

ORDINANCE NO. 583 - 2019

RELATED TO GROWTH MANAGEMENT AND  
AMENDING THE KITSAP COUNTY COMPREHENSIVE PLAN

BE IT ORDAINED:

Section 1. General and Procedural Findings.

The Kitsap County Board of Commissioners finds as follows:

- A. Kitsap County is subject to the requirements of the Washington State Growth Management Act (GMA), Chapter 36.70A RCW.
- B. The GMA, through RCW 36.70A.130(5), mandates that Kitsap County's Comprehensive Plan and development regulations be reviewed and, if needed, revised at least every 8-years. The most recent Kitsap County 8-year update concluded with the adoption of the 2016 Kitsap County Comprehensive Plan on June 27, 2016 by Ordinance 534-2016.
- C. The GMA, through RCW 36.70A.130(1), also mandates that Kitsap County's Comprehensive Plan and development regulations be subject to continuing review and evaluation. Kitsap County conducts annual reviews with the most recent review concluding with the adoption of Ordinance 565-2018.
- D. Section 14(3) of Ordinance 565-2018 adopted an adjustment to the George's Corner LAMIRD boundary whereby the LAMIRD boundary was retracted by 0.87 acres on the southern boundary and expanded by 0.88 acres on the eastern boundary. A map of the zoning and land use designation changes adopted by Ordinance 565-2018 is attached for reference as Attachment 1.
- E. The Suquamish Tribe appealed the County's adjustment of the LAMIRD boundary to the Central Puget Sound Growth Management Hearings Board (CPSGMHB) in *Suquamish Tribe v. Kitsap County*, CPSMGHB Case No. 19-3-0006.
- F. On August 14, 2019 the CPSGMHB issued its Final Decision and Order holding that the County's adjustment of the George's Corner LAMIRD boundary, particularly expanding it by 0.88 acres on the east side, was not compliant with RCW 36.70A.070(5)(d). The CPSGMHB invalidated Section 14(3) of Ordinance 565-2018 and remanded the matter to the County for correction.
- G. Kitsap County has reviewed the CPSGMHB's order and has considered options for addressing the remanded action.

- H. Kitsap County proposed an ordinance for public comment that would have:
- a. Reversed the 0.88 acres that was added to the eastern boundary of the LAMIRD through Section 14(3) of Ordinance 565-2018.
  - b. Not reversed the removal of 0.87 acres on the southern boundary of the LAMIRD effected by Ordinance 565-2018.
  - c. Retracted the LAMIRD boundary and re-zoned a small portion (0.02 acres) of Parcel 272702-2-045-2005 to prevent an irregular protrusion along the LAMIRD's southern boundary.
- I. On September 25, 2019, a 60-day Notice of Intent to Adopt was sent to the Washington State Department of Commerce as required by RCW 36.70A.106. The 60-day notice period ended on November 24, 2019.
- J. On October 7, 2019, during a regularly scheduled and properly noticed meeting, the Kitsap County Board of Commissioners conducted a public briefing with the Department of Community Development to review and discuss the proposed ordinance.
- K. On October 14, 2019, Kitsap County, as lead agency under the State Environmental Policy Act (SEPA), issued a revised Determination of Non-Significance on the proposed amendment. Notice of the SEPA determination was published as required by law on October 14, 2019. Under KCC 21.04.290(E), there is no administrative appeal process for this non-project SEPA decision.
- L. From October 14, 2019 through October 29, 2019, following timely and effective public notice, the Department of Community Development held a public comment period on the proposed amendment and State Environmental Policy Act (SEPA) determinations.
- M. On October 14, 2019, Kitsap County issued a Notice of Public Hearing in the legal publication of record regarding the proposed action.
- N. On October 28, 2019, following timely and effective legal notice, the Board of County Commissioners held a public hearing to consider written and oral testimony on the proposed ordinance.
- O. On November 6, 2019, during a regularly scheduled and properly noticed meeting, the Kitsap County Board of Commissioners considered the proposed ordinance, the testimony provided, and the record. The Board agreed to consider an alternative ordinance proposed by the Department of Community Development that would repeal Section 14(3) of Ordinance 565-2018 in its entirety and return the George's Corner LAMIRD boundary, the Kitsap County Comprehensive Plan Land Use Map designations, and the Kitsap County Zoning Map classifications back to their original location prior to the adoption of Ordinance 565-2018 as shown for reference in Attachment 2.

