

## ORDINANCE No. 370-2006

### RELATING TO THE GROWTH MANAGEMENT ACT AND REGARDING THE 10-YEAR UPDATE OF THE KITSAP COUNTY COMPREHENSIVE PLAN

#### BE IT ORDAINED:

**Section 1. General Findings.** The Kitsap County Board of Commissioners makes the following findings:

1. On May 7, 1998, the Board of County Commissioners (Board) adopted the 1998 Kitsap County Comprehensive Plan. Adoption of the 1998 plan satisfied the requirements set forth in the Growth Management Act (GMA). As part of the GMA requirement to continuously review and, if needed, revise the Comprehensive Plan set forth in RCW 36.70A.130(1), Kitsap County made subsequent amendments in June 2002, December 2003, and October 2004 after extensive review and recommendation by the public and Planning Commission.
2. The GMA, pursuant to RCW 36.70A.130(3), requires Kitsap County to “review, at least every ten years, its designated urban growth area or areas, and the densities permitted within both the incorporated and unincorporated portions of each urban growth area.” Additionally, “[t]he county comprehensive plan designating urban growth areas, and the densities permitted in the urban growth areas by the comprehensive plans of the county and each city located within the urban growth areas, shall be revised to accommodate the urban growth projected to occur in the county for the succeeding twenty-year period.”
3. The Kitsap County Code 21.08.040 provides that the Board will establish a schedule for review and possible amendment of the Comprehensive Plan.
4. On June 28, 2005, the Central Puget Sound Growth Management Hearings Board (Hearings Board), in its Final Decision and Order in *1000 Friends of Washington v. Kitsap County*, CPSGMHB 04-3-0031c, determined that Kitsap County was out of compliance with the GMA by not having completed its 10-Year review of its Urban Growth Areas, and the densities permitted within, by 2004. The Hearings Board ordered Kitsap County to take appropriate legislative action by June 30, 2006. The Hearings Board later granted an extension to the deadline of December 31, 2006 in *1000 Friends of Washington v. Kitsap County*, CPSGMHB 04-3-0031c, Order Amending Compliance Schedule (October 14, 2005).
5. On July 26, 2006, the Hearings Board, in its Final Decision and Order in *KCRP v. Kitsap County*, CPSGMHB 06-3-0007, remanded components of the Kingston Sub-Area Plan, adopted December 21, 2005, to the County for review and revision. The components included:

- a. Allocating population without completing the 10-Year Update to the Kitsap County Comprehensive Plan as required by the Growth management Act;
- b. The inclusion of a sewer reduction factor in the Updated Land Capacity Analysis (ULCA) used to size the urban growth area;
- c. Reasonable measure review and implementation; and
- d. Inadequate capital facilities planning which was unable to ensure the provision of urban services to the urban growth area.

**Section 2. General Procedural Findings.** The Kitsap County Board of Commissioners makes the following findings regarding the public participation process of the 10-Year Update of the Comprehensive Plan:

1. On February 14, 2006, following timely and effective public notice, the Board held a work-study session to discuss and review the draft public involvement plan for the 10-Year Update to the Comprehensive Plan (10-Year Update).
2. On February 28, 2006, following timely and effective public notice, the Kitsap County Planning Commission (Planning Commission) held a work-study session to review and discuss the 10-Year Update draft schedule, project strategies, task prioritization and public involvement plan.
3. On March 13, 2006, following timely and effective public notice, the Board approved Resolution No. 045-2006. The resolution established an application period for land use reclassification requests, ending on April 10, 2006. The resolution also established screening and evaluation criteria for the reclassification requests, as well as the initial docket for text and area-wide map amendments.
4. On March 15, 2006, following timely and effective notice, the Board held a work-study session to review and discuss the 10-Year Update draft vision review and project strategies.
5. On March 18, 2006, following timely and effective public notice, Kitsap County issued a Determination of Significance and scoping notice and document. The scoping notice solicited comments for consideration in the Environmental Impact Statement. The scoping period closed on April 10, 2006.
6. On March 20, 2006, following timely and effective public notice, the Board held an administration briefing to discuss the format and content of the public workshops on the vision statement and the details of the land use reclassification requests submitted by that date.
7. On March 23, 2006, a Public Involvement Plan was issued by Kitsap County to detail the public involvement program Kitsap County was committed to following during the 10-Year Update.

