related to site management. Most commonly reported “significant” or “moderate” challenges are environmental issues, stormwater/drainage, and neighboring land uses. Issues with parking and resident maintenance of their homes were also commonly reported. In qualitative comments and conversations, owners and managers discuss frustrations with municipal responsiveness to complaints. Some owners discussed interactions with the City where projects started and stopped, requiring action and money from the owners without any end resolution. Other managers complained that reported issues of nearby dumping or site trespassing were not responded to in timely or effective manners.

**Exhibit 16: Kent MHP Owner-Reported Park Management Challenges**



Source: BERK, 2021.

### Mechanisms of Accountability

Due to the combination of factory-built and site-built components, as well as owner and leasing interests in Manufactured Home Parks, MHPs have overlapping interests and regulatory authority.

#### Kent City Code (KCC)

The City of Kent has regulatory authority over the site plan and all site-built structures of the development.

- **Site plan.** The City approves the Site Plan (KCC 12.05.120) and issues a permit to occupy the manufactured home park. All of Kent’s existing MHPs were developed prior to the establishment of the new site plan requirements and are considered legal, nonconforming uses. When an owner of a

MHP seeks to alter the current site plan by either removing or adding a new mobile home pad, they are required to apply for a permit to do so. If the site plan is modified without the appropriate permit the property owner is subject to a code enforcement action. Currently the City does not proactively check that the park use matches its approved site plan. The City would confirm if changes were reported by a resident or some other party or if city staff observe changes while in the park for another reason. If the City confirms that an un-approved change was made to the site plan, it can issue fines to the property owner until the violation is addressed. The property owner may be required to undo the unpermitted work or obtain the appropriate permits for the change.

- **Site built structures.** The City of Kent regulates the quality and safety standards of site-built structures including carports, sheds, or other built structures that are not attached to the manufactured home (are self-supporting). Homeowners must apply for a building permit to make structural additions to the lot they lease from the landowner. Landowners must apply for a permit to add or make alterations to park-owned structures. If the City finds unpermitted alterations to manufactured homes in a MHP, it will generally notify both the property owner and homeowner. The City will often work with the relevant parties to bring the addition into compliance with city code. If that is not possible, or if the addition encroaches on the required setbacks, the City can require the addition to be removed.

### *State Laws Regulating Manufactured and Mobile Homes*

- The Washington State Department of Labor and Industries Factory Assembled Structures (LNI FAS) enforces the state laws regarding modular structures (RCW chapters 43.22 and 43.22A). LNI FAS provides oversight and regulation of manufactured housing including any alterations to a manufactured home's structural, electrical, mechanical, and plumbing systems. LNI FAS provides permits and inspections to ensure alterations meet state standards. LNI FAS also provides Homeowner Requested Inspections (HRI) for owners wishing to refinance or sell their manufactured home.

The City and State pursue enforcement when it becomes aware of code violations. **In both stick-built and manufactured homes, work that is not visible due to its location can elude enforcement.** Many homeowners may not be aware of requirements associated with changes to their manufactured home. The financial or equity incentive for acquiring permits and inspections of home remodel projects lies in the resale value of the home. In general, MHP resident homeowners focus on *staying in their home* rather than *building the equity in their home*. The average length of tenure in a manufactured home is longer than in other types of housing. There are three underlying factors that drive this; First, manufactured homeowners tend to be older with many MHPs being formal or de facto retirement communities. Second, the price differential between a manufactured home and a traditionally-built home makes it unlikely that a household will be able to advance into site-built housing. Third, owing to the availability of credit and the fact that the manufactured home is on land

owned by someone else, manufactured homes do not appreciate in value as much as site-built homes.<sup>13</sup>

- Manufactured/Mobile Home Communities are required to register and receive an endorsement from the Washington State Department of Revenue (DOR). DOR collects an annual fee for each qualifying manufactured or mobile home within a park. The fee pays for the Manufactured/Mobile Home Dispute Resolution Program.<sup>14</sup> There is a fine for MHPs that do not register with the program. It is unclear if there are any other consequences for non-compliance.

### *Lease contract between the property owner and leasing homeowner.*

While MHP tenants are homeowners, they are subject to the rules and regulations established in their lease agreement with the landlord/property owner. The lease is the foundational document that determines the obligations of the landlord and the obligations of the homeowner. The lease agreement can require things more commonly associated with rental tenancy such as written approval for long-term guests, prohibition of renting the property to another party, and requiring approvals for home modifications. The Manufactured/Mobile Home Landlord-Tenant Act (MHLTA) lays out the requirements for a rental agreement between a tenant and landlord.<sup>15</sup> While the MHLTA offers protections to homeowners/tenants, those protections are largely procedural. The landlord holds a much stronger position in the landlord/homeowner relationship.

### **The landlord maintains immutable rights as a property owner.**

After meeting specified procedural checks, the landlord maintains the right to evict the tenant, at which point the tenant/homeowner can either try to sell their home or have their home moved to another location. If the tenant is able to sell their home, the landlord maintains the right to approve the buyer of the unit. If there is back-owed rent, the landlord may require that rent be paid out of the proceeds of the unit sale. If the tenant is unable to sell their home, and unable to move their home within

## MANUFACTURED/ MOBILE HOME LANDLORD- TENANT ACT (MHLTA)

The uniqueness of the landlord-homeowner relationship leaves stakeholders confused about the contractual agreement that they sign. Landlord and Tenant rights and obligations are established by the Manufactured/Mobile Home Landlord-Tenant Act (MHLTA) ([RCW 59.20](#)). This includes noticing requirements, grace periods, and conditions on which the landlord could issue sanctions against the tenant. It also specifies the recourse property owners and residents have when there is a lease violation.

More information on the MHLTA is available in the Resource Options Toolkit as well as through the Attorney General's Manufactured Housing Dispute Resolution Program and the Northwest Justice Project.

<sup>13</sup> Some manufactured homes in MHPs do appreciate in value. For example, Glenbrook is structured as condominiums, so each home is associated with a proportional share of the underlying land. Homes in parks owned by non-profits have more predictable rent changes and tenant resources, which supports the preservation or growth in home equity for the homeowner. Examples from other states with rent control show that manufacture homes can appreciate in value similar to other housing types.

<sup>14</sup> The following parks are not registered with the DOR system: Circle K, Green Acres, Mar A Vue, Martells, New Alaska, and Shafran.

<sup>15</sup> The MHLTA is reviewed in the Resource Options Toolkit.

the required period, the personal property could be deemed abandoned, thus allowing the landlord to take possession of what is often the tenant's most valuable asset. At this time the park owner could sell the home to a new buyer, though often the condition of the home requires improvements in order for it to be sold. If the home is uninhabitable due to poor condition, the landlord can dispose of the home and sue the homeowner for the incurred costs.

**Park tenants are at a significant disadvantage in holding landlords accountable to the requirements of the MHLTA.**

The disadvantages are multifaceted and include:

- The immobile nature of most manufactured homes
- The lack of vacancy in MHPs in general
- Limited financial resources on behalf of the tenant
- Limited knowledge of tenant rights and landlord obligations
- Institutional disadvantages associated with race, language, culture, or nativity

In response to this imbalance, the state directs the Attorney General's office to provide outreach and education around the MHLTA as well as mediation services through the Manufactured Housing Dispute Resolution Program (MHDRP). The Attorney General's scope of services focuses narrowly on compliance with the MHLTA and can be utilized by both the landlord and tenant. The AG endeavors to help the landlord and the tenant come into compliance with the MHLTA through education and mediation services though it has the authority to issue fines or other penalties. The MHDRP can help the tenant homeowner hold landlords accountable to the obligations specified in the MHLTA. In addition to the MHDRP, a tenant/homeowner's avenue for recourse would be through legal action.

## 6. MHP Communities in Kent can be supported through local regulations, tenant supportive services, and investments in site conditions.

While many of the laws governing MHPs and manufactured housing are established at the federal and state levels, cities play an important role in cultivating fair and sustainable MHPs in their local jurisdiction. This section provides a broad overview of tools available to the City of Kent for preserving MHPs. The Resource Options Toolkit provides more details on each of the tool categories and examples from other jurisdictions.

### Zoning

As the regulator of the built environment, local jurisdictions play a significant role in protecting the interests of homeowners and tenants in the community. Zoning serves to protect the interest of traditional site-built housing by providing confidence in the conditions of the environs of the home. Likewise, zoning protects the ownership equity in manufactured homes by ensuring that the park cannot be suddenly or easily changed to a different land use. Given the immobile nature of most manufactured homes, the value of the home relies on the stable predictability that zoning affords. The chance a manufactured homeowner could sell a home in a MHP community under threat of closure is significantly less than if the

park is unlikely to change. In this way, the most significant mechanism of manufactured home park preservation and protection for manufactured homeowners is MHP-specific zoning, though there are limitations.

Several jurisdictions in Washington State use Mobile/Manufactured Home Zoning as a tool to regulate parks and promote their preservation by limiting the ability of the landowner to convert the land to other uses, including other residential uses. This approach has been affirmed by Washington's Supreme Court through *Laurel Park Community, LLC v. City of Tumwater (2012)*, which concluded that the City of Tumwater rezoning properties as "Manufactured Home Parks" did not represent a take of the owners' interest in the parks. The parks could still be used as MHPs.

The City of Kent regulates MHPs through the Mobile Home Park Zone ([Chapter 12.05](#)), which allows MHPs to be sited in existing MHP zones, or in MHP combining districts ([Chapter 12.05.060](#)), which allows MHPs in all land zoned for residential uses, with the exception of R1-Single Family Residential.

Kent City Code establishes a robust process for reviewing a rezone request by a property owner (Chapter 15.09.050). In reviewing a rezone request, the City considers certain standards and criteria, including:

- The rezone should be consistent with the Comprehensive Plan,
- The proposed rezone and subsequent development of the site would be compatible with development in the vicinity,
- The proposed rezone will not unduly burden the transportation system in the vicinity of the property with significant adverse impacts which cannot be mitigated,
- Whether circumstances have changed substantially since the establishment of the current zoning district to warrant the proposed rezone, and
- The proposed rezone will not adversely affect the health, safety, and general welfare of the citizens of the city.

## Land Use Designation

In addition to Mobile Home Park Zoning, Kent City Code also lists 'mobile home park' as an allowed use.

A property owner can also pursue a land use map amendment (change in use process) to site MHPs; this process (KCC 12.02.050) would require that:

- The amendment will result in development that will not adversely affect the public health, safety, and general welfare; and
- The amendment is based upon new information that was not available at the time of adoption of the Comprehensive Plan, or that circumstances have changed since the adoption of the plan that warrants an amendment to the plan; and
- The amendment will result in long-term benefits to the community as a whole and is in the best interest of the community; and
- The amendment is consistent with other goals and policies of the Comprehensive Plan, and that the amendment will maintain concurrency between the land use, transportation, and capital facilities elements of the plan.



A land use map amendment process is subject to a Process VI legislative action, which goes through the Land Use & Planning Board as a recommendation, with a final decision made by City Council. A rezone process is subject to Process IV, which goes through the Hearing Examiner as a recommendation, and final decision made by City Council (KCC 12.01.040).

## Programs Focused on Improving Home Conditions

There are several home repair programs offered to owners of manufactured housing in the Puget Sound region. Many jurisdictions administer housing repair programs, as referenced in the Resources Options Toolkit, which provide funds and labor to make necessary repairs and upgrades, including modification assistance for senior households and disabled households.

Various financing programs exist to help manufactured homeowners make necessary repairs and upgrades to their homes. Manufactured homeowners do not have the same access to financing for major home improvements that traditional site-built homeowners have. The resources available either require the home to meet the lending requirements of Freddie Mac/Sally Mae or are through public funds that allow use in manufactured housing. Examples of loan programs offered to low income residents of manufactured homes include the King County Manufactured Home Grant program, which offers grants up to \$8,000 for repairs to income-eligible households.<sup>16</sup> Loans are available for the replacement of manufactured homes if a home is not safe and/or inhabitable.

Perhaps dissimilar to apartment housing, many residents of MHPs have significant home maintenance and repair experience and skillsets. Of the many Latinx communities residing in Kent's MHPs, many residents work in the building and construction trades and have the skills and tools necessary to make home repairs and repairs in the community. There is an opportunity to encourage volunteer and sweat equity models such as Habitat for Humanity to implement home improvement efforts in Kent's MHP communities.

Maintenance and upkeep of park infrastructure is at the expense of the property owner. Non-profit property owners may have access to lower cost debt than for-profit owners.

## Enforcement of Existing MHP Regulations and Standards

MHPs are subject to federal, state, and local regulations. Ensuring the preservation of parks in the long term will not require new regulations as much as it would benefit from the enforcement of existing regulations.

Jurisdictions often require standard code enforcement and inspection of property, including manufactured home parks. Property owners/landlords are required under the Manufactured/Mobile Home Landlord/Tenant Act (MHLTA) to maintain parks, including common areas.

[Chapter 12.05](#) of the Kent City Code (Mobile Home Park Zone) lays out certain requirements for enforcement of the MHP zone related to standards, including inspections and maintenance; [Chapter 12.05.220](#) lays out the requirements for landscaping. MHPs in Kent are required to follow standard building, health, and safety codes.

The MHLTA, [RCW 59.20](#), provides landlord responsibilities under a landlord-tenant relationship in an MHP. Related to park conditions, a landlord is required to:

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<sup>16</sup> As of March 2021, to be eligible a resident must earn at or below 50% of the Area Median Income in King County.

- Maintain common areas and keep them reasonably clean; this also includes extermination of pests, if necessary,
- Maintain all utilities and keep roads in good condition, and
- Obey all codes, ordinances, statutes and regulations related to the park

There are other responsibilities related to respecting tenant privacy, notifying tenants upon entry of the lot for inspection, etc. All state board of health rules applicable to the health and safety of MHPs are required to be enforced by the City and/or county. As established by [RCW 59.20.190](#), failure to remedy any violations may result in a fine to the landlord/property owner.

## 7. Resident resources, misaligned owner incentives, and dated infrastructure serve as barriers to needed improvements.

The majority of manufactured housing units and MHPs provide quality housing at price points more affordable than site-built housing that is similarly located and sized. For the housing and parks with maintenance deficiencies and poor conditions, this study highlights three main barriers to improving conditions in parks and housing units. The first is the limited financial resources of homeowners. At the park level, a second barrier to improvements is a lack of owner incentives. The third barrier to park improvements is the comprehensive nature of needed upgrades, given the age of the site layout and infrastructure systems at many MHPs.

### Limited Resources of Homeowners

For housing units with maintenance deficiencies and poor conditions, the primary barrier to improving conditions is the limited financial resources of homeowners. Manufactured homes are disproportionately occupied by older adults compared to other housing types and may have fixed incomes. MHP households tend to have lower incomes than residents of other housing types, estimated at \$50,000 or less per year, as discussed on page 19.

**Exhibit 17** shows HUD’s determinations for income thresholds in King County. MHP residents earning less than \$50,000 per year are considered very low or extremely low income, depending on family size.

Many manufactured homeowners purchase their home with the intention of using them as their retirement locale. Others buy their unit because it is the only type of housing they can afford, and maintenance and upkeep expenditures will be limited to the essential.

**Exhibit 17: FY2021 King County Income Limits by Family Size (\$).**

FY 2021 Income Limit Category	1	2	3	4	5	6	7	8
<b>Low Income Limits (80% MFI)</b>	63,350	72,400	81,450	<b>90,500</b>	97,750	105,000	112,250	119,500

<b>Very Low Income Limits (50% MFI)</b>	40,500	46,300	52,100	<b>57,850</b>	62,500	67,150	71,750	76,400
<b>Extremely Low Income Limits (30% MFI)</b>	24,300	27,800	31,250	<b>34,700</b>	37,500	40,300	43,050	45,850

MFI = HUD-area median family income. Kent is located in the Seattle-Bellevue WA HUD FMR Area, which includes King and Snohomish Counties.

Sources: HUD, 2021; BERK, 2021.

### Rising Rents

Like other forms of housing, **rent has risen significantly over the last two decades**. Though land rents in MHPs may be more affordable than other housing types, they are also experiencing upward pressure on rents. Drivers of rent increases include limited supply and changing business models.

- **Limited Supply.** There are no new Manufactured Housing Communities in King County, and the limited supply of available lot spaces, coupled with the immobile nature of manufactured homes, reduces the market regulation of prices. Residents do not have the option to move, and landlords do not have to offer competitive incentives to attract tenants, let alone to ensure releasing of the property. Even if the tenant can find less costly housing elsewhere, it would most likely represent leaving home ownership. Without the option to move, homeowners are at the mercy of their landlord.
- **Changing Business Models.** Over the last two decades, many mobile homes went from mom-and-pop ownership to property investors or investor groups focused on increasing land-lease fees.<sup>17</sup> The value of commercial property is based on its productivity, namely the amount of revenue it generates. A property owner can increase the value of his or her asset by simply increasing the space rents. In addition to increasing rents, the landlord may also increase the number of rented spaces by converting common area spaces into leased spaces or adding additional fees such as charging for parking.

Rising rents have the obvious impact of creating more monthly housing costs for homeowners/tenants, but also can represent a shift in equity from the homeowner to the park owner. As space rents rise, the amount a homeowner can sell their home for decreases because people factor in the cost of the rent when considering the purchase of a manufactured home. The increased rent improves the market value of the park but decreases the market value of the manufactured homes.

Unlike apartment rental housing, there is limited information on historical rents, so we are unable to ascertain patterns in space rental prices in Kent. Residents have reported consistent annual rent increases and the addition of extra fees.

A recent study of MHP homeowner concerns in Washington state identified rising rents as a top concern of residents,<sup>18</sup> and many Kent residents reported frustration with rising rents coupled with decreased property management services.

<sup>17</sup> Washington State Department of Commerce. 2020. Manufactured Housing Communities Workgroup Report. Pursuant to ESHB 1582 (2019).

<sup>18</sup> Washington State Department of Commerce. 2020. Manufactured Housing Communities Workgroup Report. Pursuant to ESHB 1582 (2019).

To address rising rents, homeowners favor extended lease terms to ensure communities remain a reliable and stable place to live. Currently, state law requires a minimum of 1-year leases for residents in MHPs, though there are examples of longer-term leases. In addition, collective ownership by residents/homeowners or by non-profits are more likely to maintain affordable rents and provide long-term security of tenure.<sup>19</sup> Landlords may only increase the lot rent at the expiration of the lease term and are not required to justify the amount of rent charged. Tying rent increases to the renewal of the rental contract disincentivizes landlords from offering rental agreements longer than one year.

### Lack of Owner Incentive to Invest

Owners are not always incentivized to invest in park quality. The lack of maintenance overhead required in comparison to the demands of an apartment building is one of the attractive traits of MHPs as an investment opportunity. Owners collect rent from tenants, enjoy land appreciation at the time of sale, and can keep a minimal operating budget.

Park owner intentions vary and can hugely impact the quality of life in MHPs. Some owners prioritize maintaining a park at the higher end of the MHP market, while others prioritize a revenue-maximizing approach and will add as many units as possible onto the site. Evidence of both strategies can be found in Kent's MHP inventory. Parks such as Pantera Lago or Clarks Glen align with the strategy of creating a "lifestyle community" for aging adults.<sup>20</sup> Units are newer, adequately spaced, and community amenities make the MHP a desirable retirement location. The revenue maximizing approach can be identified by signals such as removing park amenities to add additional units, adding and increasing various fees on top of rent payments, and taking a laissez-faire approach to site management.<sup>21</sup> Parks such as Valley Manor and Circle K demonstrate this ownership style.

Of the 18 property owners who completed our owner questionnaire, 15 have one or no improvements planned for the upcoming 5-year window and three owners list plans to sell within the next 5 years. One property (Shafran Mobile Estates) is currently in the process of being sold. See summary of upgrade plans in **Exhibit 18**.

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<sup>19</sup> For example, KCHA rents versus rents in Kent.

<sup>20</sup> [Forbes Real Estate Council](#), 2020.

<sup>21</sup> "What Happens When Investment Firms Acquire Trailer Parks" -[The New Yorker](#), 2021.

**Exhibit 18: Owner Responses About Plans To Upgrade Park Systems In The Next 5 years**

Management Approach		<ul style="list-style-type: none"> <li>● Yes, improvements planned</li> <li>- No improvements planned</li> </ul>								
		Water	Sewer	Stormwater	Electrical	Roads	Landscape	Laundry facilities	Community or recreational facilities	Other (please specify)
Non-Profit	Paradise MHP	-	-	-	-	-	●	-	-	-
	Meadows at Bonel	-	-	-	-	-	●	●	-	-
Residents	Glenbrook Condominium	●	-	-	-	-	-	-	-	-
	Kenton Firs 2	no response								
Self-Managed	Green Acres MHP	-	-	-	-	●	-	-	-	-
	Martells Mobile Manor	●	-	-	-	-	-	-	-	-
	New Alaska Trailer Park	-	-	-	-	-	-	-	-	●
	Mar a Vue	no response								
Third Party	Benson Village Estates	-	-	-	-	-	-	-	-	-
	Soos Creek Estates	-	-	-	-	-	-	-	-	-
	Walnut Grove MHP	-	-	-	-	●	-	-	-	-
	Horeshoe Acres MHP	-	-	-	-	-	-	-	-	-
	Lake Meridian Estates	no response								
Unknown	West Hill Mobile Manor	-	-	-	-	-	-	-	-	●
	Shafran Mobile Estates	no response								
Vertically Integrated	Maple Lane MHP	-	-	-	●	●	●	-	-	-
	Tip Top RV Park	-	-	-	-	-	-	-	-	-
	Midway Village MHP	-	-	-	-	-	-	-	-	-
	Willo Vista MHP	●	●	●	●	●	-	●	-	●
	Pantera Nuevo	-	-	-	-	-	●	-	-	-
	Canyon View Mobile Estates	-	-	-	-	-	-	-	-	-
	Clarks Glen Mobile Park	-	-	-	-	-	-	-	-	-
	Pantera Lago Estates	no response								
	Cascade Villa	no response								
	Circle K	no response								
Valley Manor	no response									

Notes: ‘Other’ responses include: “As needed”, “The park was built in the 1950’s, I would have to start over”, and “We have been trying for a couple years to repair/replace the infrastructure in this community, yet the answer we receive from the City is that the only way we can replace roads, storm lines, and utilities is to close the community, remove all the homes, and raise the soil level by as much as 3 feet.”

Source: BERK, 2021.

### Inadequate Site Configuration and Insufficiency of Park Systems

The size of manufactured housing has expanded over time, but lot sizes in older parks have not changed. In Kent, the result is that many parks have homes that are larger than the original platting intended which reduces, and sometimes almost completely eliminates, the required separation between units. Additionally, older park designs often lack adequate water capacity and access roads from a fire safety perspective. The solution to this challenge is not simple or easy. Expert interviews discuss the likely solution

to be the removal of all units, platting the site according to the current zoning code, addressing critical infrastructure concerns such as water capacity for fire suppression, and then replacing homes into newer, wider lot sizes. This is possible but comes at a significant cost and disruption to residents and park owners alike. This is discussed specifically by two park owners in their questionnaire responses to planned system upgrades. Ownership from Willo Vista and New Alaska note that they would need to completely remove the homes from their parks to make needed site improvements possible.

Aerial site images demonstrate inadequate site configuration and increased site crowding over time. These photos, shown on the following page, capture the site plan view of Circle K Park in 2009 and again in 2020. Over the decade, many units were replaced with larger homes and open space is replaced with additional unit capacity. These changes demonstrate a common site issue at older MHPs in Kent. The current density of Circle K is 13 units per acre, compared to the maximum 9 units per acre allowed in the MHP zoning code.

