



Meeting Date: November 14, 2011

Agenda Item No:

<u>Kitsap County Board of Commissioners</u>			
Office/Department: Dept of Community Development (DCD)			
Staff Contact & Phone Number: Scott Diener, 360-337-5777			
Agenda Item Title: Omnibus Ordinance amending Kitsap County Comprehensive Plan—Agriculture Goals and Policies, Rural and Resource Lands, Chapter 3.			
Recommended Action: Conduct public hearing on proposed Comprehensive Plan agricultural goals and policies			
Summary:	Agricultural goals and policies have been developed consistent with the 2011 docket and direction of the Kitsap County Board of Commissioners. Adoption of goal and policy framework will allow the County to further develop codes and ordinances recognizing and supporting agricultural infrastructure, economy and education throughout Kitsap County.		
Attachments:	1. Proposed changes to the Comprehensive Plan 2. Draft Omnibus ordinance		
Fiscal Impact for this Specific Action			
Expenditure required for this specific action:	\$ -		
Related Revenue for this specific action:	\$ -		
Cost Savings for this specific action:	\$ -		
Net Fiscal Impact:	\$ -		
Source of Funds:			
Fiscal Impact for Total Project			
Project Costs:	\$ -		
Project Costs Savings:	\$ -		
Project Related Revenue:	\$ -		
Project Net Total:	\$ -		
<u>Fiscal Impact (DAS) Review</u>			
Departmental/Office Review & Coordination			
Department/Office	Elected Official/Department Director		
Community Development	Larry Keeton		
Contract Information			
Contract Number	Date Original Contract or Amendment Approved	Amount of Original Contract Amendment	Total Amount of Amended Contract
n/a			

Proposed changes to Chapter 3, Rural and Resource Lands, Comprehensive Plan Agricultural Goals and Policies

Note to reader: Plain text is existing language in the Comprehensive Plan; underline text is proposed text; strikeout text is proposed to be deleted.

3.A.2.1c Agriculture Policies for Rural Lands

Agricultural land is defined by the GMA as "land primarily devoted to the commercial production of horticulture, viticulture, floriculture, dairy, apiary, vegetable, or animal products or of berries, grain, hay, straw, turf, seed, Christmas trees, or livestock, and that has long-term commercial significance for agricultural production". Long-term commercial significance "includes the growing capacity, productivity and soil composition of the land for long term commercial production, in consideration with the land's proximity to population areas, and the possibility of more intense uses of the land." Kitsap County does not have any designated agricultural land nor are any lands within Kitsap County zoned "Agriculture". However, because agriculture is considered a resource use by the GMA, a discussion of the agriculture that is occurring in Kitsap County is described below.

Agriculture is a growing business in Kitsap County with 15,294 acres of prime farmland soil designated by the USDA, with up to that many acres again suitable for either dry-soil crops or with irrigation. The 2007 Agricultural Census identified 664 farm operations in Kitsap, representing an increase of 14% over 2002. The Kitsap Conservation District documented 1000 more farms as part of their ongoing County Watershed Inventory. Kitsap County maintains a Current Use Assessment program for agricultural lands, with 214 enrolled parcels totaling 2,169 acres. The USDA Agricultural Census estimates food processing and farming accounts for 113 full-time employees in Kitsap County with a total agricultural value of \$59 million. The USDA Agricultural Census also estimates Kitsap County farmers' markets bring in over \$1,000,000 annually. Small farms in Kitsap County are increasing in number and in production (reflecting a trend seen across the country) and clearly represent a significant contribution to the County's economic, environmental and community sustainability.

The agricultural base of Kitsap is diverse. Farmers grow a cornucopia ~~variety~~ of crops (horticulture, fruits, berries and vegetables; forage and grains; viticulture, vermiculture, organic & non-organic forestry, aquaculture) and ~~carry-out~~ perform and maintain animal husbandry. In 2007, over half of Kitsap County's agriculture sales (valued at \$7 million) were horticultural products (nursery, greenhouse, floriculture and sod). Besides

horticulture, Kitsap County growers are among the state's leading producers of Christmas trees and sheep, goats, and their products. Additionally, Kitsap County has eight community-based farmers markets, reflecting the expanding national trend of smaller farms catering to local markets. Because of our growing urban population, and expanding local food outlets, fostering local food production is an important part of public and economic development policy.

Small farms in Kitsap, both historically and currently, represent a sole source of income, a partial or second income, or a household supplement of food or fiber, and the value of agricultural activity is significant and important to many rural households. It is clear and demonstrable that agricultural activities and local food production are important rural activities that are good for public health and provide environmental and economic benefits to the County.

~~The following goals are established, recognizing the Food and Farm Policy Council will be making recommendations in 2011 on detailed policies regarding the County food production system.~~

Please note the agricultural policies have been numbered beginning with Policy RL-79. The re-numbering of these policies will occur with the Comprehensive Plan Update of 2016.