- P. On November 8, 2019, the alternative ordinance was sent to the Washington State Department of Commerce to supplement the 60-day Notice of Intent to Adopt required by RCW 36.70A.106.
- Q. On November 25, 2019, during a regularly scheduled and properly noticed meeting, the Kitsap County Board of Commissioners considered the proposed and alternative ordinances, the testimony provided, and the record.
- R. RCW 36.70A.130(2)(b), KCC 21.08.040(B)(5), and KCC 21.08.050(D)(2)(b) allow comprehensive plan amendments outside of the annual process if the amendments are to resolve an appeal.

Section 2. Substantive Findings.

The Kitsap County Board of Commissioners finds as follows:

- A. The CPSGMHB determined the County's adjustment of the George's Corner LAMIRD through Section 14(3) of Ordinance 565-2018 to be noncompliant with RCW 36.70A.070(5)(d) in part because it expanded the LAMIRD boundary around 0.88 acres of undeveloped property and appeared to be for meeting the commercial needs of a property owner. The CPSGMHB thus classified the action as constituting improper "outfill."
- B. The County's action on remand addresses the CPSGMHB's concerns about the adjustment adopted through Section 14(3) of Ordinance 565-2018 and complies with the CPSGMHB's order of remand as well as GMA.

Section 3. Adoption

Section 14(3) of Ordinance 565-2018, adopted on December 10, 2018, is repealed.

Section 4. Severability.

If any provision of this ordinance or its application to any person or circumstance is held invalid or unconstitutional, the remainder of the ordinance or its application to other persons or circumstances shall not be affected.

Section 5. Scrivener's Error.

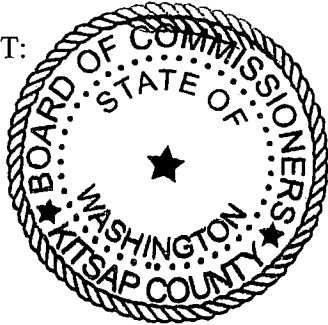
Should any amendment to Kitsap County Code that was passed by the Board during its deliberations on this Ordinance be inadvertently left out upon publication, the explicit action of the Board as discussed and passed shall prevail upon subsequent review and verification by the Board.

Section 6. Effective Date.

This Ordinance shall take effect immediately.

DATED this 25 day of NOVEMBER, 2019

ATTEST:



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

*E. E. Wolfe*  
EDWARD E. WOLFE, Chair

*Charlotte Garrido*  
CHARLOTTE GARRIDO, Commissioner

CHARLOTTE GARRIDO, Commissioner

*Dana Daniels*

Dana Daniels, Clerk of the Board

*Robert Gelder*  
ROBERT GELDER, Commissioner

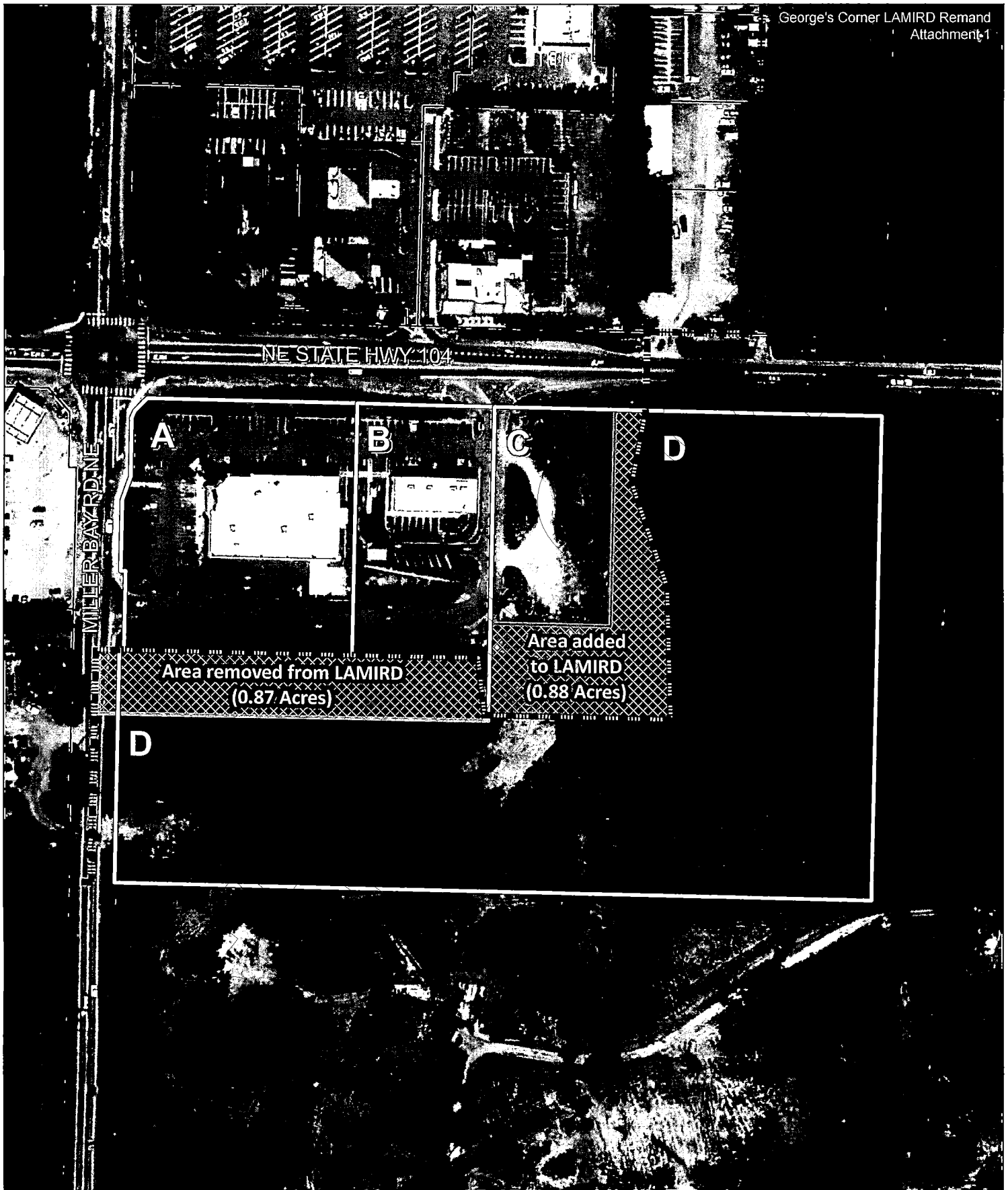
ROBERT GELDER, Commissioner

Approved as to form:

*Lisa Nickel*

Lisa Nickel, Senior Deputy  
Prosecuting Attorney

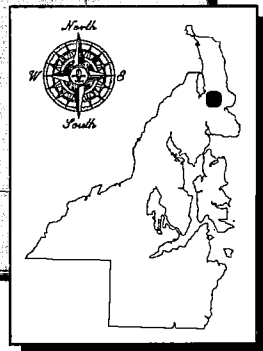
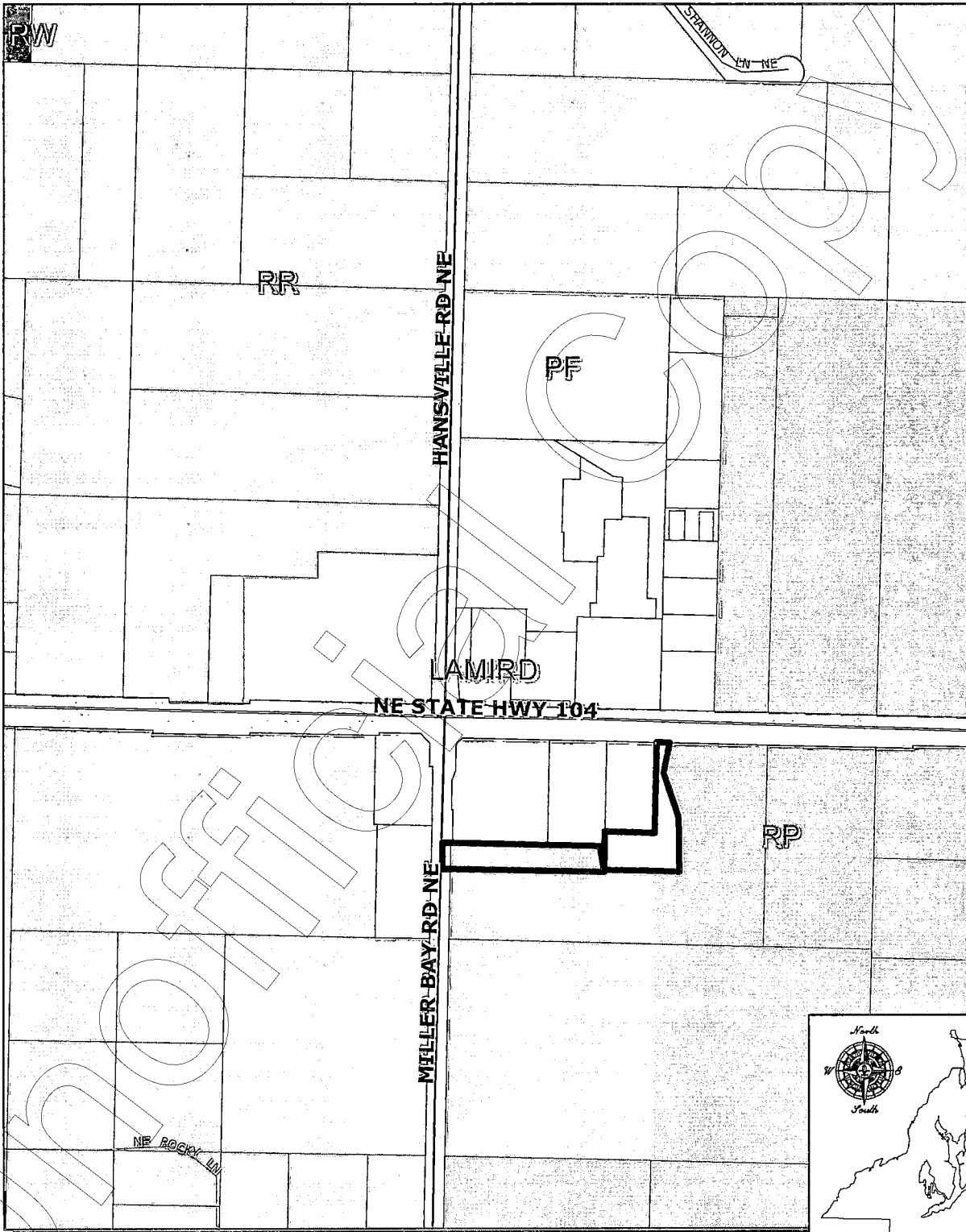
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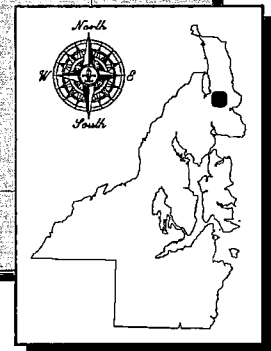
## George's Corner LAMIRD Boundary Adjustment Ordinance 565-2018