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**“We have been trying for a couple of years to repair/replace the infrastructure in this community, yet the answer we receive from the City is that the only way we can replace roads, storm lines, and utilities is to close the community, remove all the homes, and raise the soil level by as much as 3 feet”**

*-Beau Harer, Willo Vista*

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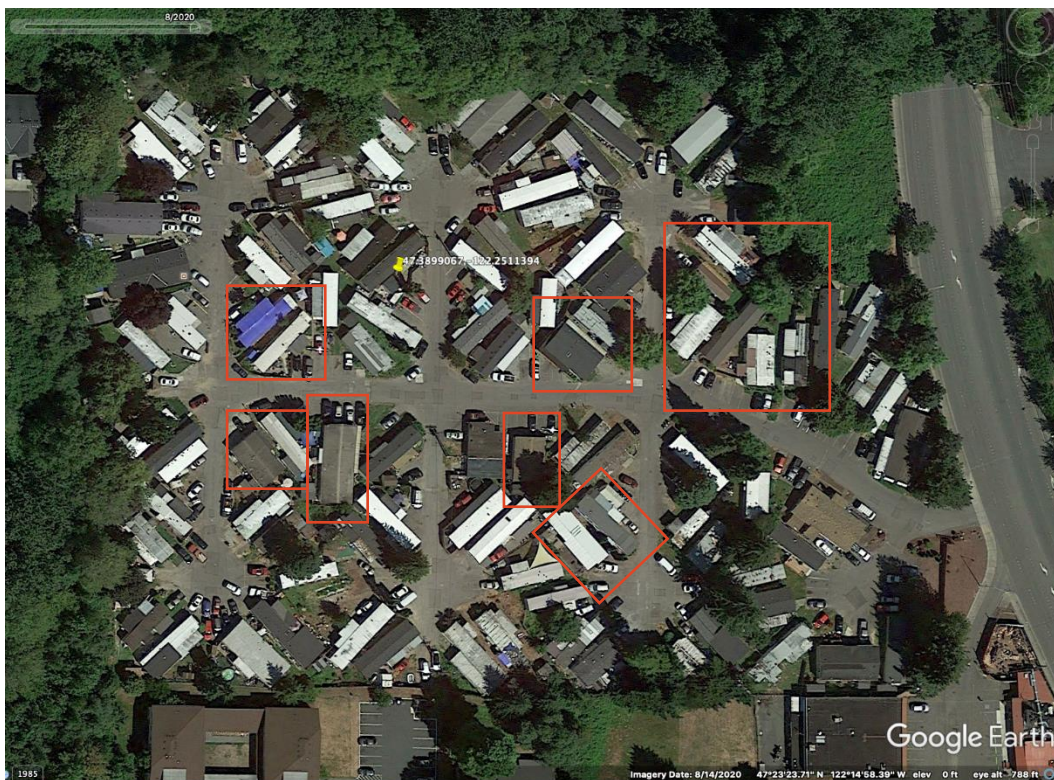




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*Circle K MHP –  
Aerial photo from  
2009. Red box  
identifies the  
community park.*

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*Circle K MHP –  
Aerial photo from  
2020. Red boxes  
highlight areas  
where units  
appear to be  
added or  
enlarged. Note  
the loss of  
community park  
and general  
crowding of the  
site.*

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## 8. Kent MHPs located in higher density zones can be sold for other uses. When this happens, residents need supportive services to avoid the worst impacts from displacement.

### Displacement Risk

Though produced elsewhere and sited in the community, manufactured homes are largely immobile once initially placed. Considering homeowners in MHPs lease the underlying land, the added costs of lot rent, which can range from \$575-\$1,100+ (according to resident input) on top of a mortgage, could present a challenge in affordability and ultimately risk of eviction, etc., if tenants cannot keep up with lot rental payments. This is even more challenging if a park owner/landlord decides to sell a property, leaving residents with the burden of finding replacement homes/other parks for placement of their homes if they are moveable.

### Notification Requirements

Landlords are required to notify MHP residents about impending sales/closure of parks, to allow residents time to plan for the movement of their mobile homes and relocation. The MHTLA provides that a landlord must give each homeowner within an MHP at least 12-months written notice regarding their intentions to sell the park, and ultimately close the park. In addition, the landlord must give the Department of Commerce Office of Mobile/Manufactured Housing a copy of the notices and record the notice in the County auditor's office. Landlords must place a copy of the notice at all park entrances and provide relevant information about where to find relocation assistance.

The City of Kent requires landlords to prepare a Relocation Report and Plan. The Plan must show how the landlord intends to comply with the MHTLA and the Mobile Home Relocation Assistance requirement. The Plan must be submitted to the Human Services Office, which must be approved before going forward with the plan to close and/or change the use of land for something other than MHPs. A Park closure and/or comprehensive plan and zoning redesignation cannot go forward without a certificate of completion from the Human Services Office ([Chapter 12.05.340](#)).

### Responsibility of the Homeowner

When a homeowner is notified that a park will close in 12 months, it is the homeowner's responsibility to either move the home or pay to have the home destroyed. The homeowner can move the home to another park or private land or could try to sell the home to someone who will move it to another park or private land. However, in practice, moving the home is rare. First, there is a significant undersupply of space for manufactured homes in manufactured home parks. Second, in many cases the home is too old and not in good enough condition to move. The cost of moving the home (ranging between \$10,000 and \$15,000) may be more than the value of the home itself. If the homeowner cannot move the home, either due to the condition of the home or to a lack of a place to move the home, the homeowner is responsible for disposing of what may be their most valuable equity investment. Displacement from a mobile home park can mean economic ruin and homelessness for a homeowner.



Given the limited options, the homeowner may abandon the home, in which case it becomes the responsibility of the landowner.

## Relocation Assistance to Homeowners

The Washington Department of Commerce runs the state's Manufactured/Mobile Home Relocation Assistance Program. The program is funded by a \$100 fee that manufactured homeowners pay to receive their title. Funds available for relocation assistance are limited to \$7,500 for single-section homes and \$12,000 for multi-section homes. The funding provided has been the same since 2005 and rarely covers all costs associated with relocation. According to Commerce, the reasoning behind maintaining the current allocation of funds is due to the perception that contractors may just raise costs if funding is increased.<sup>22</sup>

Approximately 60% of homes are demolished or disposed of during a park closure, and 30% of homes are relocated to another MHP or to private property. This leaves the vast majority of MHP tenants at parks that are facing closure with having to purchase new homes or find alternative housing options such as affordable apartments. The program offers support for relocation and directs tenants to other services and programs such as legal and advocacy resources.

In 1989, the Washington Supreme Court invalidated a law that required park owners to contribute money toward the homeowners' relocation costs finding that it unduly burdened owners of manufactured home parks. The Court also found that the law, established by the state legislature, violated substantive due process.

## Minimizing Hardships to Residents

Considering many MHP households are financially vulnerable, and many may lack the necessary resources to afford housing outside the context of an MHP, resources related to relocation assistance, financial incentives and grants, and other services are necessary in the event of a park closure. Organizations such as the Tenant's Union of Washington State can provide legal assistance, especially for renters of MHPs. Additionally, the State Attorney General's Office provides mediation and dispute resolution assistance to guide productive negotiations between manufactured housing residents and landlords. More information on these resources can be found in the Resource Options Toolkit.

# Recommendations

Many of the regulations governing manufactured home parks are set at the state level and serve valuable policy goals related to managing population growth, protecting environmental critical areas, and ensuring mobility options. Additionally, much of the landlord-tenant relationship in MHPs is regulated by state law such as through noticing and lease requirements.

Local jurisdictions play an important role in protecting the homeowner, commercial property owner, and resident interests in the community. These roles have an important place in ensuring manufactured home parks remain part of the affordable housing options available in Kent.

The following include recommendations that the City of Kent could pursue to help preserve existing MHPs.

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<sup>22</sup> Interview with Brigid Henderson, Program Manager - Department of Commerce

The study does not address options to encourage the development of new MHPs.<sup>23</sup>

## SUPPORT BEST PRACTICES IN PARK MANAGEMENT

MHP owners and tenant/homeowners both have a financial stake in park quality. For an MHP owner, the value of the park is driven by the net revenues it generates. The value to the homeowners is based on the protection of their home equity as well as the livability of the MHP community (which is manifested in impacts to their housing costs as well as the value of their home). Supporting best practices in park management can improve the long-term livability of MHPs and their preservation in the community.

### Improve access and clarity around the rights and responsibilities of owners and tenants in manufactured home parks

As explained above, tenants of MHPs in Kent face many disadvantages in the landlord-tenant relationship. The City of Kent could mitigate some of these disadvantages by increasing landlord and tenant awareness of their rights and obligations. There are valuable resources available to tenants (see sidebar) but these may be difficult for tenants to find. Indeed, the City may be the first place residents turn to for many of the problems they face. The City could improve access to the available resources for tenants by:

- **Establishing an MHP webpage on the city's website.** Given that the city is a logical first step when encountering neighborhood problems such as disputes over unsafe trees, roaming animals, and utility charges, providing clear and navigable information on where to get assistance would be a benefit to MHPs. The Resource Options Toolkit provides a first step in identifying resources and appropriate contacts for remedying common problems.
- **Translate key materials into needed languages.** The MHLTA and other regulations regarding landlord and tenant rights and obligations are in English. They are also written in a legally sound way that is hard to decipher for people for whom English is their second or third language. Providing a brief overview of the basic tenets of the MHLTA in languages other than English would be a first step. Providing information about important resources in other languages would also help residents find the information they need. Both the [Manufactured Housing Dispute Resolution Program](#) and

## TENANT RESOURCES

The [Northwest Justice Project](#) is a Washington based legal aid program that offers legal services to manufactured home tenants, among many other services. The organization has produced a guide that lays out the protections afforded to residents under RCW 59.20, which include the right to a rental agreement for the rented lot space.

The Washington State Attorney General's Office, provides education and assistance to tenants and landlords through the [Manufactured Housing Dispute Resolution Program](#).

At the advocacy level, groups such as the [Tenant's Union of Washington State](#) offer resources available to renters of both a manufactured homes and the land on which it sits on, as protected through the [Residential Landlord-Tenant Act](#). Several legal service organizations exist at the regional, federal, and national level, that provide legal expertise and education to residents of manufactured home parks, including its most vulnerable residents.

<sup>23</sup> Barriers to development of new MHPs is available in Commerce 2020

[Northwest Justice Project](#) provide interpretation services and translated materials regarding state law.

- **Work with the Attorney General's office to conduct tenant information sessions.** As part of the [Manufactured Housing Dispute Resolution Program](#), the AG's office is charged with providing outreach and information about the requirement of the MHLTA and its mediation services. They typically hold information sessions for tenants, but these have been canceled since 2020 due to the coronavirus pandemic. If the City is hearing about multiple problems and concerns for any given park, it could help facilitate an information session by the AG's office for park residents.
- **Prevent code violations through improved case making, clarity, and dissemination of requirements.** A comprehensive 2019 assessment of Circle K MHP found that more than half of units had structural and/or electrical alterations that should have been permitted and inspected by Labor & Industries FAS program.<sup>24</sup> It is possible that some of homeowners who made these modifications were aware of the requirements for permits and chose not to follow them, but many were just as likely to not know the requirements existed. Property managers may know that some modifications require a permit, but not know what the requirements are. Developing and disseminating clear statements of the requirements to both the park managers (on-site) as well as tenants would help inform residents about the requirements and clarify the role of the City and L&I as regulators of manufactured home standards. Information should include descriptions of:
  - **Purpose.** As explained above, the resale value of the home may be less of a motivating factor for manufactured homeowners than site-built homes. It may increase compliance if the safety risks were more clearly explained, such as ensuring carports can withstand the weight of snow.
  - **Process.** Many MHP residents simply do not know how to go about getting a permit or have heard anecdotal stories of delayed or denied permits. These factors may encourage manufactured homeowners to proceed without procuring a permit, opting to ask for forgiveness rather than permission. Clarifying the process upfront could dispel any myths about permitting and make the process seem less intimidating.
  - **Cost.** Many manufactured homeowners may assume that permits are cost-prohibitive.
  - **Consequences/risks for non-compliance.** Like other types of housing, homeowners make cost/risk/benefit decisions about making home modifications. Illegal, unsafe home additions are not restricted to manufactured housing and occur in all types of housing. To encourage homeowners to engage the city's permitting department before making alterations, it would help to communicate the risks of not doing so.
- **Clarify the role of property management.** Some lease agreements require tenants to get written permission before starting a home improvement project. Others don't want to know if tenants in their park are doing a home improvement project. Working with MHP experts such as the MHDRP program and LNI FAS, it would help to clarify the desired process and role of MHP owners and managers with regards to home improvements. Some property managers report providing residents guidance on what home modifications require a city permit and which do not. This is helpful to

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<sup>24</sup> Letter from Chris Rarig, LNI FAS, to Russ Millard, owner of Circle K, June 3, 2019.

preventing unsafe home modifications in the community, though it is not the obligation of property managers to educate residents about the City's regulations.

## PROTECT TENANT'S RIGHTS AND MANUFACTURED HOMEOWNER EQUITY

Property laws serve to protect the interests of MHP landowners, but outside of procedural rights, there are limited protections for manufactured homeowners. Through its land use decisions, the City can create negative impacts to the equity interest of manufactured homeowners.

There are a number of conditions in Kent, reviewed in the findings, that lead to this dynamic. First, manufactured homes are largely immobile. Second, the value of a manufactured home is dependent on the quality of the MHP in which it is located. When park conditions deteriorate, the value of the homes also deteriorates. Third, the profitability of a MHP for the landlord is not dependent on park conditions. Since manufactured homeowners in MHPs are essentially a captured market, the landowner can increase rents and decrease services without incurring new vacancies. This is driven by the fourth factor; even if their home can be moved, there are extremely limited options for homeowners to move their home. Finally, fifth, the current affordable housing crisis ensures there is ample demand for housing.

In apartments, typically poor conditions and rising rents lead to increased vacancies and tenant turnover, both resulting in increased costs and reduced revenues for the apartment owner. These two risks to the MHP owners are essentially non-existent in manufactured home parks in Kent. The result is that park owners are incentivized to increase revenues and decrease costs to improve the profitability and the commercial value of the property.<sup>25</sup> Revenues can be increased by raising rents on existing lots, adding additional rented lots onto the site, or by converting open space to rentable lots. These last two mechanisms for increasing park revenue are regulated by the City.

- **Consider impacts to manufactured homeowner equity when making land use decisions.** Each MHP should have an approved site plan on file with the City. When a park owner seeks to modify the site plan of the MHP it requires an application and review by the City. Just as the City serves to protect the equity interest of owners in site-built housing, when considering land use change requests, the City should consider impacts to manufactured homeowner equity. When the modification removes common space or community amenities, requests could be made to make substitutable space available on the site. Improved noticing and outreach to residents could help them take advantage of the procedural protections that they are entitled to through the City's public hearing and legislative processes.
- **Require improvements to address crowding.** When permitting the siting of a manufactured home onto an existing lot, the City evaluates whether the setbacks meet the City's standards. However, there is evidence that older, smaller homes are being replaced with larger homes without the City's knowledge, thus encroaching on the required setbacks. Old site layouts may prevent adequate spacing of new manufactured homes. In these cases, the City could require a suitable remedy to fire risk such as a fire wall. A fire wall would be considered a permanent addition to the park infrastructure and the responsibility of the park owner.

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<sup>25</sup> All property owners are different and maximizing profitability is not the paramount factor for all, or even most, of MHP owners. Many MHP owners are interested in community stability and the livability of their parks.

These two examples address future changes to park conditions, but do not begin to address existing deficiencies. They also require a robust enforcement system to ensure parks remain aligned to their approved site plans.

## ENCOURAGE MHP HOMEOWNER PARTICIPATION IN HOME REPAIR PROGRAMS

In conducting resident outreach, we received positive feedback on the City's home repair program, particularly among older adults with emerging mobility concerns. The home repair model is a good fit for residents of MHPs, but many may not be aware of the program or their eligibility as a manufactured homeowner.

- **Increase and target outreach to MHPs.** Outreach to MHPs may increase manufactured homeowner participation in the program. Kent's Home Repair Program requires participating homes to meet current safety standards, and thus is more likely to be suitable for homes newer than 1976, the start of modern federal safety regulations. Targeting outreach to parks with homes built after 1976 would be appropriate.

Given the close proximity of MHP homes, as well as the similar vintage of homes in some parks, there may be an opportunity for making multiple improvements in a park at one time, thus reducing administrative and mobilization costs for each home. Improvements to entryways and home access may be well suited to this approach.

## IMPLEMENT A ROLLING INSPECTION PROGRAM

Relying on resident-reported complaints is not an effective method for managing conditions at MHPs. Fear of retribution from landlords, distrust of public authorities, and frustration from previous interactions are some reasons that residents are unlikely to report inappropriate management behavior or unsafe conditions. An inspection program would improve the preservation likelihood of MHPs by ensuring park conditions meet established city and state guidelines for health, safety, and quality of life.

The City of Kent recognizes the challenge of landlord/tenant dynamics for its apartment dwellers and implemented a proactive rental inspection program that monitors health and safety conditions across all rental units in the city. The program started in 2019 and it leverages fines through code enforcement and the issuance of an annual business license as its primary tools for enforcement. Property owners are responsible for hiring an inspector and completing the inspection within the allotted timeframe. When a building or unit falls out of compliance with the program standards, the building department is notified of the violation and a series of notices and fines can be applied to the property owner. If the issue is not addressed, the owner's business license will be revoked at the end of the year and the unit will not be a permitted rental in the city.<sup>26</sup>

Most residents of Kent's MHPs live in owner-occupied housing,<sup>27</sup> so many of the components of Kent's Rental Inspection Program do not fit the conditions of MHPs. Rather than adding MHPs to the existing program, a version of the program can be developed to address the conditions of MHPs that are the purview of the property owner.

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<sup>26</sup> [Kent Rental Inspection Program](#)

<sup>27</sup> The study did not include a comprehensive assessment of tenancy in MHPs, but the only parks with reported renter occupied MHPs include Mar a Vue and New Alaska Trailer Park.

California has a statewide program to regulate its MHPs that can help inform the development of an approach in Kent. While the inspection system does not collect fees, violations are issued to park owners if site conditions fall out of compliance with established standards. Failure to respond to the violations results in revoking the permit to operate. This means that the park owner cannot legally collect rental payments and signage is posted in the park informing residents of this status. The end action with a canceled permit is that the land use can be reverted to a non-MHP designation. Local police power could be used to enforce this change.<sup>28</sup>

In developing an ongoing inspection system, **include MHP residents in the program development** as well as other stakeholders such as non-profit MHP owners and for-profit MHP owners. Many of the life and safety risk code violations in MHPs are alterations made to the home and are thus the responsibility of the homeowner. As a result, an MHP inspection program can lead to citations and impose hardship on MHP residents. The City should work with stakeholders to establish clarity around the role of the inspection system in terms of improving the long-term preservation and safety of MHPs. The Resource Options Toolkit lists additional professional associations and tenants' groups that can be consulted.

### Establish an Effective Enforcement System for MHPs

An inspection system will not improve the long-term preservation of MHPs if it only generates citations without effective follow up and accountability to ensure improved MHP conditions. Even in site-built housing and commercial property, there are limited mechanisms for ensuring code violations are remedied. One mechanism of accountability for most real estate are requirements for financing that can impact the market value of the asset. Converting an apartment manager's office into an unpermitted home rental will increase the revenue of an apartment building, but that revenue will not be counted in the appraised value of the building for purposes of financing (either refinancing to release capital for other investments or financing for the purchase of the property). If the property owner wishes to maximize the value of the asset, they are motivated to procure the necessary permits. Since MHP owners do not own many of the improvements on their land, and the value of MHPs tends to be in the land itself and not the use or improvements, there may be less motivation to seek appropriate permits.

For MHPS, the overlapping landowner and homeowner interests and overlapping federal, state, and city regulations have created confusion over regulatory authority and responsibility. The insular nature of many MHP communities, distrust of government, and the belief that city governments are an antagonist of MHP housing prevent MHP tenants and manufactured homeowners from calling on their local cities for assistance. Some landowners have benefited from these grey areas, reducing the services and amenities in the parks while increasing rents.

The proactive nature of Kent's Rental Inspection Program can improve voluntary compliance with building codes and over time improve or preserve the quality of rental housing available in Kent. A program addressing the same policy goal could improve the preservation of MHPs in Kent. MHPs that meet this study's designation of "needs improvement" would benefit from proactive review and outreach to park owners and residents. Current conditions observed in some parks suggest that *lack of enforcement* is a greater challenge than a lack of regulation.

A significant challenge of increasing building code and land use policy enforcement is that many MHPs in Kent have a staggering amount of code violations and potential life and safety risk. There is a question

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<sup>28</sup> California [Mobile Home Park Maintenance Inspection Program](#) and [Local Enforcement Agencies](#)

of “where do you start?”. It will be difficult to design a perfect system and roll it out all at once. The City may consider starting with an initiative around a specific policy objective such as fire risk, flood risk, pest management, or another topic. Other options include starting with parks designated for older adults or parks in a specific geographic area.

## IMPROVE MUNICIPAL SERVICES

Park residents and site managers share many concerns with communities comprised of site-built housing and apartment housing. Concerns such as homeless people camping in adjacent areas, property crime, garbage dumping, stray dogs, and other issues were reported by residents and on-site managers. Residents and property managers shared that they have called the police or the City, but that no one came, leaving them to feel that the City is unconcerned with safety and security in its MHPs. Improving response and follow-up to service calls can improve park conditions and the sense of residents as valued members of the community.

## REDUCE HARDSHIP TO RESIDENTS WHEN PARKS CLOSE

Closing MHPs can result in economic devastation for resident homeowners. Both Washington State and the City of Kent provide procedural protections for resident homeowners when parks close, but there are limited financial resources or supports.

The state’s relocation assistance program, which is funded by manufactured homeowners, is insufficient to cover the costs incurred when a manufactured homeowner is forced to move due to the closing of a park. State legislative efforts to require landowners to cover some or all relocation costs have been struck down by the Supreme Court because it puts an undue burden on one type of residential property owner and not others.

The Department of Commerce provides technical assistance and support for residents of closing MHPs, often working closely with the local jurisdiction. Other options for reducing hardships to residents include:

- Augment relocation assistance administered by the Department of Commerce in a way that benefits the homeowner.
- Waive fees for residents moving their home into a park in Kent if they have been displaced due to a closing park.
- Waive fees for replacing homes on private land within Kent for residents.

## SUPPORT RESIDENT, NON-PROFIT, OR LOCAL PHA PURCHASE OF MANUFACTURED HOME PARKS

Second to zoning, the most powerful way to preserve MHPs is to convert the ownership to a tenant or non-profit owned community. Resident or non-profit purchase of MHPs offers a lot of benefits to residents. These can include giving homeowners the ability to maintain or upgrade their community’s infrastructure, stabilize rent increases, and protect against abuses that can occur in a landlord/tenant relationship.<sup>29</sup> In addition, non-profit-owned communities may qualify for funding and financing opportunities for

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<sup>29</sup> IMLC Assessing Public Resources



acquisition and park infrastructure that privately owned parks do not.

Successful conversions of MHPs from private ownership to tenant-ownership or non-profit ownership often require technical assistance, public support through access to funding and/or financing, and other non-tangible forms of support. The Resource Options Toolkit provides an overview of some of the locally available resources.

The City cannot require a landlord to sell an MHP to a tenants' group or non-profit. In 2000, the Washington legislature enacted a law that "gives mobile home park tenants a right of first refusal when the park owner decides to sell a mobile home park." The Washington Supreme Court invalidated that law stating that the statutory grant of a right of first refusal to the tenants of mobile home parks amounts to a taking and transfer of private property. The right of disposition, or the right of transfer to other persons, and the right of transmission, are *fundamental rights of ownership*.

The City can *encourage* and *support* the sale of MHPs to tenant or non-profit groups.<sup>30</sup> Some options the City could pursue include:

- **Identify MHPs that are suitable for alternative ownership models.** A first step in this process would be to evaluate which parks in Kent would be good candidates for conversion to alternative ownership models. Factors such as underlying land use, flood plain status, park size, park conditions, and the income of residents are all relevant factors.
- **Fund predevelopment studies.** Consider funding some of the predevelopment costs that would enable non-profits or resident groups to purchase their communities. These include site surveys, appraisals, engineering analyses, and environmental reports.
- **Make benefits to landowners known.** The state offers an incentive to sell to residents or non-profits in the form of an exemption from the state portion of the real estate excise tax.
- **Incentivize the sale to residents or nonprofit groups.** The City could consider making MHP owners exempt from the local share of the real estate excise tax in exchange for selling their community to a nonprofit, HOA, public entity, or the homeowner residents.
- **Outreach to property owners and referral to partners.** The first prerequisite for converting an MHP into an alternative form of ownership is that the owner wishes to sell. Rarely are residents successful in approaching the owner on their own and making an offer to purchase. Through its business service role with the landowners, the City may be in a position to learn that a property owner wishes to sell and can notify relevant non-profits such as the Manufactured Home Community Preservationists, public agencies such as the King County Housing Authority, or technical experts on resident-owned communities such as Northwest Cooperative Development Center, or the Washington State Department of Commerce.