Goal 8. Promote a diversity of agricultural activities.

Policy RL-79 The 2011 Kitsap County Agricultural Strategic Plan and Inventory shall be the basis for agricultural policies and programs developed by the County. Maintain and refine agricultural mapping detailed in the Plan.

Policy 80 Allow agricultural activities and practices from cultivation to harvest as well as on-farm value-added processing within the RW, RP and RR zoning districts or the Farming Focus Areas identified in the 2011 Agricultural Strategic Plan and Inventory.

Goal 9. Retain and preserve land suitable for agricultural production and encourage the continued practice of farming within the County through regulatory and non-regulatory means.

Policy 81 Develop and adopt a Right-to-Farm ordinance.

Policy 82 Permit all agricultural uses as defined 17.110.050 and agricultural activities as defined in RCW 7.48.310 in the RW, RP and RR zoning districts.

Policy 83 Slaughtering facilities, meat packing or commercial feed lots shall be limited to the Farming Areas identified in the 2011 Agricultural Strategic Plan and Inventory.

Policy 84 Develop and adopt standards for permitting temporary farm worker housing standards and policies to allow for construction of farm worker housing and infrastructure.

Policy 85 Consider procedures to notify neighboring landowners about approved agricultural uses in the RW, RP and RR zoning districts.

Policy 86 Coordinate with federal, state and local governments, community groups, and private landowners to promote long-term preservation of farmlands.

Policy 87 Develop regulations and permit, as appropriate, farm-related activities secondary to the primary farm operation including but not limited to farm infrastructure buildings, commercial activities in conjunction with farm use, on-farm processing, farm stands and sales as essential farm support activities in RW, RP and RR rural zoning districts.

Policy 88 Develop and promote incentives for continued resource uses, including but not limited to a Transfer of Development Rights program, an expedited agricultural activity permit review program, and educational and agritourism activities.

Policy 89 Recognize recreational equine activities and animal grazing uses as compatible uses with agricultural uses and activities because of their economic contribution to the County's agricultural industry and for preserving large parcels of land for other agricultural uses.

Policy 90 Water is an agricultural necessity. Develop and adopt policies with appropriate local, county and state agencies to promote viable coordinated water resources for greater accessibility to water rights for agriculture usage.

Policy 91 Review and amend development regulations to consider impacts of non-farm-related commercial or industrial uses to the Farming Areas identified in the 2011 Agricultural Strategic Plan and Inventory.

Policy 92 Develop and maintain adequate rural public facilities and services that support local agriculture.

Goal 10 - Reserved

ORDINANCE NO. ____-2011

**RELATING TO GROWTH MANAGEMENT, AMENDING THE KITSAP COUNTY
COMPREHENSIVE PLAN**

BE IT ORDAINED:

Section 1. The Kitsap County Board of Commissioners (BCC) makes the following findings:

- 1) The Washington State Growth Management Act (GMA), RCW 36.70A.130, mandates that Kitsap County's Comprehensive Land Use Plan (Comprehensive Plan) and corresponding Zoning Code and Map be subject to continuing review and evaluation.
- 2) Kitsap County has adopted its Comprehensive Plan pursuant to GMA Chapter 36.70A RCW, and the Comprehensive Plan provides that it will allow for amendments to the Land Use and Zoning maps, Plan policies, and implementing regulations consistent with GMA, County-wide Planning Policies (CPPs), applicable plan policies and other requirements of federal, state and/or local laws (Comprehensive Plan, Policy LU-33). Policy LU-34 directs the County to docket and consider Plan amendments and related amendments to regulations comprehensively consistent with RCW 36.70A.
- 3) The Kitsap County Code (KCC), Chapter 21.08 Annual Comprehensive Plan Amendment Procedures, Section 21.08.040, provides that the BCC will establish a schedule for review and possible amendment of the Comprehensive Plan each year.
- 4) The Comprehensive Plan actively guides future growth in Kitsap County and effectively responds to changes in conditions or assumptions. The Comprehensive Plan Amendment process provides an opportunity for the public to propose amendments to the County's Comprehensive Plan, and amendments to the Kitsap County Code, if required to maintain consistency with the Comprehensive Plan.
- 5) The BCC finds that the Comprehensive Plan amendments adopted in this Ordinance are consistent with the GMA, CPPs, and other applicable requirements. In conducting its review of these amendments, Kitsap County has followed state law, and particularly given attention to RCW 36.70A.370.

Section 2. General Procedural Findings. The BCC makes the following findings regarding the process and public participation aspects in amending the Comprehensive Plan:

- 1) On February 14, 2011, following timely and effective public notice, the Kitsap County Board of Commissioners adopted Resolution 032-2011, which set forth a process

and timeline for the annual Comprehensive Plan Amendment process pursuant to KCC 21.08.040, and which included an initial docket. The resolution identifies a public participation schedule for development and amendment of the comprehensive plan and development regulations through the Planning Commission and BCC processes, and the docket described the specific aspects of the comprehensive plan and development regulations that would be reviewed for possible amendments.