8. On March 23, 27 and 28, 2006, following timely and effective public notice, Kitsap County held public workshops to review the 1998 Comprehensive Plan vision statement and solicited suggestions and revisions for consideration. The vision workshops were from 6:00 to 9:00PM and located in North, Central and South Kitsap, with approximately two hundred and thirty-seven participants. All three workshops included a brief introduction, a question and answer period, followed by four to eight small group exercises.
9. On March 28, April 11, April 25, May 9 and May 23, 2006, following timely and effective public notice, the Planning Commission held work-study sessions to review and discuss the framework and assumptions of the Updated Land Capacity Analysis (ULCA), land use reclassification requests, population and employment projections, reasonable measures, the integration of sub-area planning, preliminary land use alternatives and other issues related to the 10-Year Update.
10. On May 3, 2006, following timely and effective public notice, the Board held a work-study session to review preliminary draft land use alternatives.
11. On May 15, 18, and 24, 2006, following timely and effective public notice, Kitsap County held public workshops to review preliminary draft land use alternatives. The alternative workshops were from 6:00 to 9:00PM and located in North, Central and South Kitsap County, with approximately one hundred and fifty-seven participants. All three workshops included a brief introduction, a question and answer period, followed by six small group exercises. Groups discussed various components of the preliminary land use alternatives, including, but not limited to urban growth area sizing and composition.
12. On May 30, 2006, following timely and effective public notice, the Planning Commission and Board held a joint work-study session to review the preliminary draft alternatives, land use reclassification requests and public comment submitted during the May alternative public workshops. The joint work-study session also included discussion of the range and magnitude of environmental impacts from alternatives one and three for review in the Draft Environmental Impact Statement.
13. On May 31, 2006, following timely and effective public notice, the Board held a work-study session to provide guidance to the Department of Community Development on the range and magnitude of Alternatives one and three for review in the Draft Environmental Impact Statement.
14. On June 27, 2006, following timely and effective public notice, the Planning Commission held a work-study session to review and discuss key components to be analyzed in the Draft Environmental Impact Statement and Capital Facilities Plan.
15. On July 10, 2006, following timely and effective public notice, the Planning Commission and Board held a joint public hearing to consider testimony on the

magnitude and range of alternative two for review in the Draft Environmental Impact Statement and Capital Facilities Plan. Over 120 people attended with half testifying on the potential range of sizes and compositions of Kitsap County's urban growth areas.

16. On July 11, 2006, following timely and effective public notice, the Planning Commission held a work-study session to refine the range and magnitude of Alternative two for review in the Draft Environmental Impact Statement and Capital Facilities Plan.
17. On July 12, 2006, following timely and effective public notice, the Board held a work-study session to refine the range and magnitude of Alternative two for review in the Draft Environmental Impact Statement and Capital Facilities Plan.
18. On July 19, 2006, following timely and effective public notice, the Board approved Resolution 129-2006. The Resolution outlined direction to the Department of Community Development for preparation of the Draft Environmental Impact Statement and alternatives one through three, including criteria for considering land use reclassification requests.
19. On August 23, 2006, following a timely and effective public notice, the Board held a work-study session to discuss major components and organization of Volumes I: Comprehensive Plan Policy Document, Volume II: Draft Environmental Impact Statement (DEIS) and Volume III: Proposed Regulations for the 10-Year Update.
20. On August 29, 2006, Kitsap County issued Volumes I: Comprehensive Plan Policy Document, Volume II: Draft Environmental Impact Statement (DEIS) and Volume III: Proposed Regulations for the 10-Year Update. These documents were posted on the MyKitsap.org web page and made available to the public and agencies. Additionally, in mid-August 2006, thirty-two thousand mailings were sent to property owners within and/or adjacent to the land use alternatives. The mailing included information on the document release, comment opportunities, and dates of the open houses and upcoming public hearings.
21. On August 29, 2006, notice of all amendments to the comprehensive plan and development regulations proposed to fulfill the requirements of RCW 36.70A.130 was sent to the Washington State Department of Community, Trade and Economic Development at least sixty days before the amendments were adopted, in accordance with RCW 36.70A.106.”
22. On August 30, 2006, Kitsap County published a DEIS Notice of Availability in the legal publication of record.
23. On September 2, 2006, Kitsap County published in the legal publication of record the Notice of Application and Notice of Availability of Volumes I through III of the 10-Year Update, which had been issued on August 29, 2006.