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<sup>30</sup> Not all MHPs are suitable for conversion to tenant- or non-profit- ownership. In general, it is unfeasible for MHPs with fewer than 25 units (due to land costs) and the residents must be able to afford the monthly costs to finance the land.





**From:** [LYLE DENISE BURBIDGE](#)  
**To:** [Darren Gurnee](#)  
**Cc:** [carolquist51@yahoo.com](mailto:carolquist51@yahoo.com); [Charlotte Garrido](#); [Carriwho](#); [Jennifer Haro](#)  
**Subject:** Proposed zoning changes to the County Comprehensive Plan  
**Date:** Thursday, September 23, 2021 1:49:07 PM

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Mr. Gurnee,

I am a resident of Manchester, and I am a member of the MCAC, Manchester Community Advisory Council. I live at 2422 First Ave. E., Manchester.

I am asking you and the KC Planning Dept to please extend the dates further for public input. Our ability to communicate as members of the community, as well as with the county has been seriously impacted by limited access to county employees/depts. due to COVID restrictions, access to meetings/via Zoom, etc. Because of this, questions and concerns have not been adequately addressed. Information has not been disseminated.

For the county to push ahead, with the dates on the plan, does not recognize how the community has been impacted by COVID. Many people have been overwhelmed by critical life issues during this time. Although we know information is available on the KC website, most people have limited time to really get into these details. As more of these details are coming to light, we have many questions regarding the implications of the zoning changes to the Manchester Community Plan and would like an opportunity to discuss these with a KC Planning Dept. Rep at an upcoming meeting.

This timeline is very rushed and appears to be trying to push this Comprehensive Plan through when many are going through difficult times. Please give us time to absorb this county government planning lingo and provide an opportunity for us to discuss this and ask further questions in the near future.

Thank you,

Denise Burbidge  
360-710-6124

**From:** [Jodi Carson](#)  
**To:** [Darren Gurnee](#)  
**Subject:** Zoning Use Table Update Comment  
**Date:** Friday, September 24, 2021 12:22:28 PM

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Hello Mr. Gurnee,

I am writing to express my vehement opposition to the proposed zoning changes for the Manchester LAMIRD that would allow for future multifamily development. While I understand the need to provide additional housing units in the County, the greater Manchester area is not well suited for this type of development. First, a greater need exists for “affordable” housing units in the County. Given the water views and direct water access available throughout Manchester, any future multifamily developments would likely be offered to tenants at a premium rent rate rather than an affordable rent rate, thus, ignoring the underlying housing needs of the County. Second, the topography and existing infrastructure in Manchester already limit vehicle access and parking for current low-density residents. Many residents, particularly along the waterfront, already share driveways for access and frequently encounter other vehicles when entering or exiting their homes. Delivery services (FedEx, Amazon) have substantial difficulty accessing many of the homes in Manchester. Future multifamily development would exacerbate this issue. Finally, existing retail development in the Village of Manchester is limited (i.e., no grocery store, no gas station, one open restaurant/bar), requiring more vehicle trips to be made by existing residents (safe bicycle or pedestrian facilities are limited for non-vehicular travel). Future multifamily development would substantially increase the number of vehicle trips/traffic volumes on roadways originally designed for low traffic volumes and may exacerbate existing issues related to speeding and traffic safety. I respectfully ask that you reevaluate the proposed zoning changes for the Manchester LAMIRD and, in particular, consider the unique limitations as well as opportunities by subarea rather than applying a blanket zoning ordinance across the entire Manchester LAMIRD. Thanks very much for your time and consideration.

Jodi Carson

Sent from [Mail](#) for Windows

**From:** [Mary Dalrymple](#)  
**To:** [Darren Gurnee](#)  
**Subject:** Manchester Zoning Input  
**Date:** Friday, September 24, 2021 4:10:58 PM

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Mr. Gurnee,

I am a resident of Manchester. I live at 2555 2nd Ave. E., Manchester.

I am asking you and the KC Planning Dept to please extend the dates further for public input. Our ability to communicate as members of the community, as well as with the county has been seriously impacted by limited access to county employees/depts. due to COVID restrictions, access to meetings/via Zoom, etc. Because of this, questions and concerns have not been adequately addressed. Information has not been disseminated.

For the county to push ahead, with the dates on the plan, does not recognize how the community has been impacted by COVID. Many people have been overwhelmed by critical life issues during this time. Although we know information is available on the KC website, most people have limited time to really get into these details. As more of these details are coming to light, we have many questions regarding the implications of the zoning changes to the Manchester Community Plan and would like an opportunity to discuss these with a KC Planning Dept. Rep at an upcoming meeting.

This timeline is very rushed and appears to be trying to push this Comprehensive Plan through when many are going through difficult times. Please give us time to absorb this county government planning lingo and provide an opportunity for us to discuss this and ask further questions in the near future.

Thank you,

Mary Dalrymple

**From:** [Nathan Daniel](#)  
**To:** [Darren Gurnee](#)  
**Subject:** Zoning Table Update  
**Date:** Monday, September 13, 2021 4:22:14 PM  
**Attachments:** [Outlook-jpu2h3tl.png](#)

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Hi Darren,

Here is a public comment for the zoning table discussion. I recommend striking the word, "to" from the definition of Club. I put a strikethrough below:

17.110.165Club. "Club" means a place where an association of persons or 501 C3 non-profits organized for some common purpose ~~to~~ meet. This definition may include a clubhouse."

Thank you,

Nate

**Nathan Daniel, MS (he/him)**

Executive Director

[nate@greatpeninsula.org](mailto:nate@greatpeninsula.org)

423 Pacific Ave. Suite 300, Bremerton, WA 98337

(360) 373-3500 • [www.greatpeninsula.org](http://www.greatpeninsula.org)



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*Please note I am currently working remotely. Please email or call my cell at 419-937-6982.*

**From:** [Cheryl Ebsworth](#)  
**To:** [Darren Gurnee](#)  
**Subject:** Zoning Use Table Update Comment  
**Date:** Tuesday, September 21, 2021 2:15:03 PM  
**Attachments:** [18A.33.270 J level 1.pdf](#)

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Hi Darren Gurnee,

I have submitted a comment on the zoning use table via the online system. I see that I can also send this to you, so please see the duplicate comment below and attachment.

Public Comment to Zoning Use Table Update.

In supplemental materials, *Attachment #5 Detailed Changes: Allowed Use Table*, use #214 *Automobile service station* is proposed to become use #230 *Fuel or charging station, with convenience store*. At the same time use #212 *Automobile repair and Carwashes* is proposed to become use #256 *Carwashes*. I recommend a distinction for one car capacity, accessory, carwashes be added to proposed use #230 *Fuel or charging station with accessory car wash limited to a one car capacity and convenience store*. This is a distinction made in other local codes, see Pierce County 18A.33.270 J.(see attached). A single car capacity carwash is a typical accessory use with a fuel station and the use should not be limited only to zones where larger stand-alone Car Wash facilities are permitted. Having the use specified as accessory to a fuel or charging station ensures the appropriate review will occur as part of the primary use review. As Kitsap is modernizing the use code, I do hope this distinction for use #230 is altered as recommended. An accessory single car capacity wash is distinct from a large capacity stand-alone car wash center, and as stand-alone carwashes become more common this is a relevant code distinction.

Thank you,

**Cheryl Ebsworth | Senior Planner**

Office: 425-251-6222 | Ext: 7329

Barghausen Consulting Engineers, Inc.

18215 72<sup>nd</sup> Avenue South, Kent, WA 98032

[www.barghausen.com](http://www.barghausen.com)

**18A.33.270 Commercial Use Category – Description of Use Categories. Amended Ord. 2020-102s**

Commercial activities include the provision of services and the sale, distribution, or rental of goods that benefit the daily needs of the general public which are not otherwise classified as civic, office, or industrial activities. The Commercial Use Category has been separated into the following types based upon distinguishing features such as: nature of business activity and type of goods or products sold or serviced.

- A. **Adult Business.** Adult Business Use Type refers to establishments which provide entertainment, devices or services that are sexually explicit in nature and generate social impacts, thus, locationally sensitive to other uses. Examples include adult arcades, adult bookstores, adult cabarets, adult motion picture theaters, adult novelty stores, escort services, massage parlors, and public bathhouses.
- B. **Amusement and Recreation.** Amusement and Recreation Use Type refers to establishments or places of business primarily engaged in the provision of sports, entertainment, or recreational services to the general public or members. Examples include, but are not limited to, marinas, video arcades, teen clubs, athletic clubs, swimming pools, billiard parlors, bowling alleys, ice or roller skating rinks, indoor movie theaters, drive-in theaters, miniature golf courses, golf courses, outdoor performance centers, sports arenas, festival and event facilities, and race tracks. Also see Lodging Use Type, Commercial Use Category, for camp sites and recreational vehicle parks.

<b>Table 18A.33.270-1. Amusement and Recreation Use Type – Description of Levels</b>			
<b>Level</b>	<b>Location of activity</b>	<b>Total floor area</b>	<b>Typical uses and other requirements</b>
<b>Level 1</b>	Indoor	Up to 5,000 square feet	Video arcades, martial arts studios, dance studios, billiard parlors, rental of recreational sports equipment, etc.; Not including Dance Halls
<b>Level 2</b>	Indoor	Up to 30,000 square feet	Level 1 uses; Amusement centers with multiple activities, mini-golf, batting cages, climbing walls, skateboard facilities, teen clubs, bowling alleys, live performance theatres, athletic clubs, dance halls as regulated per Chapter 5.32 PCC*, etc. *Code reviser’s note: Chapter 5.32 PCC was repealed by Ordinance No. 2012-17.
<b>Level 3</b>	Indoor or outdoor	NA	Batting cages, driving ranges, mini-golf, climbing walls, swimming pools, marinas,

			outdoor performance centers, racetracks, motor-tracks, outdoor sports arenas, drive-in theatres, recreational fishing ponds, festival and event facility, paintball facilities, gun ranges, etc.
<b>Level 4</b>	Indoor or outdoor	Over 30,000 and up to 80,000 square feet	Level 1 and 2 uses; Tennis courts, swimming pools, movie theatres, sports arenas, ice rinks, skating rinks, soccer facilities, performing arts centers, etc.
<b>Level 5</b>	Indoor or outdoor	Greater than 80,000 square feet	Level 4 uses; Indoor sports arenas, large multi-plex movie theatre complexes, etc. Accessory uses include parking lots, restrooms, food and beverage service.
<b>Level 6</b>			Golf Courses.

C. **Billboards.** Billboards Use Type refers to an advertising mechanism conveyed on a preprinted or hand painted changeable sign which directs attention to businesses, commodities, services, or facilities which are not sold, manufactured, or distributed from the property on which the sign is located. See also Chapter 18A.55 PCC, Billboards.

D. **Building Materials and Garden Supplies.** Building Materials and Garden Supplies Use Type refers to establishments primarily engaged in selling lumber and other building materials, paint, glass, and wallpaper, hardware, nursery stock, and lawn and garden supplies. Establishments primarily selling these products for use exclusively by businesses or to other wholesalers or primarily selling plumbing, heating and air-conditioning equipment, and electrical supplies are classified in the Wholesale Trade Use Type, Commercial Use Category.

**Table 18A.33.270-2. Building Materials and Garden Supplies Use Type – Description of Levels**

Level	Primary activity	Total floor area	Use of outdoor areas	Other requirements
<b>Level 1</b>	Retail sale of basic hardware lines, such as tools, builders' hardware, paint, and glass.	Up to 5,000 square feet	For display and storage as an accessory use	Accessory uses include retail sales of nursery, lawn and garden supplies and lumber
<b>Level 2</b>	Same as Level 1	Over 5,000 and up to 10,000 square feet	Same as Level 1	Same as Level 1



<b>Level 3</b>	Same as Level 1	Over 10,000 and up to 30,000 square feet	Same as Level 1	Same as Level 1
<b>Level 4</b>	Sales of lumber and a general line of building materials, nursery, lawn, and garden supplies to the public	Over 30,000 and up to 80,000 square feet	Same as Level 1	General line of building materials may include rough and dressed lumber, flooring, molding, doors, frames, roofing, siding, shingles, wallboards, paint, brick, tile, and cement.
<b>Level 5</b>	Outdoor retail sales of landscape materials, such as bark, crushed rock, soil, sand, plant materials, etc.	NA	See primary activity; may include storage of delivery trucks	Located on a lot or combination of lots not exceeding 2 acres in size. No more than 2 delivery trucks, up to 20,000 pound gross vehicle weight, can be kept on-site.
<b>Level 6</b>	Same as Level 5.	NA	See primary activity; may include storage of delivery trucks	Located on a lot or combination of lots exceeding 2 acres in size.

E. **Business Services.** Business Services Use Type refers to uses primarily engaged in providing services to business establishments on a contract or fee basis. Examples include courier services, parcel delivery services, FAX services, telegraph services, reproduction services, commercial art and photography services, stenographic services, and janitorial services.

**Level 1:** Total floor area of up to 5,000 square feet; may include outdoor storage of vehicles.

**Level 2:** Total floor area exceeds 5,000 square feet; may include outdoor storage of vehicles.

F. **Commercial Centers.** Commercial Centers Use Type refers to any lot or combination of lots with a store or variety of stores, offices, and services integrated into a complex utilizing uniform parking facilities. A variety of goods are sold or services provided at these centers ranging from general merchandise to specialty goods and foods. The specific uses permitted in Commercial Centers are limited to those uses allowed in the particular zone. The allowable size for individual commercial uses within the Commercial

Center may not exceed the floor area allowed in the zone for that use. (For example, if the maximum square footage for a garden supply store is 5,000 square feet in an Activity Center zone, this would be the maximum floor area for a garden supply store allowed in that Commercial Center.) Commercial centers can be grouped into three levels:

**Level 1:** Any store or commercial center containing a variety of stores with a cumulative floor area over 40,000 square feet and up to 80,000 square feet. Flea Markets or Swap meets with up to 80,000 square feet of sales area.

**Level 2:** Any store or commercial center containing a variety of stores with a cumulative floor area over 80,000 square feet and up to 200,000 square feet.

**Level 3:** Any commercial center containing a store or variety of stores with a cumulative floor area greater than 200,000 square feet.

G. **Eating and Drinking Establishment.** Eating and Drinking Establishment Use Type refers to establishments that sell prepared food, beer, wine and/or liquor and may also provide music and dancing. Examples include, but are not limited to, espresso stands, fast food restaurants, full service restaurants, taverns, brewpubs, craft distilleries and wineries.

**Level 1:** Espresso stands with or without drive-through facilities, no preparation of meals allowed; and not exceeding 400 square feet in structure size.

**Level 2:** Fast food restaurants with drive-through facilities.

**Level 3:** Full service restaurants, taverns, brewpubs, craft distilleries, wineries, or cafes. This level of restaurant may not have a separate lounge area for patrons 21 years of age or older, and/or allow music and dancing.

H. **Lodging.** Lodging Use Type refers to establishments that provide sleeping accommodations, whether with or without meals, furnished for hire to transient guests. Examples include, but are not limited to, hotels/motels, employee housing, camping, and retreat centers. For Bed and Breakfast, see PCC 18A.37.040.

**Level 1:** Camp sites and recreational vehicle parks.

**Level 2:** Lodging house.

**Level 3:** Lodging house with up to 20 guest rooms.

**Level 4:** Employee Housing. This housing type is limited to communities that have seasonal employment housing needs. Employee housing is distinguished by shared kitchen/dining areas as well as shared restroom/shower facilities. No more than 20 individual sleeping units per building shall be allowed, with each unit requiring internal building access. Any provisions for cooking facilities within an individual sleeping unit are prohibited.

**Level 5:** Retreat Centers. Retreat Centers may accommodate each visitor for no longer than 10 consecutive days and for no more than 50 visitors at any one time.

**Level 6:** Campgrounds and camp sites, not including recreational vehicle parks.

I. **Mobile, Manufactured, and Modular Homes Sales.** Mobile, Manufactured, and Modular Homes Sales Use Type refers to those establishments that store and sell pre-manufactured homes. There shall be no storage of uninhabitable or dilapidated mobile, manufactured, and modular homes. The primary purpose is to provide sites for marketing and distribution.

**J. Motor Vehicles and Related Equipment Sales/Rental/Repair and Services.** Motor Vehicles and Related Equipment Sales/Rental/Repair and Services Use Type refers to establishments or places of business engaged in the sales, leasing, or service of automobiles, trucks, motorcycles, recreational vehicles, and boats; or heavy equipment and supplies related to motor vehicles; and self-moving services. Electric vehicle charging stations are exempt from zoning requirements and are allowed outright within the County.

**Level 1:** Fuel service stations together with accessory automobile repair and convenience shopping, car washes with a one car capacity, and express lube/oil shops that do not keep vehicles onsite for repairs.

**Level 2:** Automotive repair shops and car washes. Typical uses include general repair shops, transmission and engine rebuild shops, muffler shops, glass repair shops, automobile upholstery services, and lube/oil shops. On-site rental and lease of motor vehicles is permitted as an accessory use to automotive repair shops provided the number of vehicles available for rent or lease shall not exceed 10 at any given time.

**Level 3:** Same uses as Level 2, except this level allows for motor vehicles sales as an accessory use provided the number of vehicles for sale on-site does not exceed 15 at any given time.

**Level 4:** On-site sales, lease, repair, or rental of vessels, automobiles, trucks not exceeding three tons of vehicle weight, and recreational vehicles.

**Level 5:** Sales, lease, or rental of heavy truck and heavy equipment exceeding three tons of vehicle weight, supplies intended for outdoor use, and truck service stations. Typical use includes truck stops primarily designed for the service and fueling of heavy trucks and tractor trailer sales. Other activities include automobile body repair and paint facilities.

**Level 6:** Aircraft sales, lease or rental.

**K. Rental and Repair Services.** Rental and Repair Services Use Type refers to establishments primarily engaged in the provision of repair services or closely related uses. Typical uses include upholstery shops, appliance repair shops, small engine and power tool rental and repair such as lawn mowers and chainsaws, vacuum cleaner repair, medical equipment rental and repair services, rental furnishings, and instrument repair services. Refer to Motor Vehicles and Related Equipment Sales/Rental/Repair and Services Use Type for automotive repair. Also see Personal Services Use Type for clothing alterations.

**Level 1:** Establishments that do not involve outdoor storage.

**Level 2:** Establishments that involve outdoor storage of equipment.

**L. Sales of Merchandise and Services.** Sales of Merchandise and Services Use Type refers to establishments that sell general merchandise or provide services to individuals or businesses.

**Level 1:** Total indoor/outdoor retail sales area up to 5,000 square feet.

**Level 2:** Total indoor/outdoor retail sales area up to 15,000 square feet.

**Level 3:** Total indoor/outdoor retail sales area up to 30,000 square feet.

**Level 4:** Total indoor/outdoor retail sales area up to 80,000 square feet.

**Level 5:** Total indoor/outdoor retail sales area greater than 80,000 square feet.

**M. Storage and Moving.** Storage and Moving Use Type refers to businesses engaged in the storage of items for personal and business use and transportation of personal and business items between locations. This use type includes storage of vehicles, boats and recreational vehicles only when stored for personal use and not for sale, repair or maintenance purposes. Examples of uses include mini-warehousing, temporary storage of personal or business items by a moving and storage company, and boat storage yards. Personal hobby activities may occur within storage units when additional parking is provided for units that could accommodate such use, pursuant to Table 18A.35.040-1. For maintenance or repair of recreational vehicles or boats, also see the Motor Vehicles and Related Equipment Sales/Rental/Repair and Services Use Type.

<b>Table 18A.33.270-4. Storage and Moving – Description of Levels</b>			
	<b>Total Use Area</b>	<b>Outdoor Use Allowed</b>	<b>Building Standards</b>
<b>Level 1</b>	Total use area consists of a lot or combination of lots of up to 4 acres in size.	Yes	N/A
<b>Level 2</b>	Total use area consists of a lot or combination of lots more than 4 acres in size.	Yes	N/A

**N. Wholesale Trade.** Wholesale Trade Use Type refers to establishments primarily engaged in selling merchandise to retailers; to industrial, commercial, institutional, or professional business users; to other wholesalers; or acting as agents or brokers and buying for or selling merchandise to such individuals or companies. Typical Wholesale Trade establishments include, but are not limited to, cooperative buying associations, electrical distributors, plumbing supplies, heating and air-conditioning equipment supplies, lumber and construction materials supplies, professional and commercial equipment supplies. Use may include showroom or retail space and associated warehouse.

**Level 1:** Establishments with total floor area of 10,000 square feet or less and indoor storage only.

**Level 2:** Establishments with total floor area of more than 10,000 to 80,000 square feet and with indoor or outdoor storage.

(Ord. 2016-33 § 2 (part), 2016; Ord. 2016-24s2 § 1 (part), 2016; Ord. 2016-14s § 2 (part), 2016; Ord. 2013-85 § 1 (part), 2013; Ord. 2013-30s2 § 5 (part), 2013; Ord. 2012-2s § 5 (part), 2012;

Ord. 2012-17 § 12, 2012; Ord. 2010-7 § 2 (part), 2010; Ord. 2009-18s3 § 2 (part), 2009; Ord. 2008-51s § 1 (part), 2008; Ord. 2008-15s § 1 (part), 2008; Ord. 2007-109s § 3 (part), 2007; Ord. 2006-53s § 1 (part), 2006; Ord. 2006-9s § 1 (part), 2006; Ord. 2005-84s § 2 (part), 2005; Ord. 2004-52s § 3 (part), 2004)

**From:** [Diane Fish](#)  
**To:** [Darren Gurnee](#)  
**Cc:** [Joy Garitone](#); [Brian Stahl](#)  
**Subject:** Zoning Table Update  
**Date:** Friday, September 3, 2021 12:25:56 PM

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Good Morning Darren,

Hope that you are enjoying the summer and the bounty that is local agriculture as the season winds down. Local Farmers Markets are bursting with the best tomatoes in the world right now so if you haven't done so - check them out!

Joy Garitone asked me to review the proposed changes to the Zoning Tables and after reading through the documents there are a couple of items that have the potential to impact farmers in Kitsap. Our specific concerns relate to:

- **17.110.279 Food and beverage production** (Per the ag code WSDA processing of value-added farm products is an allowed accessory use in RR zones - but this specifically prohibits these activities. This impacts farmers processing under WSDA inspection products like jams, jellies, and salsas as well as Grade A Dairies (fluid milk and cheese) and on-farm cideries, meaderies and brewers.)
- **17.110.694 Storage, vehicles and equipment** (As written this doesn't exclude farm machinery. I have three tractors plus a couple of other pieces of farm equipment and vehicles. This seem to require me to comply with the requirements for a storage yard - even though they are associated with normal farm practices.)
- **17.110.689 Slaughterhouse or animal processing** (Per the Ag Code on farm processing of poultry is an allowed accessory use. As written in the draft it will preclude WSDA processors who are slaughtering under the 20,000 bird exemption which in the proposed zoning tables is NOT allowed in RR zoning. It also requires an ACUP in Industrial Zones and a Conditional Use Permit in Rural Industrial Zones. Since the entire purpose of RI zoning per the GMA is to facilitate rural (ie. agricultural) business opportunities and infrastructure supporting agricultural and natural resource activities, having a MORE restrictive zoning placed in RI zoning seems contrary to the intent of the law.)
- **17.110.673 Shipping container.** (Many farmers are retrofitting insulated shipping contains for on farm cold storage. This also relates to the limitations of "17.110.695 Storage, indoor" in RR zones)
- **17.110.736 Use** (definition as it pertains to potential impacts on agricultural practices)

We appreciate DCD's efforts to streamline and tidy up existing code to make it more accessible and understandable for all citizens but these concerns do highlight the importance of including agricultural interests as stakeholders in all county zoning and use table updates. We would love to schedule consultation session via zoom in the next week or so to chat with you about these concerns. Is there a time that works for you next week or early the week of the 13th?