- 2) As discussed in more detail below, the 2011 Comprehensive Plan Amendments include consideration of the adoption of requirements for textual and policy revisions relating to Chapter 3, 'Rural and Resource Lands' and Chapter 8 'Transportation' of the Comprehensive Plan and the Capital Facilities Plan.
- 3) Agricultural Goals and Policies Amendments, Rural and Resource Lands Chapter 3 of the Comprehensive Plan.

Pursuant to Resolution 032-2011 the Kitsap County Board of County Commissioners directed staff to amend the Comprehensive Plan, Chapter 3, 'Rural and Resource Lands' to revise goals and policies that policies that would forge and strengthen connections in the growing network of local farmers, food distributors and consumers, while providing appropriate protections and advisories. The goals and policies will recognize agriculture as a viable industry and provide the policy support for preparation of a 'right to farm' ordinance.

The amendments enhance the discussion of a diverse agricultural base of Kitsap County, provides a better understanding of economics and sustainability of farms and farming practices. The 2011 Agricultural Strategic Plan and Inventory is further recognized as the base document for agricultural program and policy refinement in Kitsap County. New policies support retention and preservation of farms and allow for enhanced agricultural activities in 'Farming Focus Areas' noted in the 2011 Agricultural Strategic Plan and Inventory. Worker housing standards, enhanced permit or use notification procedures, Transfer of Development Rights program development, agri-tourism, equine activity and support, and adequate water and services infrastructure all have policy support.

The planning process for revisions to agricultural goals and policies in Chapter 3 began with direction of the BCC in December 2010 to provide detailed review and preparation in 2011. In early 2011, the Kitsap County Food and Farm Policy Council (KCFPPC) initiated review of appropriate goal and policy statements. The public process included numerous public meetings, discussions, and County staff conversations with citizens and members of the farming community, as noted below:

- Department of Community Development (DCD) and BCC staff collaborated with the KCFPPC in the development of agricultural goals and policies. The County staff and KCFPPC worked together to coordinate updates, schedules and timelines, contact information, handouts, and meetings and events. The process for proposed amendments to agriculture goals and policies were closely

correlated to development of the Kitsap County Strategic Agriculture Plan and Inventory and review and recommendation by the KCFFPC.

- The KCFFPC began regular public meetings to promote goals and policies review throughout 2011. DCD provided regular assistance to assure goals and policies were both implementable and not inconsistent with other goals, policies and 'format' of the Comprehensive Plan.
 - On August 8, 2011, the Kitsap County State Environmental Policy Act (SEPA) Official issued a Determination of Non-significance (DNS) and Notice of Adoption of Existing Environmental Documents for the proposed agricultural goals and policies revision to Chapter 3 of the Comprehensive Plan pursuant to SEPA, Chapter 43.21C RCW; the DNS comment and appeal period expired August 23, 2011 and no SEPA appeals were filed. The "Notice of Intent to Adopt" for Chapter 3 was sent to the Commerce, Growth Management Services Review Team on August 9, 2011, pursuant to RCW 36.70A.106 and WAC 365-195-620, and no responsive comments have been received from Dept of Commerce.
 - In March 2011, the KCFFPC presented DCD an initial draft set of Comp Plan policies for consideration in the 2011 Comp Plan cycle. These policies were reviewed by staff and modified where necessary. The modified goals and policies were presented to the KCFFPC on September 15, and deemed by the County and the KCFFPC ready for Planning Commission review and recommendation .
 - On Sep 20, 2011 following timely and effective public notice, the Kitsap County Planning Commission held a workstudy, a public hearing, and deliberations on the proposed amendments and voted 8-0 to approve the proposed goals and policies, consistent with the 'Sep 20, 2011 DCD-Proposed Comprehensive Plan Agricultural Goals & Policies, Public Comments Matrix'. Six citizens attended.
 - Staff briefed the BCC on the proposed agricultural goals and policies at its October 26, 2011 work-study meeting. No changes were discussed.
 - On November 14, 2011, following timely and effective public notice, the Board of County Commissioners conducted a public hearing to accept oral and written comments regarding the Planning Commission Recommendation for the revisions to agricultural goals and policies of Chapter 3 of the Comprehensive Plan. The public hearing was continued until December 12, 2011 for decision only.
- 4) North Kitsap Trails Association "String Of Pearls Trail Plan" and associated Comprehensive Plan Amendments

Pursuant to Resolution 032-2011 the Kitsap County Board of County Commissioners directed staff to amend the Comprehensive Plan, Chapter 8, 'Transportation' to revise planning documents, goals and policies that support the goal of a

consolidated countywide trails plan, including updating elements of the Kitsap County Non-Motorized Plan.

