



Kitsap County
Annual Comprehensive Plan Amendment Process for 2018

Corrections, Clarifications, and Planning Commission Questions
7/31/2018



CORRECTIONS

Binder Tab 4 – George’s Corner LAMIRD

Staff Report, page 7, last bullet under Section 2.C, is corrected as follows:

“Include Lot ~~D~~ C, which is consistent with the Hearings Board’s interpretation of land appropriate for infill development that will be compatible with the use and scale of development at the intersection.”

CLARIFICATIONS

County-Sponsored vs. Site-Specific Application (e.g. George’s Corner LAMIRD Amendment)

During the Planning Commission’s work study on 7/17/2018, there was discussion regarding how, generally (but in the context of the George’s Corner LAMIRD Amendment), the County determines whether an amendment will be County-sponsored versus a site-specific application.

During the work study session, the Commission was correctly informed there are no specific criteria or process for determining which amendments the County will sponsor. The Board of County Commissioners has full discretion regarding the annual Comprehensive Plan amendment docket.

The definitions in Kitsap County Code Chapter 21.02, including the following, are used to classify amendments:

21.02.054 Area-wide amendment.

“Area-wide amendment” means a proposed change or revision to the Comprehensive Plan land use map and/or zoning map that affects an area which is comprehensive in nature, and which addresses a homogeneous community, is geographically distinctive, and has a unified interest within the county, such as community, LAMIRD, or subarea plans. An area-wide amendment, unlike a site-specific land use reclassification request, is of area-wide significance, and includes many separate properties under various ownerships. Area-wide amendments typically accompany text amendments to goals and policies of the Comprehensive Plan.

21.02.306 Site-specific amendment.

“Site-specific amendment” means an amendment to the Comprehensive Plan and/or land use map that affects no more than five contiguous parcels. A site-specific amendment only affects the land use map, and not the text of the Comprehensive Plan or a development regulation.

The following factors related to those definitions apply to the example of the 2018 George’s Corner LAMIRD amendment versus the 2018 site-specific applications:

Factor	Area-Wide (e.g. George’s Corner LAMIRD)	Site-Specific (e.g. 2018 CPA Applications)
Geographic Area	LAMIRD	5 or fewer contiguous parcels
Nature of Amendment	LAMIRD boundary	Land Use Designation and Zoning Classification only
Affected Land Owners	Multiple land owners	Typically, one land owner

Under Kitsap County Code Chapter 21.08, the Board can allow applications for area-wide amendments in the scope of a Comprehensive Plan amendment docket. DCD believes that substantial area-wide amendments should be considered only during the mandatory 8-year review of the Comprehensive Plan and perhaps at the mid-point (i.e. the 4th year) of the 8-year review cycle, if resources allow.

Some general factors that could be considered when determining if a particular area of consideration in the Comprehensive Plan amendment docket should be County-sponsored include, but are not limited to, the following:

- Where does the area of consideration fit along a continuum between the general planning responsibilities of the County and a specific landowner’s interest;
- Will the work on that area of consideration require substantial/coordinated resources, community engagement, and/or the participation of other jurisdictions/agencies;
- Is the County willing to accept applications related to that area of consideration from various interested parties;
- What level of responsibility does the County have regarding the circumstances for that area of consideration;

Regarding our example amendment, some of the factors considered by DCD in recommending that the George’s Corner LAMIRD amendment be County-sponsored included:

- It was limited in scope and appropriate for the 2018 annual docket;
- It affected a LAMIRD boundary and other applications to create or change LAMIRD boundaries were not desired;
- It affected multiple land owners;
- It is consistent with the basis for denial of a 2016 Comprehensive Plan amendment regarding one of the subject parcels (Lot D); and
- The County shared some responsibility for creating the split-zoned parcels by approving a short plat.

PLANNING COMMISSION QUESTIONS

(submitted by Tom Nevins Sunday, July 22, 2018)

1. Tab 2 - Non-Motorized Facilities Plan: Attachment C2
Page 4&5 - What does “New Units” signify on page 4 and 5?

Staff Response: This map legend references the numerical values on the map with fonts of the same size and style and represents an estimate of potential new dwelling units. These maps were produced by the Kingston Citizen Advisory