Kitsap Conservation District staff are also available to meet with DCD planners to offer insight and information to assist them in their work responding to requests about planning for agricultural activities in Kitsap County. Perhaps scheduling a staffing during fall or early winter would be useful to you?

Kind Regards,

*Diane Fish* she/her

Resource Planner

Kitsap Conservation District

10332 NE Central Valley Rd

Poulsbo, WA 98370

360-204-5529 x110

<http://kitsapcd.org/> or on Facebook <https://www.facebook.com/KitsapConservationDistrict/>

**From:** [Lisa Hurt](#)  
**To:** [Darren Gurnee](#)  
**Subject:** Zoning use tables  
**Date:** Tuesday, September 21, 2021 5:30:55 PM

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After reading the article in the Kitsap County Herald I was shocked to learn of all the proposed building that is being approved and or looked at.

The reason many people come to this area is for the quality of life and the environmental beauty. It seems that your long-term plan is to have a high-density community which frankly is not what most people want. I am concerned with the lack of infrastructure in place to handle the amount of people you plan on allowing to move here. We still don't have something as rudimentary as biking lanes on most streets that would provide some congestion relief from the many cars already clogging the streets. This proposed "ease of permitting" and changes to the zoning is overwhelming! Will we have enough clean water to supply all these people? I think we need to start being forward thinking and look into protecting the environment that we have and make this kind of development more difficult, especially before we have a plan to deal with what is to come.

Regards,

Lisa Hurt

Kitsap Environmental Coalition and long time resident of the state. (55 years)



**From:** [Kathy Koch](#)  
**To:** [Darren Gurnee](#)  
**Subject:** Zoning  
**Date:** Tuesday, September 14, 2021 5:26:52 AM

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Darren,

With the housing shortage and land size exceeding over 4.5 acres I believe the zoning committee should consider land owners be able to build another home on their property without size limitations.

If it means changing rural to urban property that would allow a land/homeowner to build a size home larger than half the size of their existing home.

Thank you for taking the time to read my email.

Sincerely,  
Katherine Koch  
12162 Central Valley Rd. NE  
Poulsbo, WA 98370

**From:** [Sunset Lane](#)  
**To:** [Darren Gurnee](#)  
**Subject:** Comments on the proposed revisions to the Zoning Use Table  
**Date:** Friday, September 24, 2021 1:33:37 PM

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Dear Mr. Gurnee,

Thank you for the opportunity to comment on the proposed zoning use table revisions. It must be difficult to stir up public interest in such things: they are arcane and complicated. I think many county residents assume that the use of their property and that of their neighbors is settled in the context as they understood it when they purchased their properties; they would be surprised to learn that such uses can be changed without a specific request initiated by them or notice of a neighbor's proposed use: but by the County under the broad swath of a zoning use table revision. It's one thing to receive notice, for example, that the purchaser of the neighboring property wants a zoning revision to permit commercial use - and to have opportunity to be heard in a forum that considers the specific, relative local impact; it's another to wake up one day and find that your neighbor can build an accessory structure and run a home business out of it. These things burden a neighborhood's infrastructure, traffic patterns, and peace and quiet in ways a homeowner would not have anticipated. Moreover, the average resident also makes assumptions about County property and its use. The average citizen would not plan a picnic on water treatment plant public property or to be able to stroll through school grounds on a Wednesday in October nor would they expect, barring temporary use in a pandemic, to find even temporary -- let alone permanent -- residential structures/development in park lands. Perhaps none of this is intended by the proposed revisions, but the revisions indeed permit these outcomes to occur. If these are merely continuations of Director interpretations, particularly during these last years, they are not yet law informed by a public process and should not be codified to be.

Please consider the following suggestions, recommendations, comments, and consternations as you formulate the revisions to the KCC Zoning Use statutes:

1. Section 17.110.345 Home Business

The proposed definition of "Home business" at 17.110.345 removed the requirement that the commercial or industrial use be conducted entirely within one's dwelling and proposes to expand such uses to those conducted within an accessory structure. The upshot of this would be to permit a landowner of adjacent lots to live on one lot and engage in the full range of commercial or industrial activities on the adjacent lot, arguing that such use is a subordinate use. If the definition is to be expanded to permit subsidiary commercial uses of accessory structures, please also include that such secondary uses must take place on the same parcel as the residential use to preclude the unintentional rezoning of a lot to commercial/industrial use in areas in which such zoning is not permitted.

Also in the definition of "home business," it is unclear whether retail operations are (or were, under the old definition) within the range of permissible activities accorded by permit. It appears that one intention of editing this definition was to clarify; it has not done so. Given the parking, traffic, foot traffic, and other considerations associated with retail operations, I urge that it be made clear that retail operations are not within the scope of permissible home businesses permitted adjunct to one's residence.

Finally, "clearly secondary" is not clear at all but quite subjective. One must assume that one's home is always a predominate use, given Maslow's hierarchy of need. What is "clearly secondary" -- occasional,

periodic, infrequent; is it some level of non-family traffic visiting the property; does it require additional parking to mitigate burden on often one-lane, rural roads; does it preclude large signage; if DCD knows it when it sees it, what factors make the use "clearly secondary"; how will DCD staff apply consistent factors across property types, even if balancing a constellation of relevant factors?

Most people sleep on governmental operations. We vote (if at all), and we think that the government will churn along. We buy or rent our homes with full knowledge of what surrounds that property on that day. We have a reasonable expectation that we will have the opportunity to object to our neighbor's development of a pig farm, gravel pit, or pop-up retail jewelry store in our neighborhood. As such, if "ACUP" affords residents greater opportunity to engage in the reasonable development of their neighborhoods than "P" designation does, please restore "ACUP" designation to consideration of home business development.

Finally, if "home business" is permitted in facilities beyond one's residence, please specify and make available for public review and comment any changes to the footnotes to the current ZUT related to various types of home businesses (incidental, minor, moderate) merited by the expanded permissive use of one's property.

## 2. Parks, generally

People generally assume the common meaning and uses of words. Indeed, the concept is so embedded in our culture that courts, in considering contracts of any type, apply a plain meaning interpretation to words and sentences as part of their legal rubric. The ordinary Kitsap resident thinks a park is a park, a public facility to be held as a park for their enjoyment, that our taxes are levied in part to support County parks staff to maintain the property until some soft winter weekend, bright summer day, or crisp fall morning for a walk, picnic, jog. People sometimes call "parks" properties that are not; open spaces in planned development areas are privately held green and/ or drainage spaces that serve the interests of residents of the development. But, County held parks are public goods.

### A. Retain Parks and Recreational Facilities in the "public facilities" definition

The inherent nature of parks and recreational facilities as properties benefitting the public at large is entirely muddled under the proposed code revision. Proposed section 17.110.640 removes "parks and recreation facilities" entirely from the definition of "public facilities." The Gordian knot is so confounding, one hardly knows where to begin.

If the intention is to somehow delineate property types typically subsumed within the former definition of "public facilities" while retaining the characteristic of a "public" good, the tapestry of the proposed revision fails to do so: there is no new definition of "park," and the new definitions of "recreational facilities" expressly delete government owned facilities and refer exclusively to "commercial" facilities. No part of the proposed statutory construct retains the characterization of these properties as held by the public, through the stewardship of the County, for the use and benefit of County residents. Now, it seems both parks and recreational facilities are orphaned.

No rationale is offered to extract parks, recreational facilities (and schools) from the definition of public facilities -- and the removal is not a distinction without a difference. Parks throughout Washington demarcate Washington from other of these United States. Many of our residents, organizations, and governments have worked to preserve both land and tributaries -- to honor Washington's Native American heritage, to maintain and enrich salmon, seal, and whale habitats, and to provide locations for relaxation, exercise, and amusement to residents and tourists alike. Kitsap County has enjoyed the conservation efforts of the Great Peninsula Conservancy and like-minded residents wishing to *preserve* their property from development, finding a means to donate it to the County and taking some reduction in personal profit in doing so. As a result, we all benefit from old growth forests, salmon tributaries, and areas of stark, rural beauty peppered throughout this County. Converting them in any way from their characterization as "public" goods violates the public trust. Doing so to somehow benefit developers or serve as transitional ("permanent"?) residential environments irretrievably alters the ability to use and

enjoy these properties in the manner donors and residents have intended.

Finally, it is unclear whether parks and recreational facilities when removed from the definition of "public facilities" will be adequately protected from zones of adult entertainment development. Moreover, if the intention is to convert these public lands to a public/private partnership or otherwise permit commercial or residential development on these lands, thereby altering their character from that of public property, parks and recreational facilities may no longer enjoy a buffer zone.

#### B. Restrict development in "Parks"

The public presentation regarding "parks" at slide 13 of 17 and the permitted uses in the accompanying proposed zoning use table all suggest that there is nothing to see regarding parks -- a few clarified definitions, a subsumed use purportedly extant in the statutory framework, and some permitted development within a "parks district" - the black border on a County map too small to pluck out readily park property within it. The implication is that any development that may occur in a park under the proposal is status quo, already among our laws, subject to careful, additional review, input, and evaluation, and geographically restricted. I could find no such constricting reference in the zoning use table to a "parks district" in County documents. Admittedly, I likely missed many pertinent documents, but the statutory framework and definitions are sufficiently broad to comprise each and every park and recreation facility currently under local government ownership and lack any specificity of the process to be undertaken for any proposed development. If some demarcation is intended, a widespread statutory framework needs to be articulated in conjunction, at a minimum, with any ZUT revision, to limit the geographic scope, establish the other constraints on that slide that are not set forth in the proposed revision documents, preclude development of donated park property under any governing donating documents, and include, on a development by development basis, an in-fact, widespread notice (e.g., campaign-like placards, on location notice boards, newspaper ads/articles, school flyers) and multiple opportunity for County-wide resident input.

Permitting residential use on public park property beyond that of caretaker use (1) contravenes the intent of the donor, in cases of donation, and (2) works a conversion of the property to the benefit of a developer and/or group home operator.

The last thing a County resident would expect in a park is the erection of impervious housing, with associated parking, water, sewer, stormwater, grading, tree removal, traffic, and the attendant residential interest, however transitory, of people making a home there, let alone the commercial advantage attendant to the conversion of this public property by a developer. Most people honor a zone around someone's home - and laws afford individuals rights to protect their persons and property; residential uses alter parks irreparably. The residential use by the parks department staff is different: That person serves as a custodian and caretaker of the property and a resource to the public visiting the park. Some states, such as New York, consider conversion of park lands as "alienation" and forbid it entirely. Closer to home, Bainbridge Island affords no such use of park land, and Seattle passed Initiative 42 (now Seattle Ordinance 118477) to restrict their city leadership from undertaking these types of efforts.

It appears that ACUP could permit a boarding house not to exceed 6 rooms in a park, with public health review, under the current code. The public documents related to the revision are, then, misleading, when they suggest that "group living" 7 or more rooms is not a significant revision. It should not be permitted.

Like using parks to provide group housing, it contravenes the purpose of a park to permit permanent homeless shelters on park property. The County may have a need to work in public/private partnerships to develop homeless shelter options and all the needs connoted in the "permanent transitory housing" line item, but effectuating a wholesale conversion of park property on a zoning table is no way to do so.

Making it explicit in a zoning use table that any County park is vulnerable to wholesale conversion from a park to a homeless residential community is a substantial difference and irretrievably alters park property. Finally, the concept of "permanent" is no part of the current statutory framework under 17.505, and it is misleading at best to suggest in the public presentation that permitting, even through ACUP, throughout the County and its park properties is a current part of the law. See below. It is one thing

entirely for a private landowner to seek permission to meet the needs of at-risk populations through transitory housing; it is yet another to convert park property for "permanent" transitional housing, with, like group living (and convention center use, for that matter) parking, water, sewage, security, stormwater, and developmental destruction of trees, grading, traffic, and the like necessary to accommodate such use.

### C. Government owned Recreational Facilities

As with permitting development of parks, the changes with recreational facilities works a conversion of a resource held in trust for the public good to one held for private economic gain. It is not unlike a government permitting a private entity to convert an extant lane of a public highway to high occupancy toll only use: it removes a lane from widespread public use, compresses traffic into the remaining lanes, culls from the public those eligible to use an existing lane, adds a cost to this special population to use it, and profits the developer. It is one thing for the government to subcontract out the daily operations of a facility; it is another entirely to seed ownership and control to a third party of a resource our tax dollars developed to the commercial gain of that third party.

### 3. "Permanent" Temporary Accommodations

The current 17.505 provides for transitory accommodations on structures that are in no way permanent to house at-risk populations. By the express language of the statute, the structures are not permanent by any definition: the foundations are not affixed to the ground; the structures are readily removed; the duration of the structure is short and time-limited. As best I can tell, no part of the current ZUT permits this use. The proposed one places it everywhere and makes it "permanent". Please remove this designation from all rural residential and park zoning.

Please do not be dismissive of my comments -- they may be ill-informed, but there is an undercurrent of "why" and "to what end" that no part of the public documents resolves, and they do appear to work a significant alteration of the status quo, particularly on public lands, for reasons not transparent in the information available.

Kind regards,

Jennifer Korjus  
Seabeck  
703-927-2025

**From:** [Maura Richardson](#)  
**To:** [Darren Gurnee](#)  
**Subject:** LINDGREN, BOB - Opposition to Multi-Family Zoning Proposed changes  
**Date:** Friday, September 24, 2021 11:33:37 AM

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Please note our objection to the PROPOSED Multi-Family Zoning changes in Manchester.

Robert D. Lindgren  
8212 E Caraway Road  
Manchester, WA 98353

**From:** [Jennifer Haro](#)  
**To:** [Darren Gurnee](#)  
**Subject:** FW: Attachment D-5  
**Date:** Thursday, September 23, 2021 9:15:44 AM

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Hi Darren,

Do you think you'll have time to get to these questions before the the end of the week?

Thanks,

*Jennifer S. Haro*

Policy Analyst  
Kitsap County Commissioners Office  
(360) 307-4212  
[jharo@co.kitsap.wa.us](mailto:jharo@co.kitsap.wa.us)

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**From:** Jennifer Haro  
**Sent:** Friday, September 17, 2021 9:52 AM  
**To:** Darren Gurnee <[dgurnee@co.kitsap.wa.us](mailto:dgurnee@co.kitsap.wa.us)>  
**Cc:** Carol Malmquist <[carolquist51@yahoo.com](mailto:carolquist51@yahoo.com)>  
**Subject:** FW: Attachment D-5

Hi Darren,

Can you help answer Carol's questions below?

Many thanks,  
Jennifer

---

**From:** Carol Malmquist <[carolquist51@yahoo.com](mailto:carolquist51@yahoo.com)>  
**Sent:** Friday, September 17, 2021 9:43 AM  
**To:** Jennifer Haro <[jharo@co.kitsap.wa.us](mailto:jharo@co.kitsap.wa.us)>; Chairperson MCAC <[mcacchair@gmail.com](mailto:mcacchair@gmail.com)>; Carrilu Thompson-M <[carrilwho@aol.com](mailto:carrilwho@aol.com)>; Kari Corey <[kari.lee.corey@gmail.com](mailto:kari.lee.corey@gmail.com)>  
**Subject:** Attachment D-5

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A little clarification please. Under detailed changes there is a section on home business 'incidental' and home business 'minor'

Says; permissibility not changing BUT went from ACUP to P on both. I don't understand.

Could you add a little more detail for me?

Also under detailed changes and definitions the section on nursing homes said 'repealed' along with race tracks and movie theaters. I don't understand the repealed.

Thank you in advance Jennifer.

Carol



**From:** [Scott Diener](#)  
**To:** [murnane](#); [Liz Williams](#)  
**Cc:** [Kim Dunn](#); [Darren Gurnee](#)  
**Subject:** RE: County review of zoning  
**Date:** Friday, September 24, 2021 3:18:21 PM

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Linda: I must have garbled the name of our PEP leader. It is Liz William at [lawilliams@co.kitsap.wa.us](mailto:lawilliams@co.kitsap.wa.us). I have sent your email on to her.

Regards,

Scott Diener  
Manager, Development Services and Engineering  
SEPA Responsible Official  
Dept of Community Development

t: 360-536-5452  
[kitsapgov.com/DCD](http://kitsapgov.com/DCD)

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**From:** murnane <murnane@centurytel.net>  
**Sent:** Friday, September 24, 2021 12:11 PM  
**To:** Scott Diener <SDiener@co.kitsap.wa.us>; Kim Dunn <KDunn@co.kitsap.wa.us>; Lincoln Williams  
**Subject:** County review of zoning

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**Please put us on the "interested party" list.**

PUBLIC COMMENT REGARDING BELOW DOCUMENT

[https://www.kitsapgov.com/dcd/PEP/Documents/CD\\_ZUT\\_PC\\_SR\\_Attach\\_A1\\_Ordinance\\_2021\\_0730.pdf](https://www.kitsapgov.com/dcd/PEP/Documents/CD_ZUT_PC_SR_Attach_A1_Ordinance_2021_0730.pdf)

As a property owners in rural residential and rural protected (13154 Olalla Valley Rd., S.E. Olalla, WA / 7 acres) we feel that an **event facility does not fit** within the definition of the rural character of the area; peace, solitude and QUIET and **should not be allowed**. We live adjacent and within 300 feet of the outdoor stage to an event facility (Olalla Vineyard and Winery/6 acres) and these past few

years, especially this past summer have been unacceptable. We have contacted the event facility owner about our concerns regarding band noise and crowd noise and their response has been, "we are doing nothing wrong and are within our rights and parameters of our use permit." Events are very loud. Every weekend and many weekdays are noise generating events. Frankly, we have been unable to enjoy our own property because of what is being allowed, via a conditional use permit.

Below in red are our comments regarding specifics to proposal **17.415.195 Event facility**

**Pages 93 and 94 from above document link:**

**17.415.195 Event facility.**

In Rural Residential and Rural Protection zones, an event facility shall comply with the following standards:

A. Number of event participants. An event participant includes, but is not limited to, participants, attendees, guests, officials, on-site staff, vendors and other service providers involved in the set-up, operation, and take-down of an event. The event facility shall limit the number of event participants to:

1. **200** persons per outdoor event. For **open** events such as fairs, markets or bazaars, participant volume shall be limited to 200 persons maximum on-site at any one time. The Director or hearing examiner may increase or decrease the number of persons to reduce the potential impact to neighbors. Considerations shall include **site size, access and parking, hours of operation, proximity to neighbors and screening, noise, or other site-specific circumstances.**

**Currently, the event facility next door to us is allowed to have up to 100 persons for an outdoor event. With full capacity, the crowd noise is like living next to a tavern with an outdoor wine and beer bar, not to mention the amplified music from outdoor concerts, weddings, wine club release parties, birthday parties, bachelor/bachelorette parties, corporate meetings, etc. The 200 persons is much too large for rural residential, rural protected.**

2. Maximum building occupancy for indoor only events. Maximum building occupancy is established through a building occupancy permit with the Department of

Community  
Development.

B. Number and frequency of events. The event facility shall:

1. Not exceed **one event per day**; each day shall be considered its own event, regardless if the event occurs over multiple days.

**Based on the activity of the event facility next door, their indoor events are also outdoor events. When the tasting room is open or if there is a function in the meeting space above the tasting room, guests are also outside. During the Fall and Winter their amplified concerts move indoors, however the noise can still be heard on our property, especially if they leave the doors and windows open. One event per day is too many. 2 events per month would be tolerable.**

2. **Leave ten consecutive days of each month free of events**, which must begin with the same Friday each month (eg, first Friday). The applicant must submit the preferred schedule as part of the permit application.

3. The director or hearing examiner may increase or decrease the number and frequency of events to reduce the potential impact to neighbors.

**Ten consecutive days free of events is not a balanced use. That would mean neighbors would be impacted at twice the rate as the events facility.**

C. Hours of operation. The event facility shall limit all event activities to occur between the hours of operation specified below. **All noise, music, amplified sound, and sound-related equipment shall be turned off or stop at the end time specified. All participants shall be off the property no later than 1 hour after the last time specified.**

**NOISE: Kitsap County Noise Ordinance**

**10.28.040 - max. dBA allowed on receiving property**

**10.28.145(4) - public disturbance noises. Any loud or raucous sound made by use of a musical instrument, whistle, sound amplifier, or other device capable of producing or reproducing sound which emanates frequently repetitively or continuously from any building, structure or property, such as sound originating from a band session, tavern operation, or social gathering, and which unreasonably disturb, or interfere with the peace, comfort and repose of possessors of real property in the area affected by such noise.**

**Both are being violated. If Code Enforcement can not regulate/enforce the noise ordinance, amplified sound should not be allowed. We have**

consistently received above allowed dBA levels on our property and inside our home, with all the windows and doors closed. The sheriff's office has been notified and reports filed and the response from the district attorney is that "proving beyond a reasonable doubt is extremely difficult standard to meet" and declined to file charges, suggesting we seek a civil remedy. The onus on the receiving property owners is to police and prove noise violations and that is untenable.

**PARTICIPANTS LEAVING PROPERTY - Participants should leave property 1/2 hour after closing time. Also, if event facility serves alcohol, those sales should cease 1/2 before closing time.**

The director or hearing examiner may increase or decrease the hours of operation allowed per outdoor event based on site size or conditions implemented to reduce the potential impact to neighbors. Event facility hours of operation:

Monday through Saturday: 8:00 am to 9:00 pm

Sunday: 8:00 am to 8:00 pm

**7 days a week, 8:00am - 8:00/9:00 pm is not a balanced use for rural residential, rural protected.**

**Events should end at 8:30pm and all guest leave property by 9pm. Our experience is that if an event ends at 9pm, guest continue to visit (very loudly) until after 10pm.**

D. Access, parking, and traffic. The event facility shall:

1. access directly from a Kitsap County maintained right-of-way.
2. provide and implement a parking plan for the site. This plan must:

Zoning Use Table Update Staff Report

ATTACHMENT A1 – Ordinance

DRAFT 7/30/2021

Zoning Use Tables Ordinance 94

- a. detail the types of events to occur and recommend minimum and maximum parking areas for the facility.

- b. require striping of unmarked parking areas prior to each scheduled event.

Temporary

striping is acceptable.

- c. clearly prohibit parking on any public rights-of-way.

3. provide and implement a traffic management plan. This plan must include:

- a. an application for Concurrency Test as required by Chapter 20.04.030,

Transportation

Concurrency, of the Kitsap County Code.

- b. the road approach between the edge of existing pavement and the right-of-way line at

all intersections with county rights-of-way. Approaches shall be designed in

accordance

with the Kitsap County Road Standards as established in Title 11 of Kitsap County Code.

E. Landscaping and fencing. The event facility shall include a site obscuring fence, wall or

landscape buffer:

1. around the perimeter of the entire parcel; or
2. around the proposed use area that accommodates outdoor events.
3. A facility may use supplemental plantings within an existing vegetation to accomplish a landscape buffer.

### **What happens in the fall when there are no leaves on the existing vegetation and event participants are visible to neighbors?**

Irrigation must be provided meeting the standards set forth in County codes.

4. Landscaping shall be installed and maintained in conformance with the requirements of chapter 17.500. Landscaping shall be installed and inspected prior to requesting a final

inspection or guaranteed by means of an assignment of funds or bonded in the amount of 150

percent of the cost of installation.

F. For certain event activities, such as those using amplified sound, a noise analysis may be

required consistent with Chapter 18.04 KCC . If required, the applicant will prepare a noise

level assessment, which may result in noise mitigation or attenuation requirements consistent

with the Chapter 10.28 KCC.