The Comprehensive Plan includes multiple goals and policies regarding the importance of non-motorized facilities to the County's transportation, parks and open space systems. Throughout 2009 and 2010, the North Kitsap Trails Association conducted 27 public presentations, three of which were published public open house meetings to discuss options and elements of a proposed trail plan for North Kitsap. The public process also included several public meetings, discussions, and County staff conversations with citizens and members of the trails community, as noted below:

- On September 2, 2011, North Kitsap Trails Association submitted the String of Pearls Trail to the County to consider for adoption.
- On September 9, 2011, the Kitsap County State Environmental Policy Act (SEPA) Official issued a Determination of Non-significance (DNS) and Notice of Adoption of Existing Environmental Documents for the proposed trails planning goals and policies revisions to Chapter 8 of the Comprehensive Plan pursuant to SEPA, Chapter 43.21C RCW; the DNS extended comment and appeal period expired October 10, 2011, two comments were submitted and no SEPA appeals were filed. The "Notice of Intent to Adopt" for Chapter 8 was sent to the Commerce, Growth Management Services Review Team on September 7, 2011, pursuant to RCW 36.70A.106 and WAC 365-195-620, and no responsive comments have been received from Dept of Commerce.
- On September 20, 2011, following timely and effective public notice, the Planning Commission held a briefing and work-study session to review and discuss the proposed trail plan and comprehensive plan changes.
- On October 4, 2011, following timely and effective public notice, the Kitsap County Planning Commission held a public hearing to consider verbal testimony on the draft amendments. Written testimony for consideration through the Planning Commission process was extended and closed on October 12th at 4:30PM.
- On October 18, 2011, the Kitsap County Planning Commission, following timely and effective notice, deliberated on the NK String of Pearls Trail Plan and proposed Comprehensive Plan Amendments. At this meeting, the Planning Commission recommended several changes and or additions to the staff edit matrix affecting language in the trail plan and subsequently voted 8-0 to approve staff's recommendation with changes so-noted.
- On November 14, 2011, following timely and effective public notice, the Board of County Commissioners conducted a public hearing to accept oral and written comments regarding the Planning Commission Recommendation for the revisions to agricultural goals and policies of Chapter 3 of the Comprehensive

Plan. The public hearing was continued until December 12, 2011 for decision only.

5) Transfer of Development Rights Policies Amendments, Rural and Resource Lands Chapter 3 of the Comprehensive Plan.

Pursuant to Resolution 032-2011 the Kitsap County Board of County Commissioners directed staff to consider policies changes to the Transfer of Development Rights (TDR) program as noted in the Comprehensive Plan, Chapter 3, 'Rural and Resource Lands'. Policy analysis and revision of the Comprehensive Plan discussion of TDRs would clarify the intent of the County's program to preserve rural lands while conveying density and other urban intensifications to urban designated receiving sites.

The County entered into an Inter-local Agreement (ILA) with the City of Port Orchard on June 14, 2011 to provide funding for the rural examination of TDR sending sites and potential prioritization. The City would consider applying the resultant TDR rural sending sites program to its City core for potential density and development bonuses. The County would consider companion zoning code changes in 2012 and the ILA is scheduled to expire Jun 30, 2012. The public process is as noted below:

- Beginning in early 2011, DCD staff attended several regularly-scheduled County and County/City meetings hosted by the Puget Sound Regional Council and Dept of Commerce. The objectives of these meetings are to share TDR programs, successes, failures and strategies among various jurisdictions.
- On September 28, 2011, the Kitsap County State Environmental Policy Act (SEPA) Official issued a Determination of Non-significance (DNS) and Notice of Adoption of Existing Environmental Documents for the proposed TDR policies revision to Chapter 3 of the Comprehensive Plan pursuant to SEPA, Chapter 43.21C RCW; the DNS comment and appeal period expired October 17, 2011 and no SEPA appeals were filed. The "Notice of Intent to Adopt" for Chapter 3 was sent to the Commerce, Growth Management Services Review Team on September 29, 2011, pursuant to RCW 36.70A.106 and WAC 365-195-620, and no responsive comments have been received from Dept of Commerce.
- In March 2011, the KCFPC presented DCD an initial draft set of Comp Plan policies for consideration in the 2011 Comp Plan cycle. These policies were reviewed by staff and modified where necessary. The modified goals and policies were presented to the KCFPC on September 15, and deemed by the County and the KCFPC ready for Planning Commission review and recommendation .
- On October 18, 2011 following timely and effective public notice, the Kitsap County Planning Commission held a workstudy on the proposed policies amendments.

