

FEB 20 2007

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KITSAP COUNTY AUDITOR

BEFORE THE CENTRAL PUGET SOUND GROWTH MANAGEMENT
HEARINGS BOARD, STATE OF WASHINGTON

DYES INLET PRESERVATION COUNCIL,

Petitioner,

vs.

KITSAP COUNTY,

Respondent

NO.

FEB 20 2007

PETITION FOR REVIEW

I. PETITIONER

Petitioner, Dyes Inlet Preservation Council (DIPC), is appearing by attorney Phil Best. For purposes of this action all correspondence shall be served on DIPC at:

Phil Best, Attorney
PO Box 310
Silverdale, WA 98383
Phone: (360) 692-6486
Email: philbest@tscnet.com

II. ACTION FOR WHICH REVIEW IS SOUGHT

Petitioner is appealing the adoption of Ordinance 370-2006 Relating to the Growth Management Act and Regarding the Ten Year Update of the Kitsap County Comprehensive Plan as it relates to a five acre parcel of land known as the "Kenlon Property" within the Silverdale UGA to which the county action changed: (1) the Comprehensive Plan Land Use Map designation from Urban Low-Density Residential to Urban MediumHigh-Density Residential, (2) the SEA zoning characterization from an

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2 Infill Exemption Area of Urban Restricted (1-5 DU/Ac) to Urban High Residential (19-30
3 DU/Ac), and (3) the zoning designation from Urban Restricted (1-4 DU/Ac) to Urban
4 High Residential (19-30 DU/Ac). The Kitsap County Board of Commissioners adopted
5 Ordinance 370-2006 on December 11, 2006. Notice of adoption of Ordinance 370-
6 2006, and of availability of the Integrated Final Environmental Impact Statement and
7 Comprehensive Plan for the Kitsap County Ten Year Update, was published on
8 December 20, 2006. The text of the 2006 Comprehensive Plan and Ordinance 367-
9 2006 has been furnished to the Board in KCRP v. Kitsap County; and the map
10 amendments are attached hereto.

11 III. ISSUES PRESENTED

12 **1. Did Kitsap County fail to be guided by planning goals set forth in RCW**
13 **36.70A.020(1) and the facilities and services requirements of RCW**
14 **36.7A.070?**

15 This issue addresses the county creating the most intense urban growth
16 designation of Urban High Residential (19-30 DU/Ac) where the
17 reclassification request evaluation prepared on this particular request by the
18 county's consultant found only Low adequacy of public services and facilities,
19 and Medium suitability as to on-site/off-site effects, and Medium consistency
20 with county policies and goals.

21 **2. Did Kitsap County fail to be guided by environmental and open space**
22 **planning goals set forth in RCW 36.70A.020(9) and RCW 36.70A.020(10)?**

23 This issue address the requirements to retain open space and protect the
24 environment as to this parcel, which was previously included in an "Open
Space Study Area" recognized by Kitsap County, and identified in the prior
comprehensive plan and zoning ordinance as Urban Restricted because of
these factors, including wetlands and a known problematic storm water runoff
contributing to highly polluted designation of the north end of Dyes Inlet by
health authorities.

1 **3. Did Kitsap County comply with public participation and notice**
2 **provisions of RCW 36.70A.035(1)(a) and (c)?**

3 This issue addresses the failure to post this property as to a site-specific
4 proposal to radically upzone this particular property from 1-4 DU/Ac to 19-30
5 DU/Ac and to remove the environmental sensitive protection it had as an
6 Urban Restricted and part of an "Open Space Study Area." It also addresses
7 the failure to notify the Petitioner, Dyes Inlet Preservation Council, which had
8 a known interest in this proposal as a party in prior litigation that resulted in
9 Kitsap County recognizing this parcel as part of a sensitive area included in a
10 designated "Open Space Study Area." A second part of this issue is whether
11 the county may use the ten-year comprehensive plan update as a vehicle for
12 rezoning this particular parcel and bypass the usual notice requirements?