**Our experience with amplified sound is it varies, depending on the sound frequency of the instruments, singers, land topography and even if it's windy, etc. Consistent dBA monitoring by event facility, supervised and overseen by an outside entity is vital and any physical structure erected for noise mitigation may not be adequate, depending on the changing conditions. Based on our experience, any outside amplified sound violates Kitsap County Noise Ordinance and SHOULD NOT be allowed for any business in areas zoned rural residential, rural protected.**

**One final thing. If event facilities end up being allowed in rural residential and rural protected, Kitsap County Code Enforcement should be allowed to enter the property during business or event hours unannounced and unimpeded.**

Linda and Michael Murnane  
13154 Olalla Valley Rd. S.E., Olalla, WA 98359

360.509.9183

**From:** [William Palmer](#)  
**To:** [Aaron Murphy](#); [Alan Beam](#); [Amy Maule](#); [Joe Phillips](#); [Kari Kaltenborn-Corey](#); [Mike Eliason](#); [Stacey Smith](#); [Steven Boe](#); [Danielle Douthett](#)  
**Cc:** [Jeff Rimack](#); [Angie Silva](#); [Liz Williams](#); [Darren Gurnee](#)  
**Subject:** KAPO's First Letter Of Testimony On The Zoning Use Table Update  
**Date:** Thursday, September 23, 2021 10:36:59 AM  
**Attachments:** [Ltr-KAPO to PlnCmsn-Zoning Use Table Update 9=22-21.PDF](#)

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Chairman Phillips and Planning Commission Members,

Attached hereto is KITSAP ALLIANCE OF PROPERTY OWNERS (KAPO)'s part one testimony on the Zoning Use Table Update. The balance of our testimony will come in our 2nd letter, submitted shortly before the 5:00 PM deadline tomorrow, September 24th.

Because of Zoom meetings we could not distribute a "hard copy" of the letter at the public hearing as is our custom. When in person meetings have been held in the past each member of the Planning Commission would receive their own individual copy of written testimony. Our oral presentation would then summarize what is contained in our letter. This is also the way we submit testimony to the Board of County Commissioners when there is an in person public hearing.

You will note DCD staff is receiving their copy of the letter and staff is provided their own copy of our written correspondence at the same time the Planning Commission members receive theirs, again at in person public hearings.

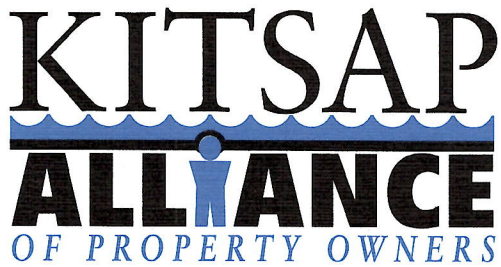
There are lots of questions posed in this and in our second letter, which we trust will be answered in the Planning Commission's deliberations prior to making a final recommendation.

Bill Palmer, President  
KITSAP ALLIANCE OF PROPERTY OWNERS



[360] 621-7237

[wpconslts@telebyte.net](mailto:wpconslts@telebyte.net)



September 21, 2021

Planning Commission  
KITSAP COUNTY  
619 Division Street, MS-36  
Port Orchard, Washington 98366

SUBJECT: Zoning Use Table Update

Honorable Planning Commission Members:

The comments herein presented are on behalf of the KITSAP ALLIANCE OF PROPERTY OWNERS (KAPO). Before addressing the content of the Zoning Use Table Update, it is a fair overview assessment to observe that the document before you is organized in such a manner as to be almost incomprehensible. This point will be further detailed in KAPO's critique herein recorded. We have quite a few questions to pose to the Commission and Department of Community Development (DCD) Staff to illustrate just how confusing this document is and how hard it is to track the many changes contained therein.

*Note: This letter deals primarily with the assertions in the "Executive Summary," but makes reference to sections of the code that pose many questions about the three primary objectives to be met by the proposed changes in the ordinance. In fact, our "topic questions" are numbered and in the discussion of these topics other questions are highlighted in bold text. KAPO's next letter will pick up on the numbered questions in this letter and propose other related questions as well as critique and recommendations for what should be in the proposed changes to the Zoning Ordinance.*

#### GENERAL OBSERVATION:

KAPO has a general observation to make in that we believed in the Department's first charge was to re-examine the Allowable Use Tables of the Zoning Ordinance to change wherever possible uses permitted only with conditions to ones that are allowed outright, or to make allowable some uses previously not permitted. Also, it was understood that it might be easier for the ordinance user if the footnotes to the table were moved to a new section of the code. This two-part objective could have been met in a 50-70-page document depending on how the Use Table Charts are formatted and the "extra space requirements" for new subsection number

*"The small landholders are the most precious part of a state." - Thomas Jefferson*

assignments. But what was published first was 197-pages to include the staff report and what was forwarded to the Planning Commission for Public Hearing consideration is over 300-pages in length.

Quite obviously, the scope of the project was expanded – way beyond what was/is necessary to “update the use tables.” In May of 2019, KAPO submitted its first set of recommendations to DCD staff. The form of that submittal dealt only with a review of uses permitted, or permitted conditionally. We then questioned the proposed Zoning Use Table update again in July-August of 2020 before the proposed changes were tabled for nine (9) months (without notice to the public).

Because of the complications DCD staff have introduced into this Use Table there is no way to effectively review “all of the proposed changes” in summary fashion. An extensive review is required and every issue that can be challenged will be. DCD staff needs to defend their work and, in the process explain, why proposed provisions of this ordinance were made more complicated and convoluted than the original intent of updating the “allowable use tables.” Our work to review this document is extensive and so is our critique.

#### EXECUTIVE SUMMARY –

The Executive Summary states there are three objectives addressed in this code update:

Housing Equity and Diversity  
Economic Development  
Making the Code Easier to Use

When these objectives were first presented to the Planning Commission this body received public comment questionings each of these objectives on two bases, how they are defined and what metric is proffered by DCD staff to measure these objectives to determine if the contents of this Zoning Use Table Update meet or can meet these objectives over time.

On July 30<sup>th</sup>, when this code was re-introduced to the Planning Commission, DCD staff could not provide satisfactory answers to these basic questions. Consider this in regard to “equity”. There are two common definition contexts for “equity.” One is political in nature and the other is an accounting use of the term. In the political arena, *equity* is “*justice according to natural law or right or freedom from bias or favoritism.*” (Merriam-Webster). And in accounting *it is the value of an asset less the amount of all liabilities on that asset.* A third definition has emerged in our 2020-2021 social climate – “*it is the state, quality or ideal of being just, impartial and fair.*” And “*the concept is synonymous with fairness and justice.*” (per The Annie E. Casey Foundation).



**QUESTION - 1:** Which definition is DCD staff using to pair “equity” with diversity? And how is “Diversity” defined? By a “wide array of housing product types?”

**QUESTION - 2:** How is either of these terms measured and especially since they are connected by the word “*and*.” How can one determine if there is a “wide array of housing product types” that are also “just, impartial or fair?” Keep in mind that because of regulations, the cost of a single-family home is 45-50% higher price in Kitsap County than it would be in a less restrictive jurisdiction say in small town Montana. What is just, impartial or fair about that circumstance?

Regarding the assertion that the Buildable Lands Analysis (BLA) can be used to measure “equity and diversity” is a false premise. A BLA’s primary focus is on the amount of urban classified land to accommodate projected population. What it does not do is make an assessment of what is equitable or not. \* Thus, if the BLA is purported to be the tool to measure compliance with or fulfillment of this objective, it is a fallacious conclusion. This is especially the case when the term “equity” has at least three possible definitions. How can the average citizen know what is being measured and measured in the context of an urban environment?

- *If equity is introduced as a measurement, that opens up the argument for whether the right assumption is made about the “market factor” used to size urban areas, i.e., the made up one all the agencies think works or the “real world conditions” that if properly inventoried would mitigate against limiting supply to drive up costs of housing.*

**QUESTION -3-** The US and Washington State Constitutions both provide for the protection of individuals to own and use their property. Why is it that the protection of this basic right is not an objective of any ordinance or ordinance amendment passed by Kitsap County? What KAPO sees and has seen over the now 20-years of its existence, is an incremental erosion of that basic right. KAPO has never argued for no regulations, but in this same time period we have watched the County “chip away” at this right with new restrictions, one after another to make it so that people who own property cannot use their property without oversight from the “state.” In some cases, it is the state, but mostly it is Kitsap County standing in for the State of Washington.

Because the “state” controls the use of land, the regulatory environment either takes away the use a person can put to his or her property or makes it so costly that value is destroyed. Conversely, in many cases these restrictions make the land become so expensive that the next generation cannot afford the “buy-in” and hence this next generation has or will have no “equity” (note this is defined to be in the accounting sense) to build wealth.

**QUESTION -4:** For Economic Development there are two sub-objectives, 1. “Scaling land uses to streamline the level of permit review required.” And 2. “Adding new land uses based on projects submitted to the Department and comparison of other jurisdictions.” So, how do these two objectives translate into “economic development?”

Consider this situation in the Department,” it takes as long for DCD staff to process an Administrative Conditional Use Permit (ACUP) as it does to have the permit application material sent to the Hearing Examiner for approval – 6-8-months, minimum. *There is a reason for this statement that can be provided in answer to any questions.*

Going straight to a building permit process may sound like a more expedited way for a proposed project to be reviewed, but the assumption that project approval will move faster is not a foregone conclusion. Why? Because the building permit process employs the same “planning/environmental/storm water review as the ACUP – THINK 6-8 MONTHS IN PROCESS! In 2021, it has taken a good six (6)-months just to get to “first review” of a submitted building permit application.

Some even rather simple building permit applications require 11-14 submittal items. That is compared to the only 3-4 required prior to 1995. Noteworthy too, is the fact a homeowner/builder/developer might wait some three – four months just to be told that there are yet “additional exhibits/documents” that have to be submitted. Such permit reviews beleaguer building permit, ACUP and CUP applications as well. The reason for this stagnation can be explained in part by lack of staff in DCD, but the more endemic issue is the “over burden” of regulation compliance. Give attention to the fact that with any given application of the types mentioned above, there are a cumulative total of some 11-different ordinances that might be applicable to a particular permit application. Compliance with all of these ordinances come at a cost, usually in the thousands of dollars.

Unbeknownst to most, is the fact that a person wishing to build a new house on his or her undeveloped parcel may well spend, in addition to the building permit fee and the engineering and design costs of the house, another eight (8)-ten (10) thousand dollars in civil engineering, geo-tech or single-family wetlands analysis / habitat report costs. Often, these reports are for the purpose of “just because.” And none of those costs include “impact fee assessments”, which after February 1<sup>st</sup>, 2022 will be approximately \$5,700.00. All of these costs (except impact fee assessments) are related to ordinance provisions the Planning Commission first reviewed and recommended the Board of County Commissioners adopt.

If one is making an assessment for “economic value” of ordinance provisions, one must for the sake of “equity” (again, the accounting definition) deduct the “costs” associated with regulation compliance. Actually, such “deductions” are never



included in the accounting of ordinance implementation. So, it is hard to believe there is a net economic benefit to these ordinance amendments without such “balance sheet reconciliation.”

As for adding “new land uses,” this sounds like a benefit, **but is it really?** Provisions for Marijuana growing and sales is a relative new use, but it is a highly restricted use by both the State and Kitsap County. Clearly, it is a “cash cow” for the business owner, but is it a “business” contributing to the overall economy of Kitsap County?

How about “air bnb?” A relatively new use and Kitsap County has debated such businesses for at least 3-4-years and have yet to come up with a set of zoning provisions to address this use. So, **what uses are “new?”** What projects suggested there was need to include them in Kitsap County’s Zoning Ordinance? And what other jurisdictions are making provisions for these “new uses” and what standards or restrictions have these other jurisdictions applied to these “new uses?” “Are their standards appropriate to be used in Kitsap County? And why is there no discussion material to answer these questions?

**QUESTION - 5:** How is it that adding more regulations to the Zoning Ordinance makes the Zoning Ordinance “easier to use?” Clearly, these proposed amendments to the existing Zoning Ordinance are adding to the ordinance and do so in a most disorganized manner.

What could have been done, for example, is to have moved all of the footnotes to the “new section of the code, i.e., Chapter 17.415, then assign the new chapter code reference numbers that are intended to replace the old footnote number. But that is not what was done. For example, in Section 180 new regulations were added for Port Gamble and the other 100+ footnotes were all crossed out. That means this new 17.415 section of the code supposedly has all of the previous footnotes to the Use Table with no reference back to which footnote became a new subsection of this chapter.

To make matters worse, this new section 17.415 introduces yet another set of complications - it starts out with “new regulations” not referenced in the footnotes - for ADUs in Urban (subsection 010) verses Rural areas (subsection 015). There is no reference to the location in the Zoning Ordinance from which these regulations came. So, the conclusion to be drawn is that these are “new ordinance provisions.”

Further the review of this document has yet another hurdle to overcome as there are sections of the document where there is no bold text or underlined text to track what is new (as in proposed language) or existing provisions of the Zoning Ordinance. That fact leaves open the question, “**what provisions of this document, i.e., the one in the hands of the Planning Commission will be subject to change?** For example, can the provisions of the ordinance pertinent to Port Gamble be changed?

Clearly, these are new provisions to the code. **How about the provisions for multi-family design standards? Can these be changed?** They are not in bold or underlined text.

Back to the subsections 010 and 015, the latter applies to Rural areas and yet, the instruction the Planning Commission received before and on July 30, 2021, was that the provisions applicable to “rural areas of the County,” were not changed in these proposed ordinance provisions, only modifications to the ordinance applicable to urban areas are considered herein.

Even more confusing is the inclusion of Section 17.410 Allowed Uses in Rural Areas. If nothing can be changed in this review, **why is this section of the code included in this document?**

Also, give attention to the comparison between the Zoning Ordinance in effect between the years of 1981 and 1995. It was 78-pages in length and that included the appendix. Today’s Zoning Ordinance is well over 400-pages in length. **How does that fact square with “Scaling land uses to streamline the level of permit review required?”** What is streamlined, when because of this update there is a prospect of the code having another 100+ pages of regulations? For those keeping track that means Kitsap County’s Zoning Ordinance will be over 500-pages in length..... Conclusion, it will be more complex and convoluted than even the incomprehensible nature of the existing ordinance.

KAPO’s next letter will pick on this question numbering format and deal with specifics of the proposed “use table” and other sections of the proposed ordinance.

Respectfully submitted,



William M. Palmer, President



**From:** [William Palmer](#)  
**To:** [Aaron Murphy](#); [Alan Beam](#); [Amy Maule](#); [Joe Phillips](#); [Kari Kaltenborn-Corey](#); [Mike Eliason](#); [Stacey Smith](#); [Steven Boe](#); [Danielle Douthett](#)  
**Cc:** [Jeff Rimack](#); [Angie Silva](#); [Liz Williams](#); [Darren Gurnee](#)  
**Subject:** Re: KAPO's First Letter Of Testimony On The Zoning Use Table Update  
**Date:** Friday, September 24, 2021 4:20:48 PM  
**Attachments:** [Ltr-KAPO to PlnCmsn-Zoning Use Table Update-Ltr2 -9-23-21.PDF](#)

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**Chairman Phillips and Planning Commission Members,**

Attached hereto is KAPO's second letter of testimony to follow our 1st letter submitted to the Commission and DCD staff on 9/23/21. According to the allowance for written testimony made at the September 21st public hearing held by the Planning Commission, this 2nd letter meets the compliance deadline for submittal of written testimony.

Like our first letter, we trust our questions, issue discussion, note commentary and recommendations for what should and should not be included in the proposed ordinance will be answered and made a part of the Commission's deliberations on this proposed code amending ordinance. Also, note our conclusion as found on page 10 of our text is that this proposed Zoning Use Table Update has too many problematic issues and is not therefore, ready to be forwarded to the Board of County Commissioners for adoption.

Thank you for your patience in reviewing our testimony.

**William M. Palmer, President  
KITSAP ALLIANCE OF PROPERTY OWNERS**

On 9/23/2021 10:36 AM, William Palmer wrote:

**[Chairman Phillips and Planning Commission Members,](#)**

**[Attached hereto is KITSAP ALLIANCE OF PROPERTY OWNERS](#)**

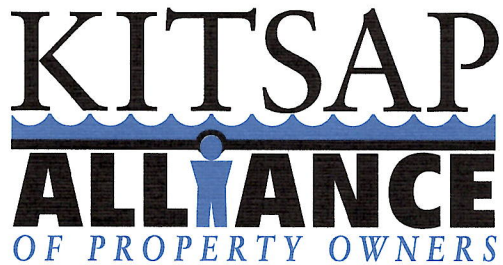
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You will note DCD staff is receiving their copy of the letter and staff is provided their own copy of our written correspondence at the same time the Planning Commission members receive theirs, again at in person public hearings.

There are lots of questions posed in this and in our second letter, which we trust will be answered in the Planning Commission's deliberations prior to making a final recommendation.

Bill Palmer, President  
KITSAP ALLIANCE OF PROPERTY OWNERS  
[360] 621-7237  
[wpconslts@telebyte.net](mailto:wpconslts@telebyte.net)



September 23, 2021

Planning Commission  
KITSAP COUNTY  
619 Division Street, MS-36  
Port Orchard, Washington 98366

SUBJECT: Zoning Use Table Update (Continued Testimony)

Honorable Commissioners:

KAPO's September 21<sup>st</sup> letter of testimony delt principally with the objectives of the Zoning Use Table Update and the presentation of the proposed amendments made available for review and critique. This testimony picks up where the September 21<sup>st</sup> letter ended and addresses specific proposed amendments. In this analysis there are more questions to be answered, some commentary and recommendations for action.

**QUESTION – 6- Why is Section 165 (which references 17.130.020 Uses permitted and design standards) included in this Code update?**

**Issue:** DCD staff has consistently informed the Planning Commission and the public that the Zoning Use Table Update was/is pertinent to “urban areas,” and not to “rural portions of the County. Pardon KAPO and other members of the public for taking DCD staff's word of instruction seriously. Not only was that advisory given to the Planning Commission at their June and July meetings, but also it was what staff told the KAPO Board of Directors on July 14<sup>th</sup> at our meeting with staff.

The problem is the focus of citizen's review has been on Use Table Changes allowable, or allowable with conditions in the “Urban” residential, commercial and industrial zones. Further complicating this issue, is the title of the proposed ordinance “Zoning Use Table Update.” KAPO and likely many other Kitsap County citizens reasoned that the subject matter of the proposal was “use allowances” and not “design standards” or not “Uses permitted and design standards.” It is a disservice to the citizens if the County said “urban,” but really meant “urban” and “rural.” It is also a disservice to the public when DCD staff gets to pick and choose which aspects of the Zoning Ordinance are to be modified and the public review choices are limited to whatever the DCD staff says can be modified.

*"The small landholders are the most precious part of a state." - Thomas Jefferson*

**Recommendation:** Eliminate all proposed provisions that affect rural portions of the County (possible exception for LAMRIDs, which in fact, are urban areas surrounded by a rural environment) or open up the public's ordinance review process to accept discussion and critique for any and all aspects of the rural provisions of the Zoning Ordinance. For example, there are needed changes for perimeter property setback requirements in "rural residential" zones as well as for Rural Commercial and Rural Industrial Zones. that at least this organization would like considered that have not been proposed because of the instructions given by DCD staff.

Also, to be eliminated is Section 3 Findings 3.c, which makes reference to "new categorical uses" in Rural Areas.

*Note: Because of the conflict between "use table update" and now "use table and use table and design guidelines" introduced into the proposed ordinance, it appears to KAPO that the whole update process needs restarted with a clean slate and go back to the original charge for what was supposed to be the focus of this code update process.*

**QUESTION – 7-** Why does the document introduce "section numbers" to change code provisions or introduce new provisions of the code?

**Issue:** These section numbers add a new level of confusion to the review of the code by the citizenry and likely the Planning Commission as well. For example, Section 165, is supposedly proposing an amendment to KCC 17.130.020. However, when that section of the code is quoted below this Section number, there is nothing highlighted by bold text other than the KCC 17.130.020, which is displayed in bold text. So, what is proposed for change?

**Recommendation:** Eliminate all of these Section numbers and reference only the KCC 17 sections and subsections that are proposed for change, either by strike through of existing text or red text for that which is new. All of these section references are adding a level of confusion to the proposed ordinance changes that is not necessary and makes the proposal most difficult to decipher what is proposed for change and what is existing text that will not be changed regardless of citizen or Planning Commission recommendations.

**QUESTION – 8-** Why is there a presumption that the public or the Planning Commission know what the existing Zoning Ordinance provisions are? Case in point, a reference is made to a "master Plan" in a Business Center Zone, why is there only a code reference i.e., 17.440 which would make it necessary for the proposed ordinance reviewer to dig out his or her copy of the Zoning Ordinance and look it up? Why not include such code provisions referenced in an Appendix?



**Issue:** This is a problem endemic to the Use Table Update document. Sometimes existing code provisions are incorporated into the document but in this instance, there is only a reference to the existing code. When the existing code is incorporated in this document, it raises the question of what is subject to change even if there is no bold text. If one has to go to the “on line Title 17” that is cumbersome.

**Recommendation:** Add code references as an appendix to the Use Table Update so that the reviewer can better understand what is being changed and what is not subject to change.

**QUESTION – 9- Regarding Rural Industrial Zoning, i.e., 17.330.030 – Special Provisions for “outdoor storage,” why is it necessary to stipulate that business activity to include outdoor storage be conducted wholly within a building when the business is *across the street* from a lot in any residential zone?**

**Issue:** This requirement presumes an impact that may or may not be experienced by the “rural residential” property owner. Differential elevations of property should be a consideration as well as ownership. For example, if the business owner is the same as the residential property owner, **what is the supposed “compatibility issue?”** If property on one side of the street is higher than the other side, **what is the problem?”** especially inconsideration of setback and buffer requirements applicable to both residential and business properties. **And does it matter if the “road” is a state highway like SR-16, SR-303, SR-305 or SR-3 where the right-of-way is most often well over a 100-foot and thousands of vehicles are passing by the site?”** This is an “artificial code provision,” trying to make “one size fit all.”

**Recommendation:** Eliminate this proposed code provision as it unnecessarily restricts business enterprise and would surely increase the cost of development mitigating against “economic benefits” to the County.

*Note, those with no experience in site design in Kitsap County have a limited understanding of the issues property owners and business developers face when trying to place their business on a site meeting a multitude of code requirements.*

*This is the kind of example when DCD staff could have been well served prior to finalizing the draft of the code by at least, vetting the proposed language with the professional engineers, surveyors, architects, builders and planners who do have that site planning experience. Vetting means having an in-person meeting with the professionals in the County debating / hashing out what is appropriate and what is a handicap to business development.*

**QUESTION – 10 - Why are new footnotes introduced in Section 180 (17.410.050) when all other footnotes to the Use Tables are moved to the new 17.415 Chapter?**

**Issue:** This is one of the many confusing aspects of these proposed code changes. One of the reasons the existing Zoning Ordinance is 400+ pages is because there are separate chapters for each of the LAMRIDS. The Suquamish (17.410A), Port Gamble (17.410B), Manchester (17.410C) all have a separate set of code provisions. However, in the instance of Port Gamble in the context of this Use Table update, its regulations are scattered through out this 197-page proposal and the “tag” for these footnotes as referenced above does not relate to the chapter assignment in the existing Zoning Ordinance. The real issue is, if the objective is to transfer the footnotes attached to 17.410 to a new section of the code, i.e., 17.415 does that mean a code user still has to jump around in the ordinance to find what is applicable to uses in Port Gamble?

In the oh-by-the-way department, why is a new subdivision of the Zoning Ordinance (17.415) necessary when all of the Use Table footnotes are already located in 17.410.050?

**Recommendation:** Resolve the proposed ordinance numbering system to make it a.) compatible with the existing Zoning Ordinance reference system and b.) easier to locate its provisions.

**QUESTION – 11-** Since DCD staff has included in this Use Table Update “design standards” as well as the “footnotes” found in KCC 17.410.050, why have the footnotes found in KCC 17.420.060 been excluded from inclusion in this code update process?