 Existing 2018 Land Use Designation Map  
George's Corner LAMIRD

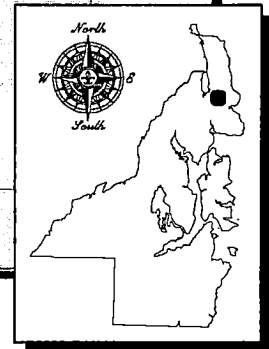
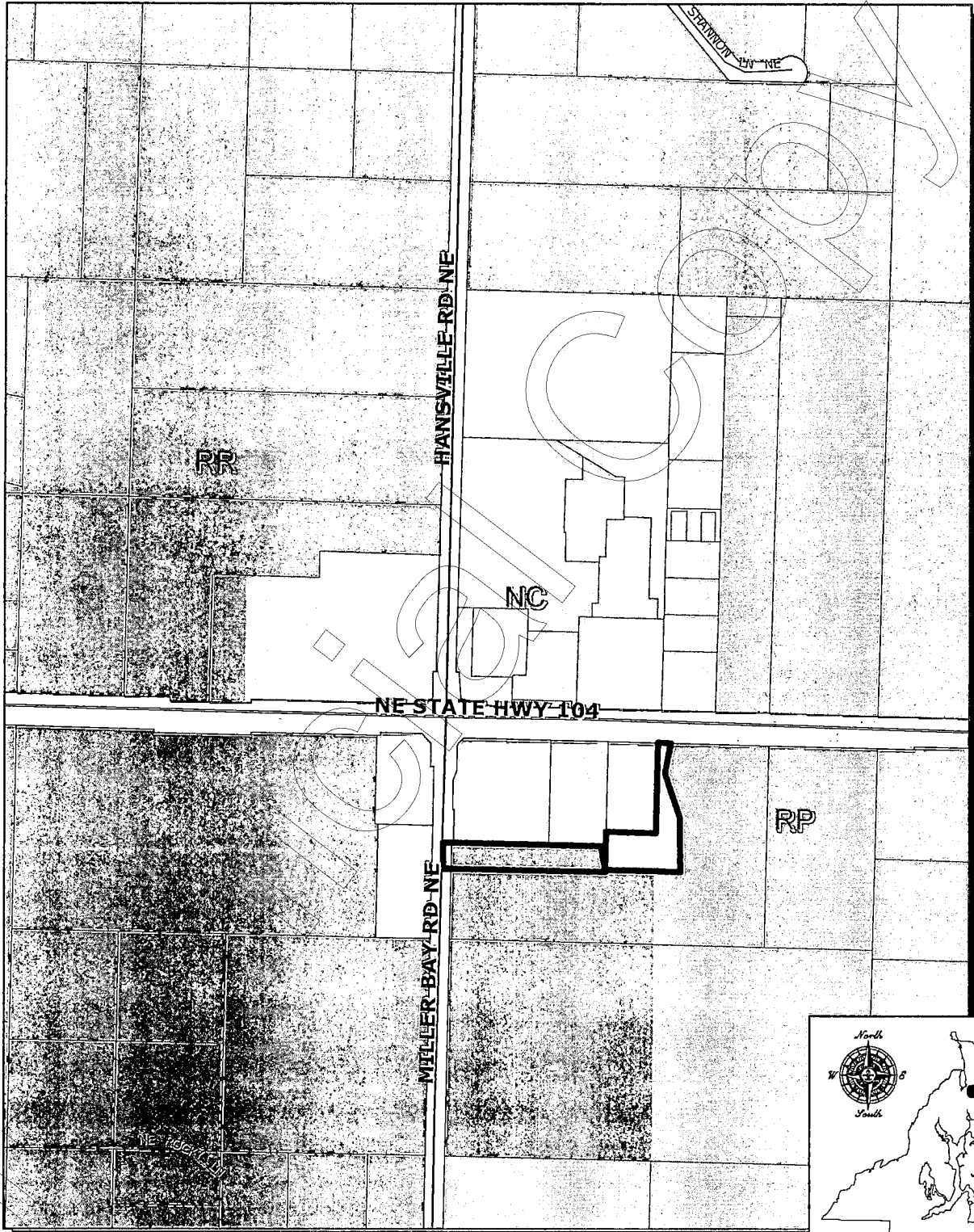