13 **4. Did Kitsap County comply with mandatory comprehensive plan**
14 **elements of RCW 36.70A.070, and that they be implemented by**
15 **appropriate development regulations as required by RCW 36.70A.040?**

16 This issue addresses the confused discussion and application of apparently
17 conflicting criteria and decisions by the county: (1) the area is evidently within
18 the "Discussion Areas for the Silverdale Sub-Area Plan" which should have
19 made the request for reclassification not permitted under the county
20 resolution authorizing land use reclassification requests; (2) the Silverdale
21 Sub-Area Plan (Chapter 14 of the Comprehensive Plan) mentions the
22 designation of the Silverdale "Regional Growth Center by the Puget Sound
23 Regional Council . . . in recognition of the future potential residential and
24 commercial growth anticipated for this area," and leaves this property
bordering but outside of the "Regional Growth Center" boundary.

IV. STANDING

Petitioner, Dyes Inlet Preservation Council, in an incorporated nonprofit
organization formed to protect the quality of Dyes Inlet watershed, with substantial prior
involvement regarding land use issues in this area. Dyes Inlet Preservation Council
has participated through oral and written comments and testimony on all issues raised
in this petition and therefore alleges that it has participation standing to challenge the
actions at issue pursuant to RCW 36.70A.280.

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V. ESTIMATED LENGTH OF HEARING

Petitioner estimates that the Hearing on the Merits for this matter will last approximately one hour.

VI. RELIEF SOUGHT

Petitioner request the Board issue a finding of non-compliance, an Order of Invalidity, and remand these matters back to Kitsap County for action consistent with the Growth Management Act.

PETITIONER HAS READ THIS PETITION FOR REVIEW AND BELIEVES THE CONTENTS TO BE TRUE.