**Issue:** Supposedly, in this Use Table update, the concept is “uses and footnotes.” Even though the footnotes to the use table already occupy a subsection of the code, i.e., 17.410.050 that they would be moved to a new code section – 17.415 wherein the “use regulations” could be found. But in the review of these proposed ordinance changes, we find that “design standards” are included along with use table modifications and footnotes that have a new title “use regulations.” So, if there is more to this Use Table Update, why is the DCD staff saying “design guidelines” are included and then not making any recommended changes to the “design standards or the footnotes to that section of the code, i.e., 17.420.060? Some 58-footnotes are found in this section of the code and in the technical sense these are also “use regulations.”

**Recommendation:** Make a choice. Either have this Use Table Update deal only with allowed uses (or those conditionally allowed) and the footnotes that go with 17.410 or open up the entire update process to include all use restrictions, to include design standards, aka Density and Dimension Standards. If the latter option is taken, then this will require suspending consideration of this proposed ordinance update and initiating a new one, complete with the public input process.



*Note, pertinent to the “design guidelines” as found in 17.420.060, they are in fact, not guidelines at all. They are “regulations” that **mandate** where on a lot or parcel buildings, parking areas and open space/landscaping must be placed or not placed.*

*In the instance of Footnote No. 25, the stipulation about placement on a lot or parcel can **mandate** that property be subdivided before a building permit could be approved for a single-family detached house. Complicating this “need to subdivide issue” is an unadopted “Director’s Interpretation” issued in March 2020 mandating minimum density requirements in Urban Low and Urban Cluster Zones. At the very least this new “**mandate**, “which is technically not a “code requirement,” should have been included in this code update for public scrutiny, especially if “design guidelines” are included.*

*Regarding this March 2020 Director’s Interpretation, aside from the fact it received no prior public review and even exposure to the public, it has introduced confusion as to how 17.420.060 Footnote No. 25 is applied. And interestingly, the Director’s Interpretation was a “top down” staff decision and lower members of staff were not schooled in how such a decision would or could be implemented. Note this statement is made based on personal interaction with DCD staff, not at the higher levels of the office, but ultimately required the Director’s instruction.*

**QUESTION – 12- Why in Section 17.415.010.G is there a limitation on size of an ADU, i.e., 60% of the main residence or 900 S.F.?**

**Issue:** The “urban areas or urban growth areas” is supposedly the place where the County wants to maximize density. Of course, the mantra of GMA is “pack-em-and-stack-em. Then who cares if the ADU is of equal or greater in size than the main residence? (Citizens no longer have the privilege to care about their neighborhood or community.) If another example is needed look at the “infill provisions” of the Buildable Lands Report – Kitsap County’s version.

GMA was written such that the existing character of residential neighborhoods is of little consequence. That is why, in jurisdictions like the City of Seattle, single-family residential neighborhoods are, in some cases **mandated** to allow duplexes and apartment building next to single-family detached dwellings. GMA is “top-down legislation.” The **mandate** is density of development takes president over detached single-family neighborhoods.

Just like Seattle, Kitsap County has embraced the Puget Sound Regional Council’s 2050 plan for the region. That plan essentially ignores citizen in put to include the people’s sense of community. So, again, **why does it matter about the size of an ADU with respect to the principal residence”**

**Recommendation:** Eliminate the ADU size restriction in urban designated areas.

*Note; KAPO has argued and will continue to do so that the citizens of Kitsap County should have a say in how the County is planned. However, the Board of County Commissioners have by their actions, i.e., plans and ordinances adopted that the “peoples voice” is secondary and often in third place behind so-called “state mandates,” grant funding guidelines and staff opinions. Witness what transpired in the lead up to the adoption of the 2016 Comprehensive Plan Update or in the crafting and adopting of the 2017 Critical Areas Ordinance update. If any other examples are needed to illustrate the point, consider how the contents of the Storm Water Design Guidelines were promulgated or how the Shoreline Master Program Update was infused with at least 20-21 “new regulations” not mandated by the State Department of Ecology. There were citizen objections to both these legislative enactments, but the evidence shows, no citizen had a say in how the ordinances were constructed and adopted. Thus, in this instance, contrary to our view of what Kitsap County could be, we are herein suggesting that the planners in Kitsap County crafting this legislation.....be consistent with GMA.*

**QUESTION – 13-** Why is there a need to, in 17.418.015 to make a distinction between an “Attached ADU” versus a “Detached ADU” and why is there a size limitation of 50% of the square footage of the principal residence and why was it necessary to expand the regulatory measures pertaining to ADUs?.

**Issue:** As written, the text includes reference to “affordable housing” being a goal of this code provision. Yet, there are 3x the number of regulations applicable to ADUs in rural areas as is the case for urban. This fact alone is a case for “over regulation of the use,” which in turn increases the cost of the ADU and thus mitigates against “affordable housing.” Further exacerbating the cost of an ADU in a rural area is the fact that there is a separate permitting process to go through prior to building permit submittal. Nearly 20-years of experience with Hearing Examiner approvals of ADUs in rural areas has demonstrated that there is either no opposition to such approvals or maybe a most, neighbors would testify about a single aspect of such a proposal. Also, concerns about “design” are mitigated by the general sparse spacing of the homes, and where there is generous populations of trees in these rural areas.

**Recommendation:** Eliminate the separate application for rural located ADUs allowing them to be approved in the building permit process. Also eliminate, at least, the following criteria for their approval – B.2, B.5 and B.9 and modify B.3 to stipulate a maximum size of 1,200 S.F. regardless of the size of the existing house. (Note: this is a standard used in Pierce County in their rural areas.

**QUESTION – 14-** Why are “Event Facilities” singled out for to have 19-new regulations, especially when such regulations only apply in Rural Residential and Rural Protection Zones?



**Issue:** Again, this relates to the issue of whether or not this Zoning Code Update is meant to address urban uses or whether it has now morphed into a “Pot Pori” of whatever DCD staff wants to change in the ordinance, regardless of original intent of this Use Table Update or what the citizens of the County want. **None of these regulatory measures are necessary!** Event facilities now have to meet Conditional Use Permit criteria. Those same criteria have been used for nigh on 40-years to permit uses that are not allowed outright in any zone, but permitted conditionally.

Just as troubling as the issue of such regulations that are truly not required, is the fact that DCD staff by their inclusion of such regulations are doing an “end run” around what here-to-fore has taken the form of a deliberate process. Perhaps the newer Planning Commission members are/were not aware of how the Agricultural Code was developed. It took a minimum of two-years and lots of meetings with rural property owners who were already or wished to be engaged in agricultural pursuits that also included sales of products. The Agricultural Code applies to the uses made of land in these two-same Zones.

Consider the fact that there are land owners in these two Zones that have been through the CUP process in order to conduct their businesses. There is more than a high probability that DCD staff did not reach out to any of these people to get their input regarding the regulations that apply to their businesses. Thus, this a **unilateral move on the part of DCD staff** to increase the regulatory environment, which in fact, is counter veining their (not the publics but staff's) objective number 2 that was addressed in KAPO's September 21, 2021 letter.

This “new” set of code provisions is exactly the kind of incrementalism subverting the rights of the property owner to make use of his or her land. And it is the kind of incrementalism that has caused Kitsap County's Zoning Ordinance to be over 400-pages in length and headed for 500-pages making it incomprehensible to most of the people residing in Kitsap County.

In KAPO's view this proposed section of the code is the antithesis of the motto of our Republic.....” Government of the people, by the people and for the people.” In stead it is an example of “government of the bureaucracy, by the bureaucracy and for the bureaucracy.”

**Recommendation:** Eliminate this entire section of the proposed code!

**QUESTION – 15-** Why is Section 183 and 184 (which references 17.470.020 “Applicability – How to use design criteria” and 17.470.030 “Multifamily site design Orientation”) included in this Code update?

**Issue:** Granted, this is an “urban” centric set of regulations, but if such “design guidelines are intended to be “use regulations, i.e., new 17.415,” why are they not

proposed to be in subsection of 17.415? The fact that these regulatory measures are maintained in their own separate chapter – 17.470 is indicative that the scope of the Zoning Use Table Update has been greatly expanded.

What is not clear pertains to the reference to chapters 17.480.160, 17.480.180 and to 17.480.240, are these code provisions also subject to change by such inclusion? One could assume the answer is no, but by the reference herein the question remains unanswered. This is especially the case since pages 180-187 have included Chapter F 17.470 – Multifamily Development – Design Criteria. There are 11-subsections to this chapter but there is no bold, underlined or strike through text in this chapter. So, is the provisions therein subject or not to change?

This is just another example of what happens when proposed code amendments deviate from the principal objective or objectives. It is also, another example of how this proposed ordinance does not fulfill the objective of “making the code easier to use.”

**Recommendation:** Eliminate all proposed changes, references to and provisions of Chapter 17.470. If contrary to this recommendation there is somehow a need to make amendments to this chapter of the code, then a.) the scope of the “use table update” needs to be clarified and b.) the public needs to be reinvented in the process to propose and promote changes to the “whole Zoning Ordinance,” not just the advertised “Use Table Update.”

*Note, there is an underlying flaw in the assumption that design can be dictated by regulation. Here are just a few of the issues:*

- 1. Guidelines such as included in Chapter 17.470 have subjective interpretations both for the general purpose and for the specific requirements. For example, in 17.470.010.A “To encourage better design and site planning.” According to whom? Besides DCD staff who makes this judgement? Or F. To ensure the compatibility of dissimilar land uses. What is the “compatibility standard?” and who makes this judgement?*
- 2. Such guidelines are generally written for circumstances in which the topography is flat or no more than modulating, have no environmental constraints such as wetland or slope buffers and have, in some situations, no direct frontage on a street. So, who makes the judgement as to what is better or worse? On page 182 there are three site layouts for multifamily development, whose judgement is it that determines what is “better” about one site layout verses another or something a site user would propose?*
- 3. Often criteria is crafted by individuals with no prior site planning or design experience. Witness the “Silverdale Design Criteria,” (not included in this Use Table Update document). One such section of those criteria creates a “stepped process” for the design of a whole building. One has to complete each of four-steps to get a complete structure.*



4. *Design criteria promote homogenization in design and therefore limit creativity. For example, a lot of people seem to like the buildings found in Martha's Vineyard. And if that is the "look" some people in Kitsap County like and want, what about the people who like and want what they term Northwest architecture? Who is it that says one style is better than another?*
5. *Citizen design tastes change over time. For example, when the Bedford Steveston buildings were first proposed in New York, it provided compact housing that people in New York soon came to view as "ghetto housing" and there was a move to the suburbs to get more open space to raise youngsters. Not the only reason, but conceptually it was why many people wanted out of the big cities. Now, our "modern" design guidelines are promoting a new kind of "ghetto housing" our youngsters may want to abandon when they are rearing their families.*
6. *Design guidelines assume builder/developer pockets are very deep and can afford any whim regulators wish to impose on them. Often forgotten in the implementation of design guidelines is that builder/developers have to make a profit on their projects or the multifamily building will not be proposed. Such building budgets are dependent also on what the market will bear. If, for example, the builder/developer has to price his one or two-bedroom units at levels in excess of say \$2,500.00 (a low price for the City of Seattle) here in Kitsap County, do individuals and couples have the household income stream to pay that much rent. And how long can they pay the "entrance fee" when clearly the cost of rent will escalate in 6-months to a year and every year after that?*

*These are just a few of the issues of design guidelines in the context of a now "over regulated" permitting environment.*

**QUESTION – 16- Why is proposed Chapter 17.415.010.B.6.b – Use Regulations applicable to "Junk Yards" has to have a "Environmental Mitigation Agreement?"**

**Issue:** Junk Yards or Wrecking Yards are land uses that are highly regulated by both the Health District and the Washington State Patrol. In fact, the latter issues a license for such facilities and the Health District standards are quite specific about how fluids are drained from vehicles, where on a site this is to take place, what kind of a facility is necessary to perform this operation, how such fluids can be stored for later transfer to a proper disposal facility (proper in the instance of either a Health District, State Department of Ecology or both approved site or station.

What we have here in this section of the proposed ordinance is another "over burden of regulation" that is not necessary. All that is necessary to be proposed here is "compliance with the three local and state agencies regulations.

**Recommendation:** Eliminate this subsection of 17.415.010.B.6.b (or whatever the correct subsection reference would be) as found on page 177 of the proposed ordinance.

**QUESTION – 17-** Why is Section F. 17.110.367 the definition of Impervious Surface included in this Code update?

**Issue:** First, this definition is imported from Kitsap County Code Title 12.08.245 (the definition section of that code). This is not a usual circumstance. Often when another code's provisions are material to a Zoning Ordinance, there is a reference citation back to that or those codes provisions. In today's world there would be a "hperlink." The fact that there is no such hyperlink raises the questions about **why not?** And **why** is it even necessary to define "impervious surface(s)" in the Zoning Ordinance?

Perhaps one might suggest that impervious surface areas are material to considerations of setbacks from perimeter property boundaries. No, the setbacks are "building or structure setbacks" not impervious surface areas. **How about zoning buffer/landscaping/building setbacks?** No, buffer requirement language references landscaping and not impervious surface areas. Perhaps parking areas where there is an implied impervious surface. No, see definitions for parking found in 17.110.555, .560, .565 and .567. None of these definitions as found on page 137 of this proposed ordinance reference impervious surface(s). So, again **why** is this definition included herein?

**Recommendation:** Eliminate this definition. If there is reason to have it remain, then this language needs to be added to the definition. "The following do not constitute impervious surfaces or impervious surface areas: *"grasscrete," geowebbs with soil and grass planted cells, any surface structure that allows for the propagation of grass capable also of bearing the weight of vehicles or field areas planted to grass where parking of vehicles occurs principally in the dry months of the year."* If the addition of this language also causes a need to amend Title 12.08.245 so be it.

**CONCLUSION:** The substance of KAPO's testimony is two-fold: 1.) the proposed ordinance provisions do not meet the original intent of the Use Table Update, 2.) is a most confusing and convoluted document to review and 3.) is adding regulations that are not needed. Regarding KAPO's questions, issues, recommendations and italic presented notes as well as reasons for the recommended action and in some instances, commentary as to why the proposed code provision is problematic and why this ordinance is not ready to proceed through the adoption process.

Respectfully submitted for Planning Commission discussion and deliberations.

*William M. Palmer,*  
President



**From:** [O. Ray Pardo](#)  
**To:** [Carol Malmquist](#)  
**Cc:** [Charlotte Garrido](#); [Jennifer Haro](#); [Chairperson MCAC](#); [Darren Gurnee](#); [Amber Brown](#); [Carrilu Thompson](#); [Lyle & Denise Burbidge](#); [Janelle Overton](#); [Kari Kaltenborn-Corey](#); [Paul Nuchims](#); [Robin Williams](#); [Scott Billingsley](#)  
**Subject:** Re: Zoning Use Table Update - Important Date Reminders  
**Date:** Friday, September 24, 2021 6:16:27 PM

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**[CAUTION:** This message originated outside of the Kitsap County mail system. **DO NOT CLICK on links or open attachments** unless you were expecting this email. If the email looks suspicious, contact the helpdesk immediately at 360-337-5555, or email at [helpdesk@co.kitsap.wa.us](mailto:helpdesk@co.kitsap.wa.us)]

Carol, fellow MCAC members & Commissioner Garrido,  
I am late in getting my concurrence with this MCAC action, but the changes that are being made to the code should be reviewed by DCD staff with our LAMIRD before they proceed any further.

The COVID concerns of many of us is going to inhibit attendance at in-person meetings, and changes of this magnitude may have effects that were not intended.

Respectfully,  
O. Ray Pardo, Caraway Road, Port Orchard (i.e., Manchester)

On Sep 23, 2021, at 5:02 PM, Carol Malmquist <[carolquist51@yahoo.com](mailto:carolquist51@yahoo.com)> wrote:

Commissioner Garrido,

We have a quorum of agreement on the subject pertaining our hopes as a group (MCAC) that any passage of the updates for the zoning project as it relates to Kitsap County (especially Manchester) can be pushed back until a time when someone from DCD can attend a meeting with us to go over any and all issues that pertain to our LAMIRD in particular. We have many questions and concerns about some of the proposed regulation changes.

We would appreciate your help in this matter. It's a complicated subject and one that deserves more scrutiny by the public.

Thank you for your time and attention,

Carol Malmquist (Chair)

Members in agreement:  
Carrilu Thompson  
Janelle Overton  
Kari Cory  
Denise Burbidge  
Robin Williams

P.S. I have tried to attach all their comments on the subject along with this email. Please forgive me if I have created a long chain.

----- Forwarded Message -----

**From:** Janelle Overton <[jagoozer@gmail.com](mailto:jagoozer@gmail.com)>  
**To:** Carol Malmquist <[carolquist51@yahoo.com](mailto:carolquist51@yahoo.com)>  
**Cc:** Amber Brown <[yellowrocksol@gmail.com](mailto:yellowrocksol@gmail.com)>; Carrilu Thompson-M <[carriwho@aol.com](mailto:carriwho@aol.com)>; Chairperson MCAC <[mcacchair@gmail.com](mailto:mcacchair@gmail.com)>; Denise Burbidge <[lyle4007@msn.com](mailto:lyle4007@msn.com)>; Jesse LaCross Lambert <[jlacrosslambert@gmail.com](mailto:jlacrosslambert@gmail.com)>; Kari Corey <[kari.lee.corey@gmail.com](mailto:kari.lee.corey@gmail.com)>; Paul Nuchims <[paulnuchims@gmail.com](mailto:paulnuchims@gmail.com)>; Ray Pardo <[raypardo@gmail.com](mailto:raypardo@gmail.com)>; Robin Williams <[rw5863rk@outlook.com](mailto:rw5863rk@outlook.com)>; Scott Billingsley <[wexler88@hotmail.com](mailto:wexler88@hotmail.com)>  
**Sent:** Thursday, September 23, 2021, 04:38:37 PM PDT  
**Subject:** Re: Fw: Zoning Use Table Update - Important Date Reminders

Hi Carol,

Yes, I agree that MCAC should be able to meet with a representative from the DCD to discuss these zoning changes, and to obtain clarification on the changes before they are voted on.

Thank you  
Janelle

On Wed, Sep 22, 2021 at 3:41 PM Carol Malmquist <[carolquist51@yahoo.com](mailto:carolquist51@yahoo.com)> wrote:

In case my last message was missing Carrilu's assessment...

----- Forwarded Message -----

**From:** Carol Malmquist <[carolquist51@yahoo.com](mailto:carolquist51@yahoo.com)>  
**To:** Amber Brown <[yellowrocksol@gmail.com](mailto:yellowrocksol@gmail.com)>; Carrilu Thompson-M <[carriwho@aol.com](mailto:carriwho@aol.com)>; Chairperson MCAC <[mcacchair@gmail.com](mailto:mcacchair@gmail.com)>; Denise Burbidge <[lyle4007@msn.com](mailto:lyle4007@msn.com)>; Janelle Overton <[jagoozer@gmail.com](mailto:jagoozer@gmail.com)>; Jesse LaCross Lambert <[jlacrosslambert@gmail.com](mailto:jlacrosslambert@gmail.com)>; Kari Corey <[kari.lee.corey@gmail.com](mailto:kari.lee.corey@gmail.com)>; Paul Nuchims <[paulnuchims@gmail.com](mailto:paulnuchims@gmail.com)>; Ray Pardo <[raypardo@gmail.com](mailto:raypardo@gmail.com)>; Robin Williams <[rw5863rk@outlook.com](mailto:rw5863rk@outlook.com)>; Scott Billingsley <[wexler88@hotmail.com](mailto:wexler88@hotmail.com)>  
**Sent:** Wednesday, September 22, 2021, 03:40:30 PM PDT  
**Subject:** Fw: Zoning Use Table Update - Important Date Reminders

To all,

Please take a moment to read Carrilu's assessment of the county's proposed changes to the zoning table. During the meeting we had where a representative from DCD attended we were lead to believe that changes to our area were not going to be affected but in fact, they will be. We need to get a letter to DCD suggesting that we would like to have more clarification on the proposed changes to the zoning update as it pertains to the Manchester LAMIRD. Not all LAMIRDS are treated equally so it's important for us to follow through on our area. Please read not only Carrilu's assessment but follow the link to the county's proposed changes.

We only have a short window to get this done so please put a high priority on your response.

Thank you,

Carol

----- Forwarded Message -----

**From:** Carriwho <[carriwho@aol.com](mailto:carriwho@aol.com)>

**To:** [carolquist51@yahoo.com](mailto:carolquist51@yahoo.com) <[carolquist51@yahoo.com](mailto:carolquist51@yahoo.com)>

**Sent:** Wednesday, September 22, 2021, 12:17:41 PM PDT

**Subject:** Fwd: Zoning Use Table Update - Important Date Reminders

Carol-

I participated in the Zoom Planning Commission meeting last night (Tuesday, Sept.21st), taking public comment on the Proposed Zoning Table Update changes. Even though DCD told us during our Zoom MCAC regular meeting that there wouldn't be any major changes effecting LAMIRD's, it is, in fact, not the case. I reviewed the proposed changes as stated under the tab "Detailed Changes: Allowed Use Tables" (below) and was surprised to see how many proposed changes there are to our plan. The deadline for comments to the changes has been extended to Friday, September 24th at 5 pm and I urge all of our members to review the changes and submit them to Darren Gurnee at DCD by the deadline with a cc to me (for Zoning Committee records). Since we do not have a scheduled MCAC meeting before the deadline to formally propose comments, all comments submitted will have to be as citizens. The MVC, MVLR and MVR section is a few pages into the report. I have attached the letter I submitted to them which states only a few of my many concerns with the tone of the changes. If anyone has questions, I will be happy to try and answer them. Would you please distribute my email to the group? Thank you!

Carrilu

-----Original Message-----

**From:** Kitsap County <[kitsapcounty@public.govdelivery.com](mailto:kitsapcounty@public.govdelivery.com)>

**To:** [carriwho@aol.com](mailto:carriwho@aol.com)

**Sent:** Mon, Sep 13, 2021 2:50 pm

**Subject:** Zoning Use Table Update - Important Date Reminders

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Kitsap County





## Zone Use Table

### **Kitsap County is accepting comments on the [Zoning Use Table Update](#).**

Comments will be accepted until **September 21, 2021, at 5:00 PM** and help inform the proposed changes recommended to the Board of County Commissioners later this year.

To be included as part of the official public record, submit your comment using one of the following methods:

- **Online:** [Via computer or mobile device](#)
- **Email:** [Darren Gurnee](#), Senior Planner
- **Mail:** [614 Division St](#) - MS36, Port Orchard, WA 98366
- **Public Hearing:** The Planning Commission will accept testimony during a public hearing scheduled on **September 21, 2021**, at 5:30 PM. To find information about the Planning Commission public hearing and how to join visit: <https://www.kitsapgov.com/dcd/Pages/PlanningCommission.aspx>.

Please note, the Kitsap County Planning Commission may consider extending the written comment period beyond their September 21, 2021, public hearing. Interested parties are still encouraged to submit written comments prior to the 5:00 PM deadline, as this extension will be considered following the close of the public hearing.

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### **Documents for Public Review**

- [Detailed Changes: Allowed Use](#)

## Staff Report

- [Proposed Ordinance](#)
- [Scope of Amendments Matrix](#)
- [Detailed Changes: Definitions](#)

## [Table](#)

- [Detailed Changes: Footnote Relocation Guide](#)
- [State Environmental Policy Act \(SEPA\) Checklist](#)
- [Maps](#)

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## **What is the Goal of this Update?**

The primary goal of the Zoning Use Table Update is to reduce barriers to investment in Urban Growth Areas (UGA), Limited Areas of More Intense Rural Development (LAMIRD), and the rural commercial and rural industrial zones.

The project will address:

### **Housing Equity and Diversity**

The project will encourage a wide array of housing product types within the various urban and LAMIRD zones, including addressing gaps in the land use categories and definitions.

### **Economic Development**

The project will encourage economic development by:

- Scaling land uses to streamline the level of permit review required.
- Adding new land uses based on projects submitted to the Department and a comparison of other jurisdictions.

### **Making the Code Easier to Use**

Finally, the project will improve predictability and ease of use for applicants and permit reviewers.

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## **Learn more about the Zoning Use Table Update**

More information about the Zoning Use Table Update is available on the [project website](#).

The County also invites you to the following public participation opportunities to learn more about the project prior to providing your comments.