- On November 1, 2011 following timely and effective public notice, the Kitsap County Planning Commission held a public hearing, and deliberations on the proposed amendments and voted 8-0 to approve the proposed policies with no changes to staff's recommendations.
 - Staff briefed the BCC on the proposed agricultural goals and policies at its November 2, 2011 work-study meeting. No changes were discussed.
 - On November 14, 2011, following timely and effective public notice, the Board of County Commissioners conducted a public hearing to accept oral and written comments regarding the Planning Commission Recommendation for the revisions to agricultural goals and policies of Chapter 3 of the Comprehensive Plan. The public hearing was continued until December 12, 2011 for decision only.
- 6) Capital Facilities Plan. Pursuant to Resolution 032-2011, the Kitsap County Board of County Commissioners directed staff to revise portions of the Kitsap County Capital Facilities Plan. To fulfill this requirement, the Kitsap County staff held a series of meetings involving the citizens and community representatives. Proposed amendments to the six-year capital facilities plans were concurrently considered through the County budget process, as provided in RCW 36.70A.130.
- a) On November 28, 2011, following timely and effective public notice, the Board of County Commissioners conducted a public hearing to accept oral and written comments regarding the amendments to the Kitsap County Capital Facilities Plan.

Section 3. Substantive Findings related to North Kitsap Trails Association 'String Of Pearls Trail Plan' and associated Comprehensive Plan revisions to 'Transportation' Chapter 8 of the Comprehensive Plan. The Board of County Commissioners makes the following findings related to the Plan revisions and with respect to the text and policy amendments to the Comprehensive Plan:

- 1) The Kitsap County Planning Commission reviewed a DCD staff report on the revisions to Chapter 8 of the Comprehensive Plan and subsequently, made findings pertaining to the proposed Comprehensive Plan amendment; the Planning Commission considered compliance with Kitsap County Code, goals and policies of the Kitsap County Comprehensive Plan, and the goals and policies of the GMA (RCW 36.70A.020). Except where otherwise noted, the BCC hereby adopts the findings of the Planning Commission.
- 2) Kitsap County Code 21.08.160 sets forth general criteria that the BCC must consider when making amendments to the Comprehensive Plan. In making such amendments, the BCC must consider whether circumstances related to the proposed amendment and/or the area in which the property affected by the proposed amendment is located have substantially changed since the adoption of the Comprehensive Plan, and whether the assumptions upon which the Comprehensive Plan is based are no longer valid, or whether there is new

information available which was not considered during the adoption of, or during the last annual amendment to, the Comprehensive Plan.

- 3) Kitsap County Code 21.08.170 also sets forth criteria for making textual and area-wide amendments to the Comprehensive Plan. In making such amendments, the BCC must consider whether the proposed amendment is consistent with and supports other plan elements and/or development regulations, and if not, what additional amendments to the plan and/or development regulations will be required to maintain consistency, whether the proposed amendment to the plan and/or regulation will more closely reflect the goals, objectives and policies of the Comprehensive Plan, whether the proposed amendment is consistent with the Kitsap County-wide Planning Policies, and whether the proposed amendment complies with the requirements of the GMA.
- 4) The Planning Commission was presented a staff report and deliberated on the revisions to trails planning goals and policies of Chapter 8.
- 5) The BCC hereby adopts and incorporates by this reference, the findings made by the Kitsap County Planning Commission on November 1, 2011 for the revisions to goals and policies of Chapter 8, which found that the proposed general text amendments met the criteria or recommendation or decision, as per Sections 21.08.160 and 21.08.170 of the Kitsap County Code and met the Growth Management Act.
- 6) Except where otherwise noted, the BCC hereby adopts the findings of the Planning Commission. Additionally, the Board finds:
 - a) The proposed amendments are consistent with GMA goals in RCW 36.70A.020.
 - b) The proposed revisions are consistent with Kitsap County Code 21.08.160. Specifically there is new information about the relevance of trail planning in Kitsap County which was not considered during the adoption of, or during the last annual amendment to, the Comprehensive Plan.
 - c) The proposal is consistent with Kitsap County Code 21.08.170. Specifically, the proposed Plan is consistent with the Comprehensive Plan. The proposed amendment is consistent with Kitsap County-wide Planning Policies, and the proposed amendment complies with the requirements of the GMA as noted earlier.
 - d) Comprehensive Plan Chapter 8 'Transportation, section 8.2 'Transportation Goals and Policies' is hereby amended:

8.2.10 Non-motorized Travel

~~Goal 18. Develop a system of non-motorized transportation facilities that are constructed primarily within the right-of-way of existing and proposed public streets or roads and that provide safe transportation between a~~

variety of regional, inter-community and local county destinations for bicyclists and pedestrians.

Goal 18. Develop a system of non-motorized transportation facilities within existing right-of-ways and identified routes through open space that provide safe transportation between a variety of regional, inter-community and local county destinations for bicyclists and pedestrians.

~~Policy T-75 Implement the Mosquito Fleet Trail Master Plan. All improvements in the Bicycle Facilities Plan that overlap with the Mosquito Fleet Trail Plan are considered high priority projects.~~

Policy T-75 Implement the Mosquito Fleet Trail Plan and North Kitsap String of Pearls Trails Plan to guide development of non-motorized facilities in their areas of concentration.

