

ORDINANCE 520-2014

**ORDINANCE REGARDING 2014 COMPREHENSIVE PLAN AMENDMENTS TO  
CHAPTER 3 – RURAL REGARDING THE TRANSFER OF DEVELOPMENT RIGHTS  
PROGRAM**

WHEREAS, On May 7, 1998, the Board of County Commissioners (Board) adopted the 1998 Kitsap County Comprehensive Plan; and

WHEREAS, the adoption of the 1998 plan satisfied the requirements set forth in the Growth Management Act (GMA) including land use and rural elements; and

WHEREAS, the Comprehensive Plan has been subsequently amended during the period of 2000 through 2013; and

WHEREAS, the 2006 Comprehensive Plan 10-Year Update introduced a local transfer of development rights program consistent with RCW 36.70A.090; and

WHEREAS, the transfer of development rights program was intended to incentivize the movement of existing development rights from rural areas to designated urban growth areas; and

WHEREAS, this transfer would help preserve rural uses and character while allowing opportunities for more intense and compact development in urban areas; and

WHEREAS, the transfer of development rights as adopted in 2006 has been used infrequently due to market conditions, lack of outreach and other obstacles; and

WHEREAS, Kitsap County received a Forestlands at Risk grant from the Washington State Department of Ecology to assess, amongst other concepts, alternatives to rural development; and

WHEREAS, this grant allowed Kitsap to review and revise its transfer of development rights program; and

WHEREAS, Kitsap has divided the revision process into two phases; Comprehensive Plan amendments and County Code revisions to be completed by December 2014 and April 2015 respectively; and

WHEREAS, Kitsap has developed amendments to Comprehensive Plan policies to 1) streamline the chapter, 2) address sending sites within our rural areas focusing our efforts on open space acquisition areas, farming areas and non-conforming lots, 3) assess opportunities to participate in a regional TDR program with King, Snohomish and Pierce Counties and require marketing of the program after approval; and

WHEREAS, Kitsap County issued a Determination of Non-Significance on the proposed amendments on October 9, 2014 with no appeals received; and

WHEREAS, these proposed amendments were reviewed by the Planning Commission who held a public hearing on October 21, 2014, keeping written testimony open until October 27, 2014; and

*Ordinance Regarding 2014 Comprehensive Plan Amendments to Chapter 3- Rural Regarding the Transfer of  
Development Rights Program  
December 8, 2014*

WHEREAS, the Planning Commission recommended approval of the proposed amendments with revisions through Findings of Fact on November 4, 2014; and

WHEREAS, the Kitsap County Board of Commissioners held a public hearing on the Planning Commission recommendation at their regular public meeting on November 24, 2014, keeping the record open for written testimony until December 1, 2014; and

WHEREAS, the Kitsap County Board of Commissioners finds the proposed Comprehensive Plan amendments are consistent with Growth Management Act, State Environmental Policy Act and Kitsap Countywide Planning Polices; and

WHEREAS, the Kitsap County Board of Commissioners finds the proposed Comprehensive Plan amendments are consistent with the Kitsap County Comprehensive Plan and with existing county code provisions; and

WHEREAS, the Kitsap County Board of Commissioners finds that public participation has been solicited and considered as part of the planning process.

**BE IT ORDAINED**, the Board of County Commissioners adopts the Comprehensive Plan amendments to Chapter 3- Rural (dated November 4, 2014) attached hereto as Appendix A and incorporated herein by this reference.

Effective Date. This Ordinance shall take effect immediately upon adoption.

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 provision(s) to other persons, entities or circumstances is not affected.

DATED this 8th of December, 2014.

ATTEST:



*Dana Daniels*

Dana Daniels, Clerk of the Board

KITSAP COUNTY BOARD OF COMMISSIONERS

*Charlotte Garrido*  
Charlotte Garrido, Chair

*Robert Gelder*  
Robert Gelder, Commissioner

*Edward E. Wolfe*  
Edward E. Wolfe, Commissioner

Approved as to form:

/s/ Shelley E. Kneip

Shelley Kneip, Deputy Prosecuting Attorney

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## ATTACHMENT A

### 3C. Transfer of Development Rights

Transfer of Development Rights (TDR) is a voluntary, market-based tool for conserving land or structures determined to have a public benefit. It complements other incentive-based tools, land or easement acquisition programs, and other regulatory techniques intended to achieve selected growth management objectives. The use of Transfer of Development Rights is authorized by GMA in RCW 36.70A.090, as follows:

*A comprehensive plan should provide for innovative land use management techniques, including, but not limited to, density bonuses, cluster housing, planned unit development, and the transfer of development rights.*

See Chapter 2, *Land Use*, for policies relating to urban areas of the county, where Transfer of Development Rights receiving sites would be located.

**Goal 20. Promote the transfer of development rights from rural and resource areas, to urban areas, in order to preserve the rural environment, encourage retention of rural uses, and avoid urban service demands in the rural area.**

- Policy RL-73 Implement an effective and focused Transfer of Development Rights program as an innovative means to preserve rural lands with countywide public benefit, to encourage more compact urban areas, and to reduce residential development capacity in rural lands.
- Policy RL-74 Provide alternatives to development in rural areas by encouraging the transfer of development rights from private rural lands into urban areas.
- Policy RL-75 Support and work actively to facilitate the transfer of development rights to promote the following:
- a. Retention of historical rural uses
  - b. Reduction of public service demands in the rural areas.
  - c. Protection of significant environmentally sensitive areas, which include but are not limited to, wetlands, stream corridors, wildlife habitat and shorelines
  - d. Expansion of the public open space system.

- e. Promotion of interconnected rural non-motorized greenbelt corridors to provide alternative mode of transportation and recreation activities consistent with Section 2.2.9 Open Space and Greenways.
- f. Preservation of rural farming and other related activities countywide, as noted in the Comprehensive Plan Agriculture goals and policies, and in the Kitsap County Strategic Agricultural Plan and Inventory.
- g. Provision of alternatives to development of non-conforming lots in rural areas that were created prior to the adoption of the 1998 Kitsap County Comprehensive Plan.
- h. Encourage efficient and compact development within defined urban centers that provide convenient and attractive residential, commercial and industrial opportunities for future growth.

Policy RL-76 Facilitate the transfer of development rights from property owners with sending sites to property owners with receiving sites through the private real estate and development community.

Policy RL-77 While sending sites include all rural areas, the following may be considered priority candidates for earning higher development right ratios:

- a. Lots less than the minimum lot size prescribed for their zone.
- b. Lots zoned Rural Wooded or others appropriate for long-term preservation as public open space.
- c. Lots located with Farming Areas as designated by the Kitsap County Strategic Agricultural Plan.
- d. Lots predominantly encumbered by wetlands, streams and/or their required buffers.

Policy RL-78 Consider the following areas as receiving sites:

- a. Unassociated Urban Growth Areas and those incorporated cities that have executed an inter-local agreement with the County for TDR purposes.
- b. Priority should be given by locations within urban centers designated by the Puget Sound Regional Council, and/or adjacent to transit stations and park and ride lots.

Policy RL-79 A transfer of development right(s) may be required in conjunction with a request for land use amendment, permit or variance including but not limited to:

- a. Increased density (Comprehensive Plan Amendment or Rezone)
- b. Decreased parking requirements
- c. Increased building height allowances

Policy RL-80 Based on lessons learned from implementation of the local TDR program, consideration may be given to participation in the regional transfer of development rights system, currently operating in King, Snohomish and Pierce Counties. Explore opportunities for participation in the regional transfer of development rights system, currently operating in King, Snohomish and Pierce Counties.