### **Zoning Use Table Update Virtual Meeting #2:**

Thursday, September 16, 2021, from 5:30 – 6:30 PM.

To find more information about the virtual meeting visit:

[https://www.kitsapgov.com/dcd/PEP%20Documents/CD\\_ZUT\\_VM\\_Instruction\\_2021\\_0819.pdf](https://www.kitsapgov.com/dcd/PEP%20Documents/CD_ZUT_VM_Instruction_2021_0819.pdf)

### **Request a Consultation:**

Consultations are offered to interested community groups, department advisory groups, local associations, minority and low-income community organizations, groups of young Kitsap County residents, property owners, environmental interest groups, and any other group that wishes to know more.

If you are interested in scheduling a consultation, please contact County staff by email at [dgurnee@co.kitsap.wa.us](mailto:dgurnee@co.kitsap.wa.us) or by phone at 360-337-5777.

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## For More Information

Please click here to visit the Zoning Use Tables Update Project [website](#).

You may also contact Kitsap 1 at (360) 337-5777 and via email at [help@kitsap1.com](mailto:help@kitsap1.com).

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Questions?

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This email was sent to [carriwho@aol.com](mailto:carriwho@aol.com) using GovDelivery Communications Cloud on behalf of: Kitsap County Washington · [619 Division Street](#) · [Port Orchard, WA 98366](#) · 360-337-5777





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## Port of Kingston: Proposed Amendments to the Allowed Use Tables

September 20, 2021

**Introduction:** The purpose of the Port of Kingston's request that Kitsap County make the following suggested amendments to its Title 17 update is to allow the Port greater flexibility in pursuing its mission of economic development on properties owned and controlled by the Port. The Port of Kingston has simplified these requested changes over the first version of this request, thanks to DCD's review and comments on the earlier proposal.

The properties owned by the Port of Kingston, a public Port District with taxing authority, currently fall under three (3) zoning categories: Urban Village Commercial (UVC), Neighborhood Commercial (NC), and Urban Low Density Residential (UL). The Port of Kingston has filed an application with Kitsap County to rezone all of its property that currently falls within the Neighborhood Commercial (NC) zone to the Urban Village Commercial (UVC) zone which better fits the Port's mission.

In anticipation that the Port's proposed rezoning will be favorably received by Kitsap County, the Port of Kingston respectfully requests that the Kitsap County Department of Community Development (DCD) consider the following proposed amendments to the Zoning Use Table update for the Urban Low Density Residential / UL zoning category. These requested amendments would be made to:

- **Section D.4. Detailed Changes: Definitions**
- **Section D.5. Detailed Changes: Allowed Use Table**

Some of the proposed changes are for uses that are already established on the Port's properties. For those use changes that are not presently established on the Port's properties and that fall within the UL zoning category are proposed to be subject to discretionary reviews by Kitsap County.

**Section D.4. Detailed Changes: Definitions.** Add a new definition for "Urban Port" to read as follows:

**17.110.729** "Urban Port" means a Port District with public taxing authority established under RCW 53.04.010 that is located within a designated unincorporated Urban Growth Area that operates an existing marina and that owns, manages, and maintains properties that are contiguous to or near the waterfront for the purpose of economic development.

Under the zoning category **Urban Low Density Residential (UL)**, modify the Allowed Use Table to apply as follows. It's important to note that each of the permitting requirements under the UL category would require a discretionary review under a Conditional Use Permit from Kitsap County to be approved.

- **222** Auto/recreational vehicle/boat rentals: Change from – to C
- **314** Marina support services: Change from – to C



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**Conclusion:** The Port of Kingston views these changes as essential to accomplishing its mission of economic development. We hope that these amendments to the Allowed Use Tables are viewed favorably by the Kitsap County DCD.

If you have any questions regarding any of these proposed changes, please contact Greg Englin, Executive Director, at (360) 297-3545 or [GregE@PortofKingston.org](mailto:GregE@PortofKingston.org) . Thank you for your consideration.

Laura Gronnvoll  
Commissioner

Steve Heacock  
Commissioner

Mary McClure  
Commissioner



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September 21, 2021

Liz Williams  
Senior Planner  
Department of Community Development  
Kitsap County

**Subject: Comments on revisions to Title 17 and the Allowed Use Tables**

Dear Ms. Williams,

Thank you for allowing the Port of Kingston to provide our formal comments and suggested amendments to Title 17 and the Allowed Use Tables. We want to thank you and all the DCD staff for the thought and effort you put into this. DCD has significantly simplified Title 17 and the Allowed Use Tables. Our comments and proposed amendments are enclosed with this letter for consideration by the Department of Community Development and the Planning Commission. We believe these changes will help both the County and the Port in our shared mission of economic development.

We have added a definition of an "Urban Port," and will be sharing this concept at the next Kitsap All Ports meeting in October. We will obtain feedback on this concept and share their comments with all of you subsequently.

We have also shortened and simplified the specific changes we are suggesting to the Allowed Use Tables, and we have retained the suggested footnote #7 that would go along with the proposed use changes that would apply only to "urban ports" as defined.

We look forward to your review of our proposals. Please reach out to Greg Englin, Executive Director, at [GregE@PortofKingston.org](mailto:GregE@PortofKingston.org) or (360) 265-5492, if you have any questions or feedback. Thank you again for your consideration.

Greg Englin  
Executive Director  
Port of Kingston



**From:** [Tonya Rothe](#)  
**To:** [Darren Gurnee](#)  
**Subject:** Citizen Comment and Request for Q&A zoom meeting on Manchester zone changes  
**Date:** Friday, September 24, 2021 9:03:33 AM

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Good Morning Mr. Gurnee,

As a concerned citizen of Manchester who was just informed of the proposed changes to the zoning use table in our neighborhood.

I request that you hold a Q&A zoom meeting about the implications of the proposed changes before any decisions are made.

Although it seems you have held previous discussions on the matter few residents seem to be privy to the information, as your meetings as well as the implications of your decisions are not widely advertised within the community.

I'm sure you realize that navigating through a government website and comprehending the format and language of the planning/building department is not only confusing but can be daunting for lay people, allowing your department and the county at large to make decisions with minimal input from citizens.

We know that typically once the homes/multi-dwellings/apartments are filled with mortgage-laden residents the developers leave with their cash all the while pushing the county to build more as residents, green spaces, and wildlife end up paying the price.

Of course the cost of this sprawl is a rise in service costs, reductions in vital services, and depletion of our limited natural resources.

Is it more affordable housing options you are proposing? We know that building affordable housing is not particularly affordable. In fact, there is a huge gap between what these homes/apartments cost to construct and maintain and the rents and mortgages that most people can pay. Property values in Manchester are increasing consistently.

So I ask you, what is the end goal of the county beside what appears to be the obvious? More county revenue through property taxes? Additional utility and other monetary costs to residents? The inestimable cost to what little remains of our natural environment?

Once again I request a Q&A meeting with residents on this issue before any decisions are finalized and that this meeting be widely publicized to local residents so we may have equal participation in the decisions you are making on our behalf.

Thank you for your time,

Tonya Rothe  
Manchester  
774-281-0544



**From:** [Gull Cottage](#)  
**To:** [Darren Gurnee](#)  
**Subject:** Manchester Zoning Changes  
**Date:** Friday, September 24, 2021 12:25:31 PM

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Dear Mr. Gurnee;

I am a Manchester resident and like most of my neighbors, I just found out about the proposed changes to our zoning as regards multifamily housing. We are requesting a public meeting, now that we are aware of this. We are longtime waterfront homeowners and will be the first to have our neighborhood destroyed as developers jump in to the most desirable areas. This will not be "affordable housing", this will be making a quick buck and leaving the rest of us the burden of built-up blocks, metastasizing sprawl, decimated wildlife habitat, even more service reductions than we already have, torrents of traffic that our roads are not designed for, and ever-higher taxes to support ever more people.

We did not put millions of dollars into our single-family homes only to have the area suddenly become a high-density city. We need to have a talk; we urge you to schedule another meeting. Thank you.

Susan Shaw  
P.O. Box 333  
Manchester, WA 98353

**From:** [Jennifer Haro](#)  
**To:** [Darren Gurnee](#); [Liz Williams](#)  
**Subject:** Fwd: Zoning Changes in Manchester  
**Date:** Friday, September 24, 2021 3:58:04 PM

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Hi Darren and Liz,

Not sure if Commissioner Garrido sent this one a long or not, but here you go!

Hope you have a good weekend.  
Jennifer S. Haro

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-----Original Message-----

From: Susan Shaw <[Lunarmoth@wavecable.com](mailto:Lunarmoth@wavecable.com)>  
Sent: Friday, September 24, 2021 3:21 PM  
To: Charlotte Garrido <[cgarrido@co.kitsap.wa.us](mailto:cgarrido@co.kitsap.wa.us)>  
Subject: Zoning Changes in Manchester

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Dear Commissioner Garrido;

I am a Manchester resident and like most of my neighbors, I just found out about the proposed changes to our zoning as regards multifamily housing. We are requesting a public meeting, now that we are aware of this. We are longtime waterfront homeowners and will be the first to have our neighborhood destroyed as developers jump in to the most desirable areas. This will not be "affordable housing", this will be making a quick buck and leaving the rest of us the burden of built-up blocks, metastasizing sprawl, decimated wildlife habitat, even more service reductions, torrents of traffic that our roads are not designed for, and ever-higher taxes to support ever more people - without an increase in infrastructure to handle them.

We did not put millions of dollars into our single-family homes only to have the area suddenly become a high-density city. We need to have a talk; we urge you to schedule another meeting as area residents wake up to this threat to their village. Thank you.

Susan Shaw  
P.O. Box 333  
Manchester, WA 98353

**From:** [Angie Silva](#)  
**To:** [Melissa Shumake](#)  
**Subject:** FW: Feedback on Zoning Use Table Update  
**Date:** Thursday, September 23, 2021 11:54:53 AM  
**Attachments:** [image003.jpg](#)  
[image004.png](#)

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**From:** Russ Shiplet <ExecOff@kitsapbuilds.com>  
**Sent:** Thursday, September 23, 2021 11:39 AM  
**To:** Angie Silva <ASilva@co.kitsap.wa.us>; Liz Williams <lwilliams@co.kitsap.wa.us>; Darren Gurnee <dgurnee@co.kitsap.wa.us>  
**Cc:** Jeff Rimack <JRimack@co.kitsap.wa.us>; David Kinley <DKinley@co.kitsap.wa.us>  
**Subject:** Feedback on Zoning Use Table Update

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Angie and team,

Once again, I would like to thank you for providing Zoning Use Table Update workshops and allowing for feedback from participants and KBA members. The workshops were informative and well presented.

I have shared the workshop presentation materials with KBA Developers & Builders, encouraging them to provide comments (positive or negative) to you and your team or me.

The only feedback I have received has been positive comments about attached ADUs. To date, I have received no negative comments about any portion of the Zoning Use Table update.

Keep up the great work, and please let me know how else I can assist the department.

Russ

**Russ Shiplet, Executive Officer**  
**Kitsap Building Association**  
**5251 Auto Center Way**  
**Bremerton, WA 98312**  
(360) 479-5778 **office**  
(360) 479-4210 **direct**

**KBA Logo horizontal Tagline 2019**



**From:** [terencesimons@yahoo.com](mailto:terencesimons@yahoo.com)  
**To:** [Darren Gurnee](#)  
**Subject:** Zoning  
**Date:** Friday, September 24, 2021 10:47:17 AM

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Hello Mr. Gurnee

I have just been informed of upcoming zoning changes that you are planning to put into place in Manchester. I understand that the comment window is closing shortly. I have found it extremely difficult to get any usable information from your website.

I would therefore like a meeting with you and with members of our community on these points before any decisions are made and would like this meeting be accessible to local residents so we may have at least the chance to be in on the decision making process.

Thank you for your time.

> Terence Simons  
> Port Orchard WA  
> 360 710-5081  
>

**From:** [Stacey Smith](#)  
**To:** [Liz Williams](#); [Darren Gurnee](#)  
**Cc:** [Joe Phillips](#); [Amanda Walston](#); [Jeff Rimack](#); [Angie Silva](#)  
**Subject:** Recommendation for Land Use Table Definition- group living  
**Date:** Wednesday, August 18, 2021 3:04:17 PM  
**Attachments:** [image002.png](#)

Liz & Darren,

I wanted to provide a recommendation for the Land use Table definition for Group Living. It occurred to me this morning that “Memory Care “ (another specialized group living category) is not included in the definitions.

Here are my minor suggestions for the Group Living definition Table (page 10)- **highlighted for quick reference:**  
**PRELIMINARY DRAFT (Not for Public Distribution)**  
**Attachment D4: Detailed Changes – Definitions**

	<p><u>A. The term mental or physical impairment includes conditions such as blindness, hearing impairment, mobility impairment, HIV infection, alcoholism, drug addiction, chronic fatigue, learning disability, head injury, cognitive impairment, memory loss and mental illness.</u></p> <p><u>B. Current users of illegal controlled substances, persons convicted for illegal manufacture or distribution of a controlled substance, sex offenders, and juvenile offenders are not considered mentally or physically impaired under the Fair Housing Act.</u></p>	
Group living	<p><b>17.110.318 Group living.</b>  <u>“Group living” means the residential occupancy of a structure that does not meet the definition of family living. Generally, group living facilities have a common eating area for residents, and residents may receive care or training. Group living includes the following:</u></p> <p>A. <u>Assisted living facility.</u>  B. <u>Boarding house, rooming house, or lodging house.</u>  C. <u>Congregate care facility.</u>  D. <u>Convalescent, nursing or rest home.</u>  E. <u>Dormitory.</u>  F. <u>Hospice.</u>  G. <u>Monastery or convent.</u>  H. <u>Independent living facility.</u>  I. <u>Shelter, non-transitory accommodation.</u>  J. <u>Skilled nursing care facility, memory care, convalescent, or rest home.</u></p>	<ul style="list-style-type: none"> <li>• New definition, not currently defined</li> </ul>
Helicopter pads	<p><b>17.110.333 Helicopter pads.</b>  <u>“Helicopter pads” means an area on a roof or on the ground used for the takeoff and landing of helicopters for the purpose of loading or unloading passengers or cargo but not including fueling service, hangers, maintenance or overhaul facilities.</u></p>	<ul style="list-style-type: none"> <li>• New definition, not currently defined</li> </ul>
Home business	<p><b>17.110.345 Home business.</b>  <u>“Home business” means a commercial or industrial use (excluding retail) conducted entirely within a dwelling or an accessory structure, which use that is clearly secondary to the use of the dwelling for residential use.</u></p>	<ul style="list-style-type: none"> <li>• Clarifying edits</li> </ul>

It's my intention to assist with this project- not overstep.

Thank you, Stacey

Stacey Smith,  
Planning Commissioner, South Kitsap

**From:** [Ronald Tarver](#)  
**To:** [Darren Gurnee](#)  
**Subject:** Proposed Manchester zoning  
**Date:** Friday, September 24, 2021 2:58:45 PM

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Mr. Gurney. I have seen this before and the document is over 180 pages long. The information is given in legal terms and most of us are not lawyers, I am just guessing at this point. I read it all last night and the best I can get out of it is that possibly the hill side above the boat launch is yellow and if that is so then they are proposing authority to authorize the building of apartments, condo's, Duplexes and nothing describes in this document how tall and dimensional max. Dimensions. At this point the public does not have time to consume this information and provide any type alternatives. I believe the public needs more time to understand the long term effects of this change. 'We deserve better notifications like this platform and online discussions. If this is allowed it would have serious negative impact on the existing community and displace many families. Now is not the time push capitalistic money grabs on the public especially during a pandemic.

Sent from my iPad



**From:** [Carriwho](#)  
**To:** [Darren Gurnee](#)  
**Cc:** [Charlotte Garrido](#); [carolquist51@yahoo.com](mailto:carolquist51@yahoo.com); [kari.lee.corey@gmail.com](mailto:kari.lee.corey@gmail.com); [Jennifer Haro](#)  
**Subject:** Proposed Zoning Table Updates  
**Date:** Tuesday, September 21, 2021 1:12:09 PM

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September 21, 2021

Dennis Gurnee  
Department of Community Development  
614 Division St. MS36  
Port Orchard, WA 98366

Re: Proposed Zoning Table Updates

Dear Dennis-

I am requesting **further community review** of the Zoning Table Updates as proposed by the Department of Community Development (DCD) for Areas of More Intensive Rural Development. When the DCD made a brief presentation to the Manchester Community Advisory Council via a Zoom meeting, it was requested that there be a more in-depth discussion with staff to review the proposal line by line. It was stated, at that time, that the changes being addressed by the DCD would not impact LAMIRD's and their current plans. Having read through the proposed changes as they apply to the Manchester Plan, it is very apparent that these changes will, in fact, greatly impact our neighborhoods, community and our plan. You have stated in the staff report:

"The proposed amendments do not:

- Revise Comprehensive Plan or Sub-Area Plans Vision, Goals and Policies
- Revise other development requirements in Title 17 (Zoning), such as allowed density and zone purposes."

The following are just some examples of how the proposed changes **will** revise our sub-area plan and the density of the Manchester Village Low Residential (MVLRL) and the Manchester Village Residential (MVR) areas:

#106- Permitted Use for Guest Houses in MVLRL and MVR. Neighbors should be able to weigh in on whether or not these would be allowed in their neighborhood as the guest house can easily become a vacation rental (also permitted through a ACUP in these areas) and increase traffic and noise.

#108- Hearing Examiner Conditional Use Permit for Cottage House Developments in MVC. Currently, no residential buildings are allowed without commercial space incorporated into the building. This is intended in the Plan to encourage commercial development in the downtown core. This change also allows for ACUP in MVLRL and MVR. Cottage and Cluster Developments were deleted from the Plan at the request of the community.

#110- Permitted Use for Duplexes in MVLRL and MVR. This not only increases density where there were only single-family residences permitted before, it also potentially increases traffic and parking in family neighborhoods.

#262- Permitted Use for Home Based Day Care in MVLRL and MVR. This should have input from the surrounding neighbors as the noise factor and traffic will impact them, especially where the house is accessed by a private driveway or road.

As a community, we have been rushed into accepting changes and interpretations to our Community Plan in the past that resulted in permanent and irreparable changes to the fabric of the Manchester Village. We deserve, as we requested before, to have more a comprehensive review of the proposed Zoning Table Updates before they are adopted.

Sincerely,  
Carrilu Thompson  
Manchester Community Citizen

Cc: Commissioner Charlotte Garrido  
Carol Malmquist, Chair of the Manchester Community Advisory Council  
Kari Corey

Jennifer Haro

**From:** [Tim Trohimovich](#)  
**To:** [Darren Gurnee](#)  
**Subject:** Zoning Use Table Update Comment  
**Date:** Monday, September 20, 2021 2:59:21 PM  
**Attachments:** [Futurewise Coms on Kitsap Cty Zoning Use Table Update.pdf](#)

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Dear Mr. Gurnee:

Enclosed please find our comments on the zoning use table update. Thank you for considering our comments.

Tim Trohimovich  
Director of Planning & Law  
Futurewise  
816 Second Ave., Suite 200  
Seattle, WA 98104  
[tim@futurewise.org](mailto:tim@futurewise.org)  
(206) 343-0681 Ext. 102



816 Second Ave, Suite 200, Seattle, WA 98104  
p. (206) 343-0681  
futurewise.org

September 20, 2021

Darren Gurnee, Senior Planner  
Kitsap County Department of Community Development  
614 Division Street – MS36  
Port Orchard, Washington 98366

Dear Department of Community Development:

**Subject: Comments on the Kitsap County Zoning Use Table Update.**

Send via email to: [dgurnee@co.kitsap.wa.us](mailto:dgurnee@co.kitsap.wa.us)

Thank you for the opportunity to comment on the Kitsap County Zoning Use Table Update. Futurewise works throughout Washington State to support land-use policies that encourage healthy, equitable and opportunity-rich communities, and that protect our most valuable farmlands, forests, and water resources. Futurewise has members and supporters throughout Washington State including Kitsap County.

**Uses and development sizes and scales allowed in Type I Limited Areas of More Intense Rural Development (LAMIRDs) must have existed in that LAMIRD on July 1, 1990. See Section 179: Kitsap County Code Section 17.410.046, "Limited areas of more intensive rural development (LAMIRD) zones use table."**

The Washington State Supreme Court has concluded that:

¶ 5 LAMIRDs are not intended for continued use as a planning device, rather, they are “intended to be a one-time recognition of existing areas and uses and are not intended to be used continuously to meet needs (real or perceived) for additional commercial and industrial lands.” *People for a Liveable Cmty. v. Jefferson County*, No. 03–2–0009c, 2003 GMHB LEXIS 34, at \*2(W. Wash. Growth Mgmt. Hr’gs Bd. Final Dec. and Order Aug. 22, 2003). (In general, planning in rural zones must “protect the rural character of the area” and “contain[ ] or otherwise control[ ] rural development.” RCW 36.70A.070(5)(c), (i)).<sup>1</sup>

For these reasons the Growth Management Act contains specific standards that limited areas of more intense rural development (LAMIRDs) must meet. As the Growth Management Hearings Board held:

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<sup>1</sup> *Gold Star Resorts, Inc. v. Futurewise*, 167 Wn.2d 723, 727–28, 222 P.3d 791, 793 (2009).



Therefore, when the Board reviewed how the LAMIRDs were defined and the uses allowed in them it found contradictions and violations of the GMA. For example, as for Type I LAMIRDs, the GMA provides: “Any development or redevelopment in terms of building size, scale, use, or intensity shall be consistent with the character of the existing areas.”<sup>184</sup> An “existing area” or “existing use” is one that was in existence on July 1, 1990.<sup>185</sup> The fundamental problem of the County’s approach is that its development regulations fail to limit LAMIRDs in the manner required by the GMA. Rather than determining the size, scale, use and intensity of uses that existed in a particular area to be designated as a LAMIRD, and limiting future development in the LAMIRD on that basis, the County instead allows uses in a particular LAMIRD based on the zoning designation applied to a LAMIRD, regardless of whether those uses were present in that LAMIRD on July 1, 1990.

<sup>184</sup> RCW 36.70A.070(5)(d)(i)(C) [ & RCW 36.70A.070(5)(d)(v)].

<sup>185</sup> RCW 36.70A.070(5)(d)(v)(A).<sup>2</sup>

We are concerned that the amendments to Kitsap County Code Section 17.410.046 make the same errors. The amendments do not appear to limit the uses in Type I LAMIRDs to those uses that were present in that LAMIRD in 1990. Nor do the amendments limit the size and scale of those uses to the size and scale in that LAMIRD in 1990. The amendments must limit the uses to the LAMIRDs in which they were located in 1990 and must limit their size and scale the size and scale of those uses in that LAMIRD in 1990. These additions are necessary to protect rural character and comply with the Growth Management Act.

Thank you for considering our comments. If you require additional information, please contact me at telephone 206-343-0681 Ext. 102 and email: [tim@futurewise.org](mailto:tim@futurewise.org).

Very Truly Yours,



Tim Trohimovich, AICP  
**Director of Planning and Law**

---

<sup>2</sup> *Futurewise, Governors Point Development Company, Triple R. Residential Construction, Inc. and the Sablin Family, Eric Hirst, Laura Leigh Brakke, Wendy Harris and David Stalheim, and City of Bellingham v. Whatcom County*, Growth Management Hearings Board Western Washington Region (GMHBWWR) Case No. 11-2-0010c, Final Decision and Order & GMHBWWR Case No. 05-2-0013, Order Following Remand on Issue of LAMIRDs (Jan. 9, 2012) Page 92 of 177.

**From:** [Mattie Walters](#)  
**To:** [Darren Gurnee](#)  
**Subject:** Manchester plan public comment  
**Date:** Thursday, September 23, 2021 8:22:00 PM

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Dear Mr. Gurnee

I am a Manchester resident and live 7849 E. Main st. and have resided here since 2004.. I have an abiding interest in the future of the community and how it develops.

