

ORDINANCE NO.____-2017

**ADOPTING KITSAP COUNTY'S AMENDMENTS TO THE
CRITICAL AREAS ORDINANCE, TITLE 19 KCC**

BE IT ORDAINED:

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

- A. Kitsap County's Critical Areas Ordinance (CAO) (Title 19 KCC) implements the requirements of Chapter 36.70A RCW, the Growth Management Act (the Act), including planning goals and minimum guidelines to designate and protect the functions and values of critical areas and to give special consideration to conservation or protection measures necessary to preserve or enhance anadromous fisheries.
- B. Kitsap County first adopted its CAO in 1998, through Ordinance 217-1998, and made comprehensive amendments to the CAO in 2005 through Ordinance 351-2005. Following a remand from the Growth Management Hearings Board, limited amendments were made in 2007 to the CAO through Ordinance 376-2007.
- C. In RCW 36.70A.130, the Act directs the periodic update of local comprehensive plans and development regulations. Kitsap County satisfied its most recent deadline of June 30, 2016 through the adoption of Ordinance 534-2016, with the exception of critical area regulations.
- D. Both the Act, in RCW 36.70A.130(7), and the Washington Department of Commerce allow a one year grace period to complete updates to development regulations that protect critical areas. Accordingly, Kitsap County's deadline for its CAO update is June 30, 2017.

Section 2. **General Procedural Findings.** The Kitsap County Board of Commissioners makes the following findings regarding the process and public participation aspects for amending Kitsap County's CAO:

- A. Kitsap County conducted a review of best available science as required by RCW 36.70A.172 and WAC 365-195. Kitsap County began with the two science review documents developed previously: "Summary of Best Available Science Review: Kitsap County Critical Areas" dated December 2004, and the "Kitsap County Critical Areas Ordinance Science Support Document" dated May 17, 2005. Kitsap County then developed an addendum called "Supplemental Best Available Science and Required Changes" dated December 15, 2015, and amended February 22, 2017 that covered BAS since 2005.
- B. In early 2016, the Planning Commission and the Board of County Commissioners were briefed on the BAS update and the Board approved the CAO Update Scope of Work, Schedule and Public Participation Plan on March 28, 2016.
- C. Kitsap County convened an informal Working Group from June through October of 2016 to review a preliminary draft CAO based on the "Summary of Best Available Science and Required

Changes.” This Working Group was comprised of state and local agency technical experts, tribal representatives, and members of local stakeholder organizations, such as Kitsap Alliance of Property Owners, Futurewise, and Kitsap Builders Association. All meetings of the Working Group were open to the public.

- D. Internal revisions to the draft CAO were made following the end of the Working Group and an online open house was launched on March 2, 2017.
- E. A Public Review Draft was published and advertised for public comment from March 1-31, 2017. Along with this Draft, Kitsap County provided three traditional open houses on March 23, 28, and 30, 2017, and the 24/7 online open house and comment form.
- F. The SEPA DNS (Determination of Non-significance) was noticed issued on April 27, 2017 in accordance with WAC 197-11-340 and was open for a 14 day public comment period through May 10, 2017. No comments or appeals were received.
- G. Following timely notice of hearing, Kitsap County held three Planning Commission hearings on April 25, April 27 and May 2, 2017. Findings of Fact and Recommendations of the Planning Commission were adopted on June 6, 2017.
- H. Following timely notice of hearing, the Kitsap County Board of Commissioners held three public hearings for the Critical Areas Ordinance at diverse locations throughout the County. On June 20, 2017, a hearing was held at the Poulsbo City Hall in Poulsbo, WA; on June 21, 2017, a hearing was held at Silverdale Water District / Central Kitsap Fire and Rescue in Silverdale, WA; and on June 26, 2017, a final hearing was held at the Kitsap County Administration Building in Port Orchard, WA.
- I. Following the conclusion of the public hearings, the Board of County Commissioners deliberated and discussed the proposed amendments on June 27 and 28, 2017 and adopted this ordinance on _____.
- J. Additional information and detail regarding the adoption process for this CAO is set forth in the Kitsap County Staff Report to the Board of County Commissioners dated June 7, 2017, which the Board adopts and incorporates by this reference.

Section 3. **General Substantive Findings.** The Kitsap County Board of Commissioners makes the following findings regarding the amendments to Kitsap County’s CAO:

- A. This ordinance will amend Title 19 KCC to ensure the critical area regulations are consistent with the Act, incorporate BAS, and make housekeeping amendments to various code sections for clarity and consistency.
- B. The CAO is consistent with the fourteen statewide planning goals contained within the Act, including but not limited to Goals 6 (Property Rights), 7 (Permits), 8 (Natural resource industries), 9 (Open space and recreation), 10 (Environment) and 11 (Citizen participation and coordination).

- C. The CAO has been updated to conform to the Act, particularly including but not limited to RCW 36.70A.060(2), .170, and .172, and to follow the guidelines within Chapters 365-190, -195, and -196 of the Washington Administrative Code.
- D. Kitsap County's efforts to accommodate growth and to protect critical areas, resource lands and rural lands are guided by, and are consistent with, the Countywide Planning Policies and the Kitsap County Comprehensive Plan, in particular the Environmental Element of the 2016 Comprehensive Plan as it recognizes the CAO as one part of the overall goals, direction and path for the future of sustaining natural environments in Kitsap County.

Section 4. **Adoption.** Kitsap County Code Title 19, last updated by Ordinance 351-2005 with limited amendments to KCC 19.200.210 and KCC 19.300.315(A) through Ordinance 376-2007, is hereby amended as set forth in the attached Appendix to this Ordinance.

Section 5. **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 up on subsequent review and verification by the Board, and shall be corrected.

Section 6. **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 provisions to other persons, entities or circumstances is not affected.

Section 5. **Effective Date.** This Ordinance shall take effect on June 30, 2017.

Dated this _____ day of June, 2017.

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

ATTEST:

CHARLOTTE GARRIDO, Chair

EDWARD WOLF, Commissioner

ROBERT GELDER, Commissioner

Dana Daniels, Clerk of the Board

Approved as to form by the Kitsap County Prosecutor's Office