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Larry,

Because the public involvement process for the 2014 Buildable Lands Report has been a one-way street thus far (citizens comment but hear no feedback from the staff) I want to ensure that my prior comments on the permitted housing density conclusions found in the draft BLR are fully understood. Thus I am elaborating on that discussion here. If this is redundant I apologize, but the issue is important as it bears directly on whether and how the County’s comprehensive plan will successfully guide growth.

My concern is with the conclusion that the density of permitted housing over the review period has been consistent with planned densities. This conclusion is based on an erroneous assumption that observed density of permitted housing is a gross density and that a theoretical net density can be assumed to be approximately double the observed density. The omission of a “reasonable measures” discussion, aside from a commitment to monitor measures already in place, is based on this erroneous conclusion of consistency and will in turn misinform the consideration of reasonable measures in the plan update process.

The language from the BLR that I am referring to begins about two-thirds of the way into the paragraph at the bottom of page 43 of Appendix 4E, the unincorporated areas data:\footnote{1}

Permitted density data identifies only gross densities. Therefore, measuring platted densities is generally a more accurate method to ascertain densities for the purposes of the buildable lands program.

This rationale is taken to its logical conclusion in the middle of the paragraph at the bottom of page 45 of the same appendix:

Platted density analysis shows that achieved net urban densities are, on average, about twice the reported gross densities. Applying that same relationship to the permitted unit density data in the following table

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\footnote{1} The same assumptions appear to have been applied to housing data for the incorporated cities in the other appendices, but for the sake of simplicity I will discuss only the unincorporated data as it is this for which the County has direct responsibility under the GMA.
suggests overall, the achieved permitted unit densities are likely meeting the minimum urban densities targeted in the County’s Comprehensive Plan and implementing regulations.

This line of reasoning contains several fallacies which, taken together, lead to an erroneous conclusion of achieved density and thus consistency with plan targets:

1. The observed density of permitted housing is a net, not a gross density.
2. The gross-to-net density difference in platted subdivisions cannot be applied as a multiplier to observed permitted density.
3. Housing permit data is an essential measure of the pattern of actual growth upon the landscape.

Let’s use an illustrative example of a plat to visually demonstrate gross and net densities:

![Diagram of Shakes Run Plat](image)

The unsupported statement in the BLR document that housing permits reflect a gross rather than net density is an invalid assumption. A review of how land moves from a raw state through subdivision; and ultimately to housing construction will demonstrate this.

The image above is a developer’s rendering of a plat called “Shakes Run” located in Kentucky that I found on the Internet. It depicts the kind of gross-to-net density land reductions one might find in a typical plat in Kitsap County: roads, drainage ponds, critical areas, common areas, etc.

We do not know that total area of the raw parcel, but it is apparent from the image that the sixty-one residential building lots account for approximately half of the total area and thus the net density of the plat is approximately double the gross density as the 2014 BLR observes with regard to unincorporated urban plats in Kitsap County. In other words, while the gross density of the plat is that
total area divided by sixty-one, the net density is the total area of lots one through sixty-one apart from the roads, drainage ponds, common area buffers and shared facilities divided by sixty-one.

Now if we imagine that sixty-one building permits are issued and sixty-one homes built in this subdivision within a BLR review period, what is the net density of those permitted units? The answer is that the net density of the permitted housing is **exactly the same as the net density of the plat**. There are no further gross-to-net area land reductions to be made because the roads, drainage ponds, common areas, etc. exist outside the boundaries of the building lots having been set aside at the plat stage.

Thus the assumption that a doubling of observed density similar to what is observed with plats can be applied to permitted housing units is demonstrably false and will exaggerate actual density of housing. The observed density of permitted housing in the BLR (e.g. table 4u-5 on page 46 of Appendix 4E) shows that in every UGA, single-family housing has occurred at average densities well below the 5-9 du/acre plan target. It occurred, not at the low end of the range, but well below the minimum.

RCW 36.70A.215(3)(b) requires the County to “Determine the actual density of housing that has been constructed...” Thus permitted housing density is not only an appropriate measure but one that is statutorily required unless another method such as before-and-after aerial photography is used to identify new housing construction. The Department of Commerce (formerly CTED) recognized the importance of both plats and building/occupancy permit data when it issued its initial guidelines for buildable lands programs in 2000.2

While approved plats are an indicator of how comprehensive plans and development regulations are being implemented with regard to land use decisions, permits are a measure of what is actually taking place on the ground independent of what is planned, targeted or desired. In other words, permits give an objective measure of how housing is actually being built regardless of assumptions, biases and policy intentions.

The BLR discussion of permits also notes that urban housing permits were often issued on oversized parcels platted before the current comprehensive plan was adopted. This neither invalidates the relevance of the data nor indicates that a gross-to-net density conversion should be assumed. Rather, it indicates that the pattern of actual housing growth is still occurring at well below the planned density. Either the lots should be further subdivided for single-family housing or duplex and/or multifamily units should be built on these parcels.

The existence of these “legacy lots” was known when the plan was adopted and reasonable measures were intended to address this issue. Clearly they have not been successful and further measures will be needed in the updated plan. The existence of pre-GMA/pre-comp plan legacy lots as an excuse for inconsistent growth patterns was rejected by the Hearings Board and, on appeal, the Courts in 2007.3

This is obviously not an easy problem to solve, but there are a number of potential “reasonable measures”, to regulate or incentivize development of these lots at appropriate densities. Examples

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might include “shadow plats”, mandatory subdivision of oversized lots as a condition of permit approval, reduced fees and/or streamlined review for short plats and permits that meet density targets.

The BLR also considers, as it must, the density of rural residential housing permits. In every rural designation, the actual density of housing is at least double the maximum planned density. If the erroneous doubling assumption for observed permitted densities were applied to rural areas, the inconsistency would be even worse. But even without this error it is clear that the County is not achieving planned densities in rural areas and thus additional reasonable measures will be necessary to address this in the updated plan. Always controversial, rural lot aggregation requirements and/or incentives should be considered.

One could argue that the BLR is merely a report tabulating data and not a policy document so these issues are marginal to the development of an updated comprehensive plan. But there is a policy element required for buildable lands reports in the form of the reasonable measures element. The Hearings Board concluded that Kitsap County’s first BLR was non-compliant because it omitted this required element.4 Also, the future decision whether to adopt additional reasonable measures with the plan update next year rests on the density and urban/rural split constancy findings of the BLR. Thus an erroneous finding of constancy in the BLR can be expected to lead to erroneous omission of reasonable measures in the plan. I am particularly concerned about this in light of preliminary staff conclusions that the existing reasonable measures have achieved their purpose and thus can be deleted from the plan. Nothing could be further from the facts.

Thus I reiterate my request that your staff revise the draft BLR to correct the faulty analysis and resulting erroneous conclusion of constancy and add a discussion of additional reasonable measures to achieve consistency.

Respectfully,

Jerry Harless

Cc: Katrina Knutson, DCD staff
    Kitsap County Planning Commission
    Kitsap County Board of Commissioners

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4 Bremerton II, CPSGMHB 04-3-0009c FDO at 53.