I am outraged that the CDC should consider major changes to the community plan with so little attempt to elicit community input. There has been no outreach to those of us who live in Manchester and closing the comment period without having that input is not in the best interest of the community. The timeline appears to be very rushed and information channels difficult to access. All that is at odds with open and fair discussion about changes that could have major impact on the quality of life, major impacts on traffic flow, parking, view protections and other facets that directly affect the residents of Manchester.

In addition, the COVID-19 restrictions have placed another burden on voicing our concerns, not everyone is conversant with Zoom meetings and other means of communications. Those of us who do not have the advantage of using those devices suffer by not having our voices heard.

Thus, it is incumbent on the council to extend the deadline for commenting on any and all changes proposed for Manchester.

Sincerely,  
Mattie Walters

Sent from my iPad



**From:** [Sherri Wender](#)  
**To:** [Darren Gurnee](#)  
**Cc:** [Eric Baker](#)  
**Subject:** Short Term Vacation Rentals  
**Date:** Tuesday, September 21, 2021 9:18:13 AM

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I am writing in response to the request for comments on Kitsap County zoning use table update changes, particularly regarding short term vacation rentals. My husband and I have lived in rural Kitsap County for 23 years. I am particularly concerned with the role of adjoining neighbors in the process of approving short term rentals including vacation rentals, bed and breakfasts and Airbnb. A particular short-term rental may have an impact on only a few of the residents of a neighborhood, but the impact on the few could be significant.

Specifically, my concerns include:

- Vacation rentals can alter the character of the neighborhood. Instead of 2-4 people per residence, vacation rentals are often shared by groups of people who can defray the cost by sharing among more people, often 8-10 in one accommodation. Vacation renters may have less incentive to be “good neighbors.”
- Many rural areas, including where we live, can be affected by the additional traffic. We live on a one lane road and have to pull over every time someone comes from the other direction.
- Our neighborhood includes a shared private beach and common areas deeded to property owners. Until now, we have been reasonably certain that the people we encounter in these areas are neighbors or accompanied friends or family. With vacation rentals, these areas receive far more use and neighbors can be confronted with ongoing large numbers of unaccompanied strangers.

I see the proposed changes in zoning to be an opportunity to address these issues. Here are some of the areas that I would like to see improved or clarified.

- A robust notification system to alert affected neighbors of proposed vacation rentals and what that would entail would help address concerns upfront. I understand currently this is done by postcard, but I worry such notifications may be overlooked.
- It would be helpful to have clear limits on the number of people allowed in vacation rentals. Defining short term categories by number of rooms rather than number of people makes it harder to ascertain the impact on neighboring residents.
- Where a vacation rental proposal includes shared community property, all of the property owners sharing in such property should have a voice, if interested, in whether and how such shared private property should be available to vacation renters.

Those of us who have chosen to live here did so because of the quiet residential character of the area. It is a net positive for a neighborhood when residents with financial challenges have ability to rent a room or two to help with a mortgage, or even a whole house which

would otherwise be vacant part of the year. But this is different than those investing in and running an ongoing business to bring in the most number of customers to extract the most possible profit. It is difficult to see the benefit to existing residents for rural residential zoning to allow clearly commercial enterprises.

Thank you,

Sherri Wender

## Table of Comments submitted via webform

First Name	Last Name	Comment
Patricia	Norwood	As a resident I am against this change of use. My home borders this proposed change and I am completely against this.
Claire	Jackson	As a citizen of this state I'm for abolishing zoning use restrictions without a majority consent from we citizens. Majority. Explicit consent. Not implied consent. Assumptions. A direct one to one vote. Per the Constitution. And with elections being fixed no time like the present to rectify 'mistakes'.
Mary	Dalrymple	I do not want to see condos and multi housing units in the quiet community of Manchester.
Denise	Burbidge	My husband Lyle Burbidge and myself are very much opposed to the proposed changes to the zoning in the Manchester LAMIRD. This goes against our Manchester Community Plan and what those who own and live in the red zone of this community want. Please do not move this forward to a vote. We would like the public input period to be extended so more property owners can learn what is being proposed and be given an opportunity to also give input.
Anne	Cisney	I was shocked to learn that there is a proposal to permit multifamily dwellings in the low density parts of Manchester Village, and really unnerved that I had not been aware that this was even proposed until the last day of the comment period.  Please do not go forward with this plan. I am very concerned about the environmental impacts of this change and strongly opposed to such a dramatic shift happening without any earlier opportunity for residents to give input. Not in the low density areas, please.
Leeann	McCulley	I'm opposed to the proposed upzoning of Manchester. A more targeted approach to the zoning changes should be considered for this area. If allowed to proceed, the area will become much like the characterless neighborhoods like Ballard and now West Seattle
Michelle	Guynn	Leave Manchester as it is. There is no need to over crowd and over populate this beautiful area. I am very against this zoning. Don't ruin beautiful Manchester with this nonsense! There are other areas in Port Orchard with the adequate land space to make this possible without over populating and slamming builds in small spaces.

Sheila	Spiker	<p>Hello,</p> <p>I've recently learned of proposed changes to the zoning laws that would allow a dramatic increase in multi family buildings in the Manchester area.</p> <p>I am writing to voice my concern. I do not want this to occur.</p> <p>The character of the area (calm, spacious, quiet) is why I love living here. Letting it spiral out into massive condos and apartments would ruin that.</p> <p>My family has been living in Port Orchard for over 35 years and we realize that development will happen, but I think this massive change is not the way to do it. Consider a smaller section of intense development.</p> <p>Thank you</p>
Terence	Simons	<p>I have just learned of the proposal to allow multi family properties in the Manchester community. This is news to me and to all of my neighbors. We need to have a meeting to discuss this issue with the community.</p>
Melanie	Bronov	<p>I am a resident of Manchester and was just made aware of the proposed change to the current zoning laws that would allow multi-family, I.e. Apartment Buildings, to be constructed: with no limitation on size, location, or even a minimal requirement for developers to mitigate infrastructure impact that such development would cause.</p> <p>To say this would be problematic in the extreme, is beyond downplaying the actual everyday impact this would have on everything from: property values, taxes, infrastructure, services (already noticeably lacking), on a very small, relatively tight knit community of single family home.</p> <p>I ask that any decision be postponed until a public hearing can be held—in Manchester—so our voices and concerns can be addressed.</p>

Jon	Rothe	<p>We know that typically once the homes/multi-dwellings/apartments are filled with residents the developers leave with their cash all the while pushing the county to build more as residents, green spaces, and wildlife end up paying the price. Not to mention residents that are paying the extra cost to have a view can easily lose this if a multi-family pops up in front of them where just a single level/family house was before.</p> <p>This causes a rise in service costs, reductions in vital services, and depletion of our limited natural resources. Property values in Manchester are increasing consistently and this apparent money grab by the county will not be welcome to our neighbors.</p> <p>So what is the end goal of the county beside what appears to be the obvious? More county revenue through property taxes? Additional utility and other monetary costs to residents? The inestimable cost to what little remains of our natural environment? The ill effects on the long time residents losing their views and privacy will in some cases make them move somewhere else.</p>
josh	guynn	<p>Manchester is amazing, friendly and beautiful neighborhood community. It's a very small town feel where everyone waves and gives room to those walking or jogging along the roadside. Packing more homes into such an amazing little community is only going to rob us of that and the beautiful landscape views around Manchester. I do not support this zoning change at all and it will ruin Manchester. There is no reason to expand Manchester, it's where port orchard people go to get away from the slammed together packed town we know as port orchard.</p>
William	Shaw	<p>For the Manchester Village area, I would like to favor keeping the 1/2 acre per family density but allow for a duplex 2 family density.</p>
Shelly	Olson	<p>Please do not make any rule changes until the community has more opportunity to review the land use rule changes. Please announce further public comment opportunities on the Manchester public forum on Facebook.</p> <p>As an homeowner in the affected area, I am not in favor of potential multi-level/multi-family homes being built near the water off of Colchester blocking the views from Puget Drive SE for which landowners paid. It is already bad enough that current owners do not keep trees trimmed and overgrowth obstructs views.</p> <p>Thank you for your review of this comment.</p> <p>Regards, Shelly Olson</p>
Hannah	Keim	<p>Since many residents are just hearing about this TODAY kindly please extend this deadline. There needs to be a meeting to allow for questions; at the very least some documents that explain in further detail what the legalese and abbreviations mean in all the documents. We should have a say in where our tax dollars are being spent. Thanks!</p>

Sonia	Shaw	One of the things we have most appreciated about Manchester over the past 18 years is its calm and quiet. Making the change to the allowance of multifamily units would totally change the ambiance of the neighborhood, adding a great deal of traffic and noise to the otherwise peaceful setting.
Robin	Williams	Please slow down this process. We need to hear more about the changes.
Greg	Piper	Please don't destroy Manchester with these outrageous woke zoning changes!
Rita	McKendrick	<p>Manchester zoning need not be changed. The roads are already over crowded with no help from law enforcement to help with the speeding that goes on within all roads with Manchester area.</p> <p>There are no sidewalks to safely walk along Beach Dr.</p> <p>The past zoning has been hashed out over the years and this is what the people of Manchester wanted to keep the charm and not have condos that would infringe on views.</p> <p>There are already zoning issues that are not being followed and allow to happen with view blockage, Eagle habits not being protected.</p> <p>Have you been out to Beach Dr on heavy rain days to see the runoff that ends up putting parts of Caraway Rd under water?</p>
Joseph	Stubbs	I would like to state my opposition to the proposed zoning changes to the Manchester area. If the purpose is to add affordable housing, the Manchester area is not the place for that. The lot shapes, sizes, the fact that most have sound/downtown Seattle views, will put the cost of any multi family homes beyond the 'affordable' category. Similarly, changing from low density residential to a higher density will put more traffic pressure on the already hard to navigate shared driveways and almost single wide roads in the area, not to mention the increase in delivery traffic, increase in needed parking that doesn't exist because of the topography of our very sloped area. Please do not do this.
Margaret	Warren	Your zoning map is impossible for my iPhone to focus on. Exactly what is the change to our near Pomeroy Park area that is proposed. We have let you know many times that we do not want apartments or condos in our village.
Susan	Shaw	<p>I am a Manchester resident and like most of my neighbors, I just found out about the proposed changes to our zoning as regards multifamily housing. We are requesting a public meeting, now that we are aware of this. We are longtime waterfront homeowners and will be the first to have our neighborhood destroyed as developers jump in to the most desirable areas. This will not be "affordable housing", this will be making a quick buck and leaving the rest of us the burden of built-up blocks, metastasizing sprawl, decimated wildlife habitat, even more service reductions than we already have, torrents of traffic that our roads are not designed for, and ever-higher taxes to support ever more people.</p> <p>We did not put millions of dollars into our single-family homes only to have the area suddenly become a high-density city. We need to have a talk; we urge you to schedule another meeting. Thank you.</p>
Bob	Lindgren	Please note our strong objection to the PROPOSED changes to multi-family zoning in Manchester.



Tonya	Rothe	<p>As a concerned citizen of Manchester who was just informed of the proposed changes to the zoning use table in our neighborhood.</p> <p>I request that you hold a Q&amp;A zoom meeting about the implications of the proposed changes before any decisions are made. Although it seems you have held previous discussions on the matter few residents seem to be privy to the information, as your meetings as well as the implications of your decisions are not widely advertised within the community.</p> <p>I'm sure you realize that navigating through a government website and comprehending the format and language of the planning/building department is not only confusing but can be daunting for lay people, allowing your department and the county at large to make decisions with minimal input from citizens.</p> <p>We know that typically once the homes/multi-dwellings/apartments are filled with mortgage-laden residents the developers leave with their cash all the while pushing the county to build more as residents, green spaces, and wildlife end up paying the price.</p> <p>Of course the cost of this sprawl is a rise in service costs, reductions in vital services, and depletion of our limited natural resources.</p> <p>Is it more affordable housing options you are proposing? We know that building affordable housing is not particularly affordable. In fact, there is a huge gap between what these homes/apartments cost to construct and maintain and the rents and mortgages that most people can pay. Property values in Manchester are increasing consistently.</p> <p>So I ask you, what is the end goal of the county beside what appears to be the obvious? More county revenue through property taxes? Additional utility and other monetary costs to residents? The inestimable cost to what little remains of our natural environment?</p> <p>Once again I request a Q&amp;A meeting with residents on this issue before any decisions are finalized and that this meeting be widely publicized to local residents so we may have equal participation in the decisions you are making on our behalf.</p>
Kristen	McKie	<p>I vehemently oppose changing the zoning in Manchester to include multi family dwellings or commercial space. Keep Manchester rural for single residences only. Thank you</p>
Regina	Adamson	<p>What steps need to be taken to move forward with rezoning the address of 2544 Stone Way ne Bremerton, 98311 back to mixed commercial residential or getting a variance to reopen The Little Store/ Templeton's Meat Locker back as a Mini Mart?</p>

Joe	Morrison	<p>The Kitsap Economic Development Alliance ("KEDA") offers brief commentary on the proposed update of land use tables and in Kitsap County as it relates to housing and zoning. We applaud and encourage efforts by the county in their update of these tables, with changes that center around three strategic principles: Housing Equity and Diversity, Economic Development, and Making the Code Easier to use. As an organization that reviews permitted uses on a regular basis for clients and inquiries, we see significant positive outcomes of these proposed changes.</p> <p>One of KEDA's largest and most rapidly growing concerns is the overall cost of housing in our community. Recently our organization has become more conscious of potential issues with housing prices that are on the rise. In Kitsap, median housing prices have generally increased between 15 and 20 percent over the course of the last year, on top of many Kitsap regions seeing increases in previous years (see attached, from the Kitsap County Association of Realtors President Robert Contreras). Kitsap, like all suburban communities in Puget Sound, remains attractive as a destination. This is even more so particularly when you consider that despite the rise in prices locally, we remain 10-12% more affordable than the overall region as a whole. As such, we advocate for increasing housing supply and responsible development in order to continue to keep costs manageable in Kitsap for citizens. We acknowledge that several changes in this document are proposed in an effort to help accomplish that aim.</p> <p>Additionally, KEDA is supportive but cautious regarding the proposed changes to industrial zoning that permit increased commercial activity within such areas. Supportive of the positive intent and potential for increased flexibility, we nonetheless note that both in Kitsap specifically and in Puget Sound regionally, light industrial land and building use is among the highest in demand, with little supply. We wouldn't want to see what supply we have in the community further constrained by commercial use; this is worth monitoring. It may be worth considering opportunities for permissiveness in the other direction, identifying exceptions in some commercial zones that might convert to light industrial use in rare cases (particularly appropriate, say, if that commercial zone is generally underutilized).</p> <p>These proposed changes contain much positive opportunity for Kitsap. We appreciate the difficulty of taking on this work overall and how current the proposed changes are, with updated definitions that are both more specific and that take into account evolutions in the economy, such as the rise of coworking spaces, the need to increase multifamily and accessory dwelling unit options for housing, greater permissibility for the siting of childcare centers, and in some cases allowance of small scale commercial activity within residential areas. We note that in terms of paradigm shifts driven by the pandemic, we may see yet more of them, and recommend that Kitsap County give itself continued flexibility moving forward where possible with regard to dealing with code and land use requirements.</p> <p>Thank you for this work. We applaud the changes, and your work to make overall permit processing smoother and requirements clearer while increasing economic opportunity.</p> <p>Sincerely, Joe Morrison, Executive Director, Kitsap Economic Development Alliance</p>
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		<p>In reviewing the Zoning Table Update the Kitsap Conservation District is concerned that following item has the potential to negatively impact the economic well-being of farmers in Kitsap County.</p> <p>RE: 17.110.689 Slaughterhouse or animal processing</p> <p>The proposed change to the Zoning and Use Tables requires an ACUP in Industrial Zones and a Conditional Use Permit in Rural Industrial Zones. Since the entire purpose of RI zoning per the GMA is to facilitate rural (ie. agricultural) business opportunities and infrastructure supporting agricultural and natural resource activities, having a MORE restrictive zoning placed in RI zoning seems contrary to the intent of the law. Obtaining a Conditional Use Permit represents a higher and more expensive regulatory barrier for anyone attempting to build an abattoir to serve the local agricultural community with USDA Processing for meat species (Cattle, hogs, sheep, goats). Being able to sell retail cuts of meat requires USDA Slaughter and Processing for all meat species. Washington State Department of Agriculture has already identified access to USDA facilities as being a limiting factor for farmers and ranchers and a shortage of access to USDA Slaughter and Processing resulted in significant shortages of meat during the COVID-related shutdown. As there is limited access to this option for farmers to market their agricultural products the economics of farming become less and less attractive. To maintain working landscapes and preserve farmland, farmers require access to vital infrastructure - including USDA Slaughter.</p> <p>Please examine this inconsistency with regard to the intent of Rural Industrial and Commercial Zoning under the Growth Management Act. An ACUP should be sufficient to allow this use in RI Zones in Kitsap County.</p>
Diane	Fish	
Reed	Blanchard	<p>Please make protection of the natural environment the highest priority. More density near the ferry and protection of the green undeveloped areas seems like a very reasonable and great idea. The proposed Arborwood is an example of what we do NOT want. Eco-Kitsap should be our theme. Given all of our current crises, we should not be conducting business as 'normal'. Thank you. Reed</p>

Jennifer	Sutton	<p>ADUs, attached and detached, should be permitted outright in all residential areas, especially the areas that already have sewer and water service. I live in the Suquamish SRV zone and we have urban lot sizes, and sewer and water, and your current proposal (page 31 of zoning use table PDF) still proposes that detached ADUs will be conditional. What purpose does that serve? It just adds time and money to an already expensive endeavor- to build an ADU. When the county has a documented housing deficit over the last 10 years, putting any roadblocks up for ADU construction is absurd.</p> <p>By making ADUs of all types permitted (instead of conditional), there still won't be an onslaught, because even if they are permitted, there are still many regulations to meet, and someone has to be able to afford to build one.</p> <p>Another comment.... on the ground, there aren't any differences between SVR and SVLR- SVLR could go away. It is in an area with urban services, it doesn't seem like there should be different regulations between the two zones.</p> <p><a href="https://www.kitsapgov.com/dcd/PEP%20Documents/CD_ZUT_PC__SR_Attach_D5_DC_UseTables_2021_0730.p">https://www.kitsapgov.com/dcd/PEP%20Documents/CD_ZUT_PC__SR_Attach_D5_DC_UseTables_2021_0730.p</a></p>
Margaret	Tufft	<p>I'm very concerned about the apparent disregard of our environment and the environmental crisis we are all dealing with. It seems money is trumping everything else, with little regard for the lives and wellbeing of the people who live here, and the flora and fauna of our area. When I look at pictures of new housing, all I see is bare ground, all the trees and plants removed. Where are the solar panels, cooling greenery, lighter colored and permeable pavement, among other things? Do you really know that there will be sufficient water, especially as the climate is changing faster than expected, along with the massive clearcutting that's been done and is planned? What about a green plan for transportation, as it looks as if a massive number of automobiles will be added to our roads? At the very least, there is much to be studied and analyzed, with clear and supportable answers presented.</p> <p>I look forward to clear information concerning these questions. Thank you.</p>

Cheryl	Ebsworth	<p>In supplemental materials, Attachment #5 Detailed Changes: Allowed Use Table, use #214 Automobile service station is proposed to become use #230 Fuel or charging station, with convenience store. At the same time use #212 Automobile repair and Carwashes is proposed to become use #256 Carwashes. I recommend a distinction for one car capacity, accessory, carwashes be added to proposed use #230 Fuel or charging station with accessory car wash limited to a one car capacity and convenience store. This is a distinction made in other local codes, see Pierce County 18A.33.270 J.(see attached). A single car capacity carwash is a typical accessory use with a fuel station and the use should not be limited only to zones where larger stand-alone Car Wash facilities are permitted. Having the use specified as accessory to a fuel or charging station ensures the appropriate review will occur as part of the primary use review. As Kitsap is modernizing the use code, I do hope this distinction for use #230 is altered as recommended. An accessory single car capacity wash is distinct from a large capacity stand-alone car wash center, and as stand-alone carwashes become more common this is a relevant code distinction.</p>
Beverly	Parsons	<p>I'm deeply concerned about the lack of attention to our changing climate in this zoning plan. Economic development must be redirected away from more building to rethinking how we protect our environment and live in a healthy relationship with our land, air, and water. Please change your orientation to protection of our environment as the top priority.</p>
Roni	Smith	<p>It would be really great and beneficial to see agriculture added to anything. There's public use, housing ect, all based on growth, but nothing for agriculture. Please keep your local ag community in mind while planning your growth and development of Kitsap. Thank you.</p>

Sheila	Sokol	<p>There is a new section: Section 69: A new section is added to Chapter 17.110 Kitsap County 35 Code, "Definitions," as follows:</p> <p>17.110.333 Helicopter pads. 38 "Helicopter pads" means an area on a roof or on the ground used for the takeoff and landing 39 of helicopters for the purpose of loading or unloading passengers or cargo but not including 40 fueling service, hangers, maintenance or overhaul facilities.</p> <p>You currently do not have anything referencing the use of Drones as a transport mechanism for "cargo". You may want to rethink this. The use of drones is ubiquitous. Google "Delivery Drones Future" and there are several references to this growing trend.</p> <p>Example: Amazon Prime Air is using multi-rotor miniature unmanned aerial vehicle (miniature UAV) technology to autonomously fly and deliver individual packages to customers within 30 minutes of ordering. What these drones need to do is to deliver the order in less then 30 minutes with a payload of 5 lbs (2.25kg). Also it must be small enough to fit in the cargo box that the craft will carry, and must have a delivery location within a 10-mile (16 km) radius of a participating Amazon order fulfillment center. In future Amazon plan to fly drones weighing an up to 55 lb (25 kg) within a 10 mi (16 km) radius of its warehouses, at speeds of up to 50 mph (80.5 km/h). This project is still in the developing stage, but Amazon can very quickly realize this project with technology they have.</p> <p>Sample list of companies planning Drone delivery Zipline – medical delivery Walmart – merchandise FedEx – merchandise Wing Project – merchandise UPS - merchandise</p> <p><a href="https://logistician.org/library/will-drones-become-the-future-of-delivery-technology.html">https://logistician.org/library/will-drones-become-the-future-of-delivery-technology.html</a> <a href="https://www.dronetechplanet.com/delivery-drones-the-future-of-drone-delivery-business/">https://www.dronetechplanet.com/delivery-drones-the-future-of-drone-delivery-business/</a></p> <p>Thank you.</p>
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		<p>Combining "Engineering and Construction Offices" with "General office and management services" is automatically restricting permitted use to less than 4,000 SF in Urban Industrial Zones.</p> <p>Please either;</p> <ol style="list-style-type: none"> <li>1. Make all sizes in UI "P" or</li> <li>2. Keep as separate classification.</li> </ol>
Ron	Cleaver	All "General Office" classes should be "P" in Urban Industrial anyways.
Miles	Yanick	
Berni	Kenworthy	<p>Dear Darren,</p> <p>On behalf of the Kitsap Public Utility District, I wish to submit the following in support of the draft changes made to the "Public Facilities" categorical use as part of the county's Zoning Use Table update.</p> <p>Scaling public facilities by size and reducing the level of permit review results in decreased review times that will help incentivize infrastructure development in both urban and rural areas. Outright permitting uses smaller than 300 sf is a sensible change that recognizes the minimal impact of such facilities. An Administrative Conditional Use Permit for larger facilities will allow for the implementation of project conditions that are appropriate for the project scale.</p> <p>Furthermore, as discussed with county staff, utility providers have an opportunity to acquire funds through state and federal programs to construct public facility infrastructure for underserved areas in Kitsap County. The funding specifically calls out broadband, water provision, and sewer infrastructure as qualifying project types. The time required to process a permit through an Administrative Conditional Use Permit or a Conditional Use Permit process may cause a project to exceed the allowed timeframes of an awarded grant and ultimately disqualify the project from funding. Reducing time needed for project review will help with those timeframes.</p> <p>We greatly appreciate staff's willingness to listen and collaborate. We believe these changes are reasonable and are confident they will help decrease review efforts and timelines, incentivize infrastructure development, and leverage state and federal funding sources.</p> <p>Again, thank you for your consideration.</p> <p>Thank you, Berni Kenworthy</p>