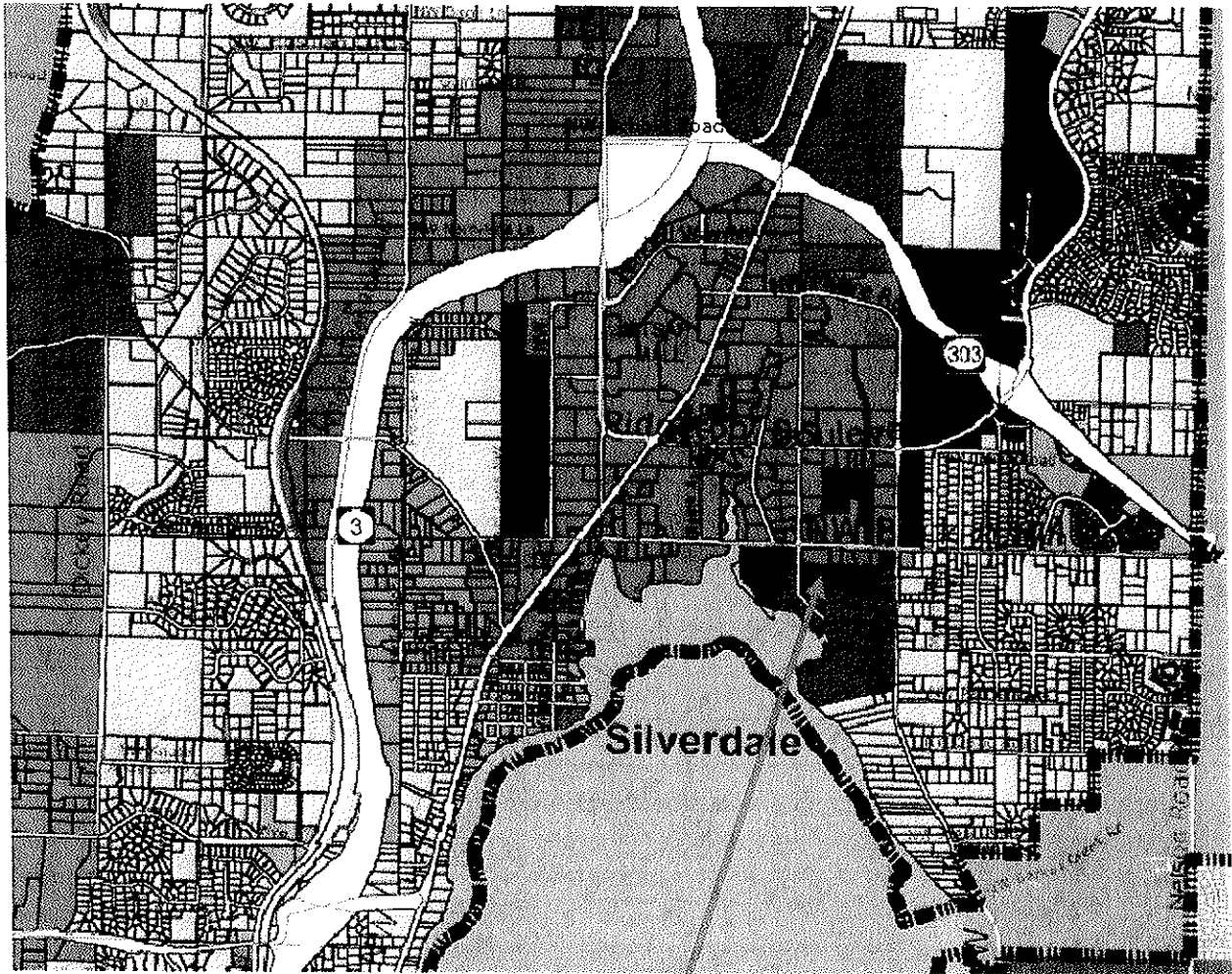
Dated February 20, 2007



Robert Best, Director and Agent
Dyes Inlet Preservation Council



Phil Best, WSBA #1045
Attorney for Dyes Inlet Preservation Council

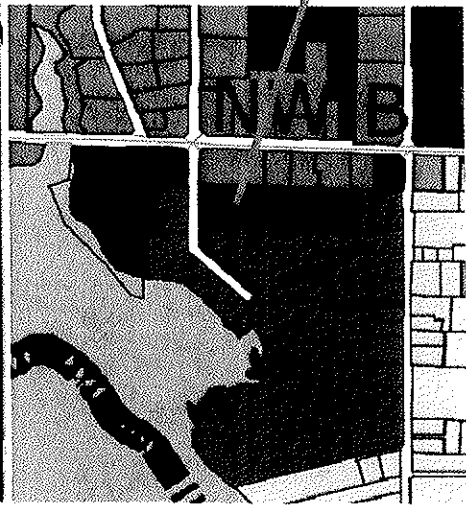


SILVERDALE UGA

Board of County Commissioners
Adopted

Kitsap County Zoning

- Rural Residential (1-5 DU/Ac)
- Rural Protector (1-2 DU/Ac)
- Rural Wooded (1-5 DU/20 Acs)
- Business Center
- Business Park
- Industrial
- Highway-Tourist Commercial (10-30 DU/Ac)
- Neighborhood Commercial (10-20 DU/Ac)
- Regional Commercial (10-30 DU/Ac)
- Mixed Use (15-30 DU/Ac)
- Urban Restricted (1-5 DU/Ac)
- Urban Low Residential (4-9 DU/Ac)
- Urban Medium Residential (10-18 DU/Ac)
- Urban High Residential (19-30 DU/Ac)
- Park (Kitsap County)
- Military
- Airport
- Incorporated City
- Urban Growth Area
- Lake
- Salt Water



"Kenlon" parcel redesignated from
Urban Restricted (1-4 DU/Ac) to
Urban High Residential (19-30 DU/Ac)

- Urban Restricted (1-5 DU/Ac)
- Urban Low Residential (4-9 DU/Ac)
- Urban Medium Residential (10-18 DU/Ac)
- Urban High Residential (19-30 DU/Ac)