24. On August 29 and September 7 and 14, 2006, following timely and effective public notice, the County held open houses on Volume I: Draft Comprehensive Plan Policy Document, Volume II: Draft Environmental Impact Statement and Volume III: Proposed Regulations. The open houses were from 6:00 to 9:00PM and located in North, Central and South Kitsap County, All three open houses included a brief introduction, a question and answer period, followed by an open house with six informational stations. Each informational station included professional staff available to answer questions regarding all three volumes. Approximately one hundred and sixty-one participants attended.
25. On September 5 and 12, 2006, following timely and effective public notice, the Planning Commission held work-study sessions to review and discuss components of Volume I: Draft Comprehensive Plan Policy Document, Volume II: Draft Environmental Impact Statement and Volume III: Proposed Regulations.
26. On September 11, 2006, following timely and effective public notice, the Board held an administration briefing to review and discuss components of Volume I: Draft Comprehensive Plan Policy Document, Volume II: Draft Environmental Impact Statement and Volume III: Proposed Regulations.
27. On September 13, 2006, following timely and effective public notice, the Board held a work-study session to review and discuss components of Volume I: Draft Comprehensive Plan Policy Document, Volume II: Draft Environmental Impact Statement and Volume III: Proposed Regulations.
28. On September 18, 2006, the Department of Community Development presented errata sheets for Volumes I through III to the Planning Commission and Board and posted them on the MyKitsap.org web page. These errata sheets included omissions and corrections to improve the accuracy, clarity and consistency of the documents.
29. On September 18, 20 and 21, 2006, following timely and effective public notice, the Planning Commission and Board held joint public hearings to consider testimony on Volume I: Draft Comprehensive Plan Policy Document, Volume II: Draft Environmental Impact Statement and Volume III: Proposed Regulations. Approximately 100 residents and interested parties testified, with majority of testimony relating to selection of a preferred land use alternative and urban growth area composition and sizing.
30. On September 26 and 27 and October 3 and 6, 2006, following timely and effective public notice, the Planning Commission held public meetings to deliberate on the proposed recommendations for Volume I: Draft Comprehensive Plan Policy Document, Volume II: Draft Environmental Impact Statement and Volume III: Proposed Regulations.
31. On October 4, 2006, following timely and effective public notice, the Board held a work-study session to review and discuss the Department of Community

Development's recommendations and the Planning Commission deliberations for the 10-Year Update.

32. On October 6, 2006, following timely and effective public notice, the Planning Commission approved Findings of Fact and Recommendations for Volume I: Draft Comprehensive Plan Policy Document, Volume II: Draft Environmental Impact Statement and Volume III: Proposed Regulations to be forwarded to the Board.
33. On October 11, 2006, following timely and effective public notice, the Board held a work-study session to review the Planning Commission's Findings of Fact and Recommendations for the 10-Year Update.
34. On October 23, 2006, following timely and effective public notice, the Board held a public hearing to consider testimony on the Planning Commission's recommendations. The public hearing was then continued to October 25, 2006 for further public testimony, with written comments allowed through October 30, 2006. Approximately forty-eight citizens and interested parties testified.
35. On October 25, 2006, following timely and effective public notice, the Board held a work-study session to review and discuss the Department's and Planning Commission's recommendations and to review and discuss components of Volume I: Draft Comprehensive Plan Policy Document, Volume II: Draft Environmental Impact Statement and Volume III: Proposed Regulations.
36. On October 30, 2006, following timely and effective public notice, the Board held an administration briefing to review and discuss the Department's and Planning Commission's recommendations and to review and discuss components of Volume I: Draft Comprehensive Plan Policy Document, Volume II: Draft Environmental Impact Statement and Volume III: Proposed Regulations.
37. On October 30, 2006, at 4:30PM, the 60-day comment period on the Volume I: Draft Comprehensive Plan Policy Document, Volume II: Draft Environmental Impact Statement and Volume III: Proposed Regulations closed.
38. On November 1 and 6, 2006, following timely and effective public notice, the Board began deliberations and approved a preferred land use alternative, plan policy document, and associated development regulations.