Section 4. Substantive Findings related to Agricultural Goals and Policies revisions to the 'Rural and Resource Lands', Chapter 3 of the Comprehensive Plan. The Board of County Commissioners makes the following findings related to the Plan revisions and with respect to the text and policy amendments to the Comprehensive Plan:

- 1) The Kitsap County Planning Commission reviewed a DCD staff report on the revisions to Chapter 3 of the Comprehensive Plan and subsequently, made findings pertaining to the proposed Comprehensive Plan amendment; the Planning Commission considered compliance with Kitsap County Code, goals and policies of the Kitsap County Comprehensive Plan, and the goals and policies of the GMA (RCW 36.70A.020). Except where otherwise noted, the BCC hereby adopts the findings of the Planning Commission.
- 2) Kitsap County Code 21.08.160 sets forth general criteria that the BCC must consider when making amendments to the Comprehensive Plan. In making such amendments, the BCC must consider whether circumstances related to the proposed amendment and/or the area in which the property affected by the proposed amendment is located have substantially changed since the adoption of the Comprehensive Plan, and whether the assumptions upon which the Comprehensive Plan is based are no longer valid, or whether there is new information available which was not considered during the adoption of, or during the last annual amendment to, the Comprehensive Plan.
- 3) Kitsap County Code 21.08.170 also sets forth criteria for making textual and area-wide amendments to the Comprehensive Plan. In making such amendments, the BCC must consider whether the proposed amendment is consistent with and supports other plan elements and/or development regulations, and if not, what additional amendments to the plan and/or development regulations will be required to maintain consistency, whether the proposed amendment to the plan and/or regulation will more closely reflect the goals, objectives and policies of the

Comprehensive Plan, whether the proposed amendment is consistent with the Kitsap County-wide Planning Policies, and whether the proposed amendment complies with the requirements of the GMA.

- 4) The Planning Commission was presented a staff report and deliberated on the revisions to agricultural goals and policies of Chapter 3.
- 5) The BCC hereby adopts and incorporates by this reference, the findings made by the Kitsap County Planning Commission on October 4, 2011 for the revisions to agricultural goals and policies of Chapter 3, which found that the proposed general text amendments met the criteria or recommendation or decision, as per Sections 21.08.160 and 21.08.170 of the Kitsap County Code and met the Growth Management Act.
- 6) Except where otherwise noted, the BCC hereby adopts the findings of the Planning Commission. Additionally, the Board finds:
 - a) The proposed amendments are consistent with GMA goals in RCW 36.70A.020.
 - b) The proposed revisions are consistent with Kitsap County Code 21.08.160. Specifically there is new information about the relevance of agricultural activities on Kitsap County which was not considered during the adoption of, or during the last annual amendment to, the Comprehensive Plan.
 - c) The proposal is consistent with Kitsap County Code 21.08.170. Specifically, the proposed Plan is consistent with the Comprehensive Plan. The proposed amendment is consistent with Kitsap County-wide Planning Policies, and the proposed amendment complies with the requirements of the GMA as noted earlier.
 - d) Comprehensive Plan Chapter 3 'Rural and Resource Lands', section 3A.2.1c is hereby amended:

3.A.2.1c Agriculture Policies for Rural Lands

Agricultural land is defined by the GMA as "land primarily devoted to the commercial production of horticulture, viticulture, floriculture, dairy, apiary, vegetable, or animal products or of berries, grain, hay, straw, turf, seed, Christmas trees, or livestock, and that has long-term commercial significance for agricultural production". Long-term commercial significance "includes the growing capacity, productivity and soil composition of the land for long term commercial production, in consideration with the land's proximity to population areas, and the possibility of more intense uses of the land." Kitsap County does not have any designated agricultural land nor are any lands within Kitsap County zoned "Agriculture". However, because agriculture is considered a

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Policy 80 Allow agricultural activities and practices from cultivation to harvest as well as on-farm value-added processing within the RW, RP and RR zoning districts or the Farming Focus Areas identified in the 2011 Agricultural Strategic Plan and Inventory.

Goal 9. Retain and preserve land suitable for agricultural production and encourage the continued practice of farming within the County through regulatory and non-regulatory means.

Policy 81 Develop and adopt a Right-to-Farm ordinance.

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Policy 84 Develop and adopt standards for permitting temporary farm worker housing standards and policies to allow for construction of farm worker housing and infrastructure.

Policy 85 Consider procedures to notify neighboring landowners about approved agricultural uses in the RW, RP and RR zoning districts.

Policy 86 Coordinate with federal, state and local governments, community groups, and private landowners to promote long-term preservation of farmlands.

Policy 87 Develop regulations and permit, as appropriate, farm-related activities secondary to the primary farm operation including but not limited to farm infrastructure buildings, commercial activities in conjunction with farm use, on-farm processing, farm stands and sales as essential farm support activities in RW, RP and RR rural zoning districts.

