

Ordinance No. 424 - 2009

**AN ORDINANCE EXTENDING THE MORATORIUM ON THE
ACCEPTANCE OF NEW APPLICATIONS FOR DEVELOPMENT UTILIZING
THE RURAL WOODED INCENTIVE PROGRAM FOR AN ADDITIONAL SIX
MONTH PERIOD, PREVIOUSLY IMPOSED BY KITSAP COUNTY
ORDINANCE 408-2008**

WHEREAS, the State Growth Management Act (GMA), Chapter RCW 36.70A, permits counties to consider local circumstances in planning for rural areas; and include innovative techniques to accommodate appropriate rural densities consistent with rural character; including, but not limited to density bonuses, cluster housing and transfers of development rights; and

WHEREAS, in December 2006, Kitsap County adopted such an innovative program in the Rural Wooded Incentive Program (RWIP), codified at Kitsap County Code Chapter 17.301; and

WHEREAS, the RWIP was appealed to the Central Puget Sound Growth Management Hearings Board and a decision rendered on August 15, 2007 in *Suquamish II v. Kitsap County*, CPSGMHB Case No. 047-3-0019c, Final Decision and Order (August 15, 2007). In part, the RWIP was found to be noncompliant and invalid. The CPSGMHB remanded the RWIP back to the County and ordered Kitsap County to take legislative action to comply with the Order; and

WHEREAS, while Kitsap County has taken action to comply with the CPSGMHB Order, which has been determined by the CPSGMHB to comply with the GMA, the Kitsap County Board of Commissioners expressed some concern over other issues associated with the RWIP program;

WHEREAS, on August 11, 2008, the Board enacted Kitsap County Ordinance 413-2008, which imposed a moratorium on the acceptance of new applications for development utilizing the RWIP, in order to take additional time to evaluate other issues not addressed by the CPSGMHB, but which may require additional changes to the RWIP; and

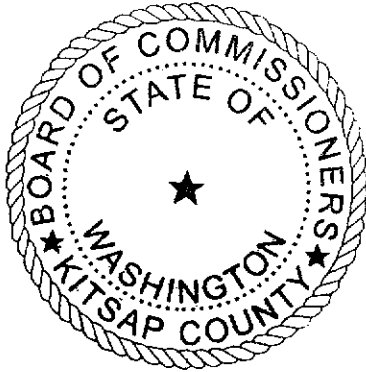
WHEREAS, pursuant to RCW 36.70.795 and RCW 36.70A.390, the Board finds that the County needs additional time to address these issues, and therefore will extend the moratorium for an additional six month period.



BE IT ORDAINED:

- Section 1.** **Preliminary Findings.** The recitals set forth above are hereby adopted as the Kitsap County Board of Commissioner's findings in support of the moratorium imposed by this Ordinance. The Board of Commissioners also incorporates by reference the findings adopted in Kitsap County Ordinance 408-2008 and may, in its discretion, adopt additional findings at the conclusion of the public hearing referenced in Section 4.
- Section 2.** **Moratorium.** The moratorium imposed by Kitsap County Ordinance 413-2008 upon the acceptance of any new applications for permits proposing to utilize the Rural Wooded Incentive Program (RWIP) under Chapter 17.301 Kitsap County Code, is hereby extended for an additional six month period.
- Section 3.** **Effective Period for the Moratorium.** The moratorium set forth in this Ordinance shall be in effect immediately and shall expire in 180 days (July 25, 2009), unless subsequently extended or terminated sooner by the Kitsap County Board of County Commissioners.
- Section 4.** **Public Hearing.** Pursuant to RCW 36.70.795 and RCW 36.70A.390, the Kitsap County Board of Commissioners a public hearing was held on January 26, 2009.
- Section 5.** **Severability.** If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity of any other section, sentence, clause of phrase of this ordinance.
- Section 6.** **Clerical/Typographical Error.** Should this Ordinance, upon being enacted by the Board during its deliberations on January 26, 2009, have anything inadvertently left out or in error upon publication, the explicit action of the Board as discussed and passed shall prevail upon subsequent review and verification by the Board.

DATED this 26th day of JANUARY, 2009.



ATTEST:

Opal Robertson

Opal Robertson
Clerk of the Board

**BOARD OF COUNTY COMMISSIONERS
KITSAP COUNTY, WASHINGTON**

Charlotte Garrido

CHARLOTTE GARRIDO, Chair

J. W. Brown

JOSH BROWN, Commissioner

Steve Bauer

STEVE BAUER, Commissioner

Approved as to form:

Deputy Prosecuting Attorney

ATTACHMENT A

Rural Wooded Incentive Program (RWIP)
2009 Work Plan
Kitsap County DCD

Action	Timeframe, 2009
Brief BCC at Workstudy: review history, existing alternative, development scenarios	Mid-February
Meeting with BCC individually	Late February
Comprehensive BCC Workstudy; direction	March
Prepare draft legislation	April
Stakeholder review	April
BCC review	May
Adoption process (PC, BCC)	June-July

Preliminary Issues to Address:

- 1) management plans for privately owned permanent open space tracts, which also address forestry activities;
- 2) increased minimum project size to ensure public and environmental benefits;
- 3) increased maximum project size to increase potential flexibility in project development;
- 4) connectivity of open space and trails;
- 5) additional protections for critical areas;
- 6) a requirement for the use of low impact development techniques; and
- 7) mechanisms to address the perpetual nature of the open space.