# New Remand Land Use Designation Map George's Corner LAMIRD



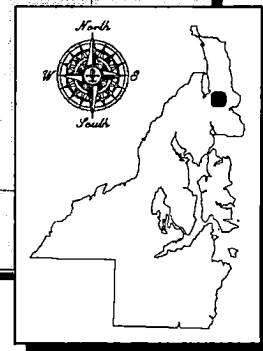
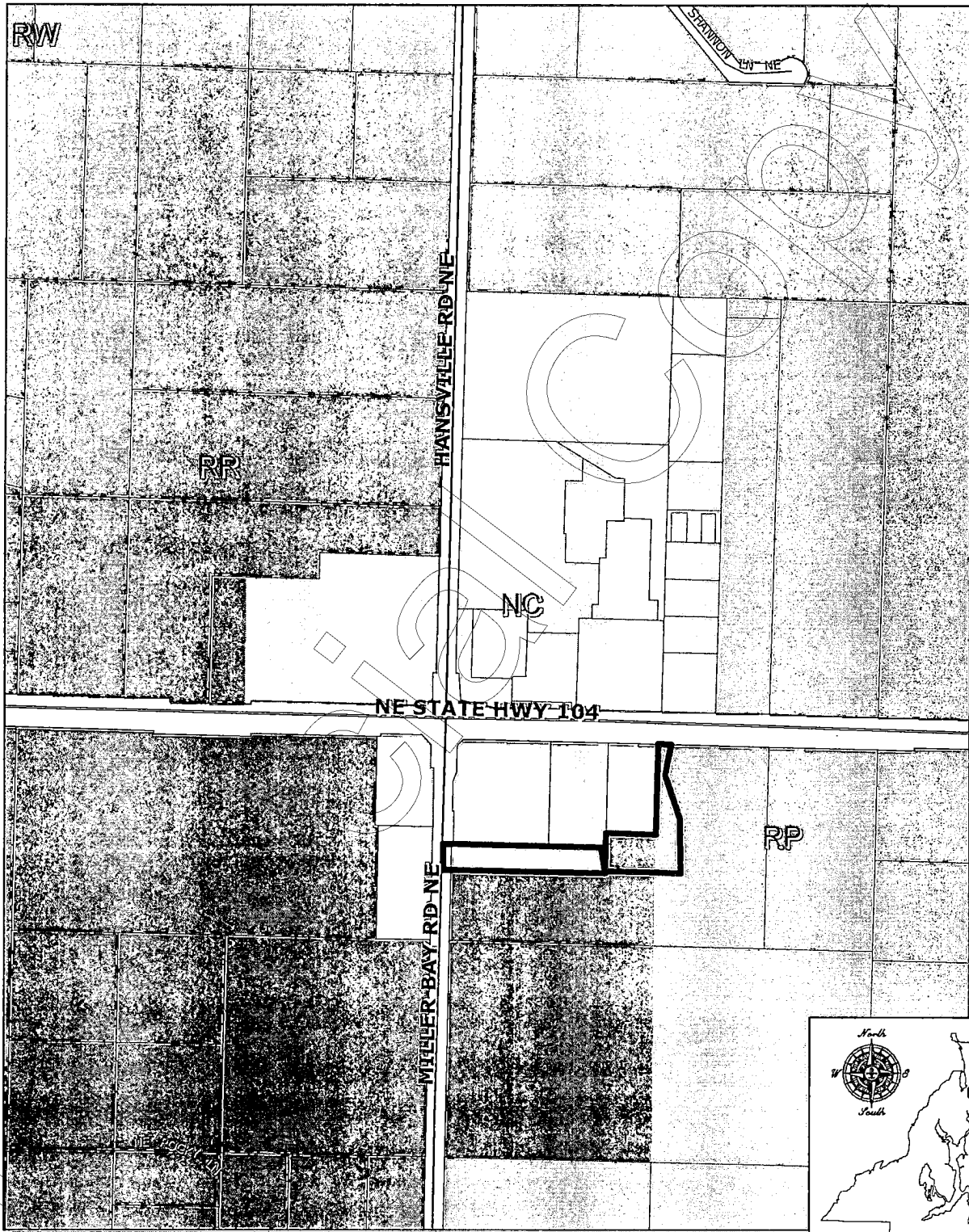