**Section 3. Substantive Findings.** The Board of County Commissioners makes the following findings with respect to the text and policy amendments to the Comprehensive Plan:

1. These amendments were developed in consideration of the goals of the GMA for the development of local comprehensive plans, as codified at RCW 36.70A.020, and reflect a careful balancing these goals within the local conditions of Kitsap County.

2. These amendments were developed from and are consistent with the Kitsap County Countywide Planning Policies (CPPs), originally adopted in 1992 and most recently amended in 2004 by Ordinance 327-2004.
3. These amendments were developed according to and are found to comply with the requirements of the GMA, RCW 36.70A.
4. The amendments adopted by this ordinance are within the range of the alternatives analyzed in the Draft Environmental Impact Statement (DEIS) and within the scope of additional analysis contained within the Final Environmental Impact Statement (FEIS). This FEIS also provides updated responses to comments on the Integrated Port Orchard/South Kitsap Sub-Area Plan Draft EIS consistent with the 10-Year Update. The County prepared a Preliminary Final Sub-Area Plan EIS that addressed comments prior to final decisions on the 10-Year Update. This 10-Year Update FEIS completes the Port Orchard/South Kitsap Sub-Area Plan environmental review process.
5. There has been early and continuous public participation in the review of the proposed amendments, as required by the GMA, and consistent with KCC 21.08 and the State Environmental Policy Act.
6. The Board bases its findings and conclusions on the entire record of the planning commission, the findings and conclusions of the Planning Commission, and all of the testimony, oral or written, and exhibits submitted to the Board. Any finding that should be deemed a conclusion, and any conclusion that should be deemed a finding, is hereby adopted as such.
7. The Board has considered the following criteria consistent with Kitsap County Code Sections 21.08.160 and 21.08.170, and makes the following findings:
  - a. Circumstances in Kitsap County have substantially changed since the adoption of the 1998 Comprehensive Plan and/or subsequent amendments;
  - b. New information is available that was not considered in the adoption of the 1998 Comprehensive Plan and/or subsequent amendments;
  - c. The proposed amendments are consistent with or support other plan elements and/or development regulations;
  - d. The proposed amendments reflect the goals, objectives and policies of the Comprehensive Plan;
  - e. The proposed amendments are consistent with the Countywide Planning Policies; and
  - f. The proposed amendments are compliant with the requirements of the Growth Management Act.

8. The Board has reviewed the Central Puget Sound Growth Management Hearings Board Decision in *1000 Friends v. Kitsap County*, CPSGMHB 04-3-0031c regarding the completion of the 10-Year Comprehensive Plan Update and finds that the remand issue has been addressed and resolved in the 10-Year Update.
9. The Board has reviewed the Central Puget Sound Growth Management Hearings Board Decision in *KCRP v. Kitsap County*, CPSGMHB 06-3-0007 regarding the Kingston Sub-Area Plan, and finds the remand issues have been addressed and resolved in the 10-Year Update:
  - a. Kitsap County has completed its 10-Year Comprehensive Plan Update;
  - b. The sewer reduction factor within the Updated Land capacity Analysis has been removed from the County methodology used to size its urban growth areas;
  - c. The 10-Year Update adopts additional reasonable measures and employs additional development regulations to reinforce existing reasonable measures;
  - d. The 10-Year Update includes a complete capital facilities plan that includes analysis and funding strategies for urban infrastructure.
10. Should any amendment to the Comprehensive Plan, Kitsap County Code, or any map associated there with that was passed by the Board during its deliberations on November 1 and 6, and December 11, 2006 be inadvertently left out, the explicit action of the Board as discussed and passed shall prevail upon subsequent review and verification by the Board.