Policy 88 Develop and promote incentives for continued resource uses, including but not limited to a Transfer of Development Rights program, an expedited agricultural activity permit review program, and educational and agritourism activities.

Policy 89 Recognize recreational equine activities and animal grazing uses as compatible uses with agricultural uses and activities because of their economic contribution to the County's agricultural industry and for preserving large parcels of land for other agricultural uses.

Policy 90 Water is an agricultural necessity. Develop and adopt policies with appropriate local, county and state agencies to promote viable coordinated water resources for greater accessibility to water rights for agriculture usage.

Policy 91 Review and amend development regulations to consider impacts of non-farm-related commercial or industrial uses to the Farming Areas identified in the 2011 Agricultural Strategic Plan and Inventory.

Policy 92 Develop and maintain adequate rural public facilities and services that support local agriculture.

Goal 10 - Reserved

Section 5. Substantive Findings related to Transfer of Development Rights Program Policies revisions to the 'Rural and Resource Lands', Chapter 3 of the Comprehensive Plan. The Board of County Commissioners makes the following findings related to the Plan revisions and with respect to the text and policy amendments to the Comprehensive Plan:

- 1) The Kitsap County Planning Commission reviewed a DCD staff report on the revisions to Chapter 3 of the Comprehensive Plan and subsequently, made findings pertaining to the proposed Comprehensive Plan amendment; the Planning Commission considered compliance with Kitsap County Code, goals and policies of the Kitsap County Comprehensive Plan, and the goals and policies of the GMA (RCW 36.70A.020). Except where otherwise noted, the BCC hereby adopts the findings of the Planning Commission.
- 2) Kitsap County Code 21.08.160 sets forth general criteria that the BCC must consider when making amendments to the Comprehensive Plan. In making such

amendments, the BCC must consider whether circumstances related to the proposed amendment and/or the area in which the property affected by the proposed amendment is located have substantially changed since the adoption of the Comprehensive Plan, and whether the assumptions upon which the Comprehensive Plan is based are no longer valid, or whether there is new information available which was not considered during the adoption of, or during the last annual amendment to, the Comprehensive Plan.

- 3) Kitsap County Code 21.08.170 also sets forth criteria for making textual and area-wide amendments to the Comprehensive Plan. In making such amendments, the BCC must consider whether the proposed amendment is consistent with and supports other plan elements and/or development regulations, and if not, what additional amendments to the plan and/or development regulations will be required to maintain consistency, whether the proposed amendment to the plan and/or regulation will more closely reflect the goals, objectives and policies of the Comprehensive Plan, whether the proposed amendment is consistent with the Kitsap County-wide Planning Policies, and whether the proposed amendment complies with the requirements of the GMA.
- 4) The Planning Commission was presented a staff report and deliberated on the revisions to TDR policies of Chapter 3.
- 5) The BCC hereby adopts and incorporates by this reference, the findings made by the Kitsap County Planning Commission on November 15, 2011 for the revisions to TDR policies of Chapter 3, which found that the proposed general text amendments met the criteria or recommendation or decision, as per Sections 21.08.160 and 21.08.170 of the Kitsap County Code and met the Growth Management Act.
- 6) Except where otherwise noted, the BCC hereby adopts the findings of the Planning Commission. Additionally, the Board finds:
 - a) The proposed amendments are consistent with GMA goals in RCW 36.70A.020.
 - b) The proposed revisions are consistent with Kitsap County Code 21.08.160. Specifically there is new information about the relevance of preservation of rural properties and applicability of TDRs in Kitsap County which was not considered during the adoption of, or during the last annual amendment to, the Comprehensive Plan.
 - c) The proposal is consistent with Kitsap County Code 21.08.170. Specifically, the proposed Plan is consistent with the Comprehensive Plan. The proposed amendment is consistent with Kitsap County-wide Planning Policies, and the proposed amendment complies with the requirements of the GMA as noted earlier.
 - d) Comprehensive Plan Chapter 3 'Rural and Resource Lands', section 3C 'Transfer of Development Rights' is hereby amended:

3.C Transfer of Development Rights

Transfer of Development Rights (TDR) is a market-based tool for conserving land or structures determined to have public benefit. It complements other incentive-based tools, land or easement acquisition programs, and other regulatory techniques intended to achieve selected growth management objectives. The use of TDR is authorized by GMA (Growth Management Act) in RCW 36.70A.090 as follows:

A comprehensive plan should provide for innovative land use management techniques, including, but not limited to, density bonuses, cluster housing, planned unit developments, and the transfer of development rights.

See Chapter 2, Land Use, for policies relating to urban areas of the county, where TDR-receiving sites would be located.

Goal 20 Promote the TDR from land valuable to the public, especially rural and resource areas, to urban areas, in order to preserve the rural environment, encourage retention of rural resource-based uses, and avoid the demand for urban service demands in rural areas.