# Existing 2018 Zoning Classification Map George's Corner LAMIRD












 **New Remand Zoning Classification Map  
George's Corner LAMIRD**










# Legend for Land Use Maps

## Comprehensive Plan Designations



### RURAL

-  RR - Rural Residential
-  RP - Rural Protection
-  RW - Rural Wooded
-  FRL - Forest Resource Lands
-  MR - Mineral Resource Lands
-  RCO - Rural Commercial
-  RI - Rural Industrial







### URBAN

-  UI - Urban Industrial
-  UHIC - Urban High-Intensity Commercial/Mixed Use
-  ULIC - Urban Low-Intensity Commercial/Mixed Use
-  ULDR - Urban Low-Density Residential
-  UMDR - Urban Medium-Density Residential
-  UHDR - Urban High-Density Residential
-  UTA - Poulsbo Urban Transition Area





### LAMIRD

-  Limited Area of More Intense Rural Development-I
-  Limited Area of More Intense Rural Development-III





### OTHER

-  CITY - Incorporated City
-  MIL - Military
-  T - Tribal Land
-  PF - Public Facility
-  Lake
-  Greater Puget Sound Hydrology

## Designated Urban Growth Areas






-  Unincorporated Urban Growth Area
-  Incorporated City
-  Subject Parcel(s)
-  Tax Parcels

## Street Center Lines












-  State Highway
-  Major Road
-  Collector / Arterial
-  Local Access; Local Road

# Legend for Zoning Maps








## RURAL

-  FRL - Forest Resource Lands (1 DU/40 Ac)
-  RP - Rural Protection (1 DU/10 Ac)
-  RR - Rural Residential (1 DU/5 Ac)
-  RW - Rural Wooded (1 DU/20 Ac)
-  MRO - Mineral Resource Overlay

## COMMERCIAL

-  BC - Business Center
-  BP - Business Park
-  Commercial (10-30 DU/Ac)
-  IND - Industrial
-  Low Intensity Commercial (10-30 DU/Ac)
-  NC - Neighborhood Commercial (10-30 DU/Ac)
-  Regional Center (10-30 DU/Ac)
-  RCO - Rural Commercial
-  REC - Rural Employment Center
-  RI - Rural Industrial
-  TTEC - Twelve Trees Employment Center

## URBAN

-  Greenbelt (1-4 DU/Ac)
-  UCR - Urban Cluster Residential (5-9 DU/Ac)
-  UR - Urban Restricted (1-5 DU/Ac)
-  UH - Urban High Residential (19-30 DU/Ac)
-  UL - Urban Low Residential (5-9 DU/Ac)
-  UM - Urban Medium Residential (10-18 DU/Ac)
-  UVC - Urban Village Center (up to 18 DU/Ac)




## KEYPORT VILLAGE

-  KVC - Keyport Village Commercial
-  KVLR - Keyport Village Low Residential
-  KVR - Keyport Village Residential




## MANCHESTER VILLAGE

-  MVC - Manchester Village Commercial
-  MVLR - Manchester Village Low Residential
-  MVR - Manchester Village Residential






## RURAL HISTORIC TOWN

-  RHTC - Rural Historic Town Commercial
-  RHTR - Rural Historic Town Residential
-  RHTW - Rural Historic Town Waterfront



## SUQUAMISH VILLAGE

-  SVC - Suquamish Village Commercial
-  SVLR - Suquamish Village Low Residential
-  SVR - Suquamish Village Residential





## OTHER

-  CITY - Incorporated City
-  MIL - Military
-  Park
-  T - Tribal Land
-  Greater Puget Sound Hydrology


## CITY OF POULSBO

-  RL - Residential Low
-  LI - Light Industrial

## Designated Urban Growth Areas

-  Incorporated City
-  Unincorporated Urban Growth Area
-  Subject Parcel(s)
-  Tax Parcels (Full Ownership)

## Street Center Lines

-  State Highway
-  Major Road
-  Collector / Arterial
-  Local Access; Local Road