**Section 4. NOW THEREFORE, BE IT FURTHER ORDAINED, that the Kitsap County Board of Commissioners, based on the foregoing findings, hereby:**

1. Approves Alternative 2 for all urban growth areas (UGAs) except Poulsbo as the preferred alternative for the 10-Year Comprehensive Plan Update with the amendments described in Attachment A. Alternative 1 is approved for the Poulsbo UGA.
2. Approves Volume I: Plan and Policy Document (Attachment B), dated December 2006, which reflects the Board's amendments (Attachment C). These amendments include, but are not limited to, the deletion of duplicative goals and policies, the revision of language regarding Low Impact Development (LID) standards, the inclusion of additional economic development policies to direct employment growth, the deletion of language specifying to-be-determined downtown design districts for Silverdale, approval of the Rural Wooded Incentive Program and other changes to improve clarity, accuracy and consistency of the document.
3. Approves the Draft and Final Environmental Impact Statements dated August and December 2006. Volume II: Final Environmental Impact Statement (Attachment D)

includes potential transportation funding/cost saving strategies with estimated values to address infrastructure improvements for the 20-year planning period (Attachment E). These cost saving/funding options include, but are not limited to, impact fees, fuel taxes, reduced levels of service, shift of revenue from other programs, property taxes, reduced urban growth areas, license fees and projecting city annexations/incorporations.

4. Approves Volume III: Proposed Regulations (Attachment F), dated December 2006, which reflects the Board's amendments (Attachment G). These amendments to Kitsap County Code Titles 17, 18 and 21 include, but are not limited to, provisions for rural industrial and commercial properties, allowances for mixed use and commercial development, inclusion of a consolidated use table, clarification of density calculations in the Urban Restricted zone, inclusion of a consolidated density and dimensions table, implementation of the Transfer of Development Rights and Rural Wooded Incentive Programs and other changes to improve clarity, accuracy and consistency of the document. Adoption of these textual amendments is by three separate ordinances.
5. The Site-Specific Comprehensive Plan Amendment submitted by Royal Valley LLC during the 2004 Comprehensive Plan Amendment cycle to include properties north of Waaga Way within the Central Kitsap urban growth area with Urban Restricted zoning is denied.
6. Future urban growth area amendments for the City of Poulsbo, including land use reclassification requests submitted by John Johnson and others, shall be reviewed during the City's 2007 comprehensive plan amendment process. Coordination of the City's and County's amendment processes shall be consistent with a future Memorandum of Understanding (MOU).


**Section 5. Repealer.** The following portions of Ordinance 325-2005 adopting the Kingston Sub-Area Plan are hereby repealed: Section 1: General Findings #11 and Section 4: Substantive Findings Related to the Kingston urban growth area # 1 through 12.

**Effective Date:** This Ordinance shall take effect immediately.

**Severability:** If any sentence, section, provision, or clause of this ordinance or its application to any person, entity or circumstance is for any reason held invalid or unconstitutional, the remainder of the ordinance, or the application of the provision to other persons, entities, or circumstances is not affected.

**Dated: December 11, 2006**

**KITSAP COUNTY BOARD OF  
COMMISSIONERS**

  
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**Jan Angel, Chair**


  
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**Patty Lent, Commissioner**

  
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**Chris Endresen, Commissioner**

ATTEST:

  
\_\_\_\_\_  
Opal Robertson  
Clerk of the Board

Approved as to Form:

  
\_\_\_\_\_  
Lisa J. Nickel  
Deputy Prosecuting Attorney