Policy RL-73 Continue efforts to implement an effective and focused TDR program, as an innovative means to preserve private lands with countywide public benefit, to encourage higher densities in appropriate areas, and reduce residential development capacity in natural resource areas.

Policy RL-74 Consider the reduction of development in the rural area by encouraging the TDR from private rural lands into the UGA as the top priority of the voluntary TDR Program.

Policy RL-75 Support and work actively to facilitate the transfer of rural development rights to for the following:

- a. Preserve the rural environment, encourage retention of resource – based uses, and reduce service demands in the rural areas.
- b. Provide protection to significant natural resources, which include but are not limited to habitat corridors, shorelines, and areas with a critical recharging affect.

- c. Increase the regional open space system consistent with the County Open Space Plan per KCC Chapter 18.12.
- d. Encourage rural farm preservation and other related agricultural activities countywide, as noted in the Comprehensive Plan Agriculture goals and policies.
- e. Promote interconnected rural non-motorized greenbelt corridors to provide alternative mode of transportation and recreation activities consistent with Section 2.2.9 Opens Space and Greenways.
- f. Promote the use of innovative land use development techniques in rural areas by clustering, and to employ low impact development practices.
- g. Provide bonus TDR credit for non-conforming lot sending sites, which were created prior to the adoption of the Kitsap County Comprehensive Plan (legacy lots).
- h. Encourage compact development within defined urban centers and provide convenient and attractive commercial and personal service centers.
- i. Preservation of historic sites consistent with goals and policies of Section 2.2.10 Historic Preservation of the Land use Element, Comprehensive Plan.

Policy RL-76 Promote transfer of development rights by facilitating the transfer from private property owners with sending sites to property owners with receiving sites, and by working with cities to develop Interlocal agreements that encourage transfers into cities and within adopted appropriations.

Policy RL-77 Require private properties qualified as sending sites to provide a protected area of sufficient size to provide public benefit. Priority candidates for sending sites are:

- a. All Rural Lands.
- b. Lands contributing to protection of significant landscape or habitat features.

- c. Lands contributing to the protection of environmentally sensitive susceptible features including but not limited to aquifer recharge areas, and sites supporting federally threatened or endangered species, and/or wildlife habitat corridors.
- d. Lands that contribute to preservation of scenic views or maintaining the rural character or that are suitable for inclusions in and provide important links to the regional open space system.

Policy RL-78 Consider the following as candidate for TDR receiving sites:

- a. Unincorporated UGAs and incorporated cities may receive transfer of development rights to include but not limited to increase project density, building height, and reduce off-street parking in urban centers.
- b. Preferences should be given by locations within designated urban centers, or adjacent to transit stations and park and ride lots. Transfers to incorporated areas shall be detailed in an Interlocal agreement between the city and County.

Section 6. Substantive Findings related to the amendments to the Kitsap County Capital Facilities Plan. The Board of County Commissioners hereby adopts by reference Resolutions (Insert Resolution #s here).

- 1) The proposed capital facility amendments are consistent with the Kitsap County Comprehensive Plan and the 2011-2012 budgets. The Plan reflects circumstances related to the proposed amendments that are no longer valid and there is new information available which was not considered during the adoption of, or during the last annual amendment to, the Comprehensive Plan.
- 2) The proposed amendment is consistent with Kitsap County-wide Planning Policies, and the proposed amendment complies with the requirements of the GMA, specifically RCW 36.70A.120 and RCW 36.70A.070(3).

Section 7. NOW THEREFORE, BE IT FURTHER ORDAINED, that the Kitsap County Board of Commissioners, based on the foregoing findings, does hereby adopt, and/or ratify pursuant to the Growth Management Act, Chapter 36.70A RCW, and Article 11, Section 11 of the Washington Constitution:

- 1) The amendments to the Capital Facilities Plan attached hereto as Appendix A and incorporated herein by this reference. *(to be attached at adoption)*

Section 8 Typographical/Clerical Errors. Should any amendment made to this Ordinance that was passed by the Board during its deliberations be inadvertently left out of the final printed version of the plan, maps, or code, the explicit action of the Board as discussed and passed shall prevail upon subsequent review and verification by the Board, and shall be corrected.

Section 9 Effective Date. This ordinance shall take effect immediately.

Section 10 Severability. If any provision of this ordinance or its application to any person, entity or circumstance is for any reason held invalid, the remainder of the ordinance, or the application of the provision to other persons, entities or circumstances is not affected.

DATED THIS ____ day of _____, 2011.

KITSAP COUNTY BOARD OF
COMMISSIONERS

CHARLOTTE GARRIDO, CHAIR

ROBERT GELDER, COMMISSIONER

ATTEST:

JOSH BROWN, COMMISSIONER

Dana Daniels
Clerk of the Board

Approved as to form:

Shelley E. Kneip
Deputy Prosecuting Attorney

Attachments:

Appendix A: Capital Facilities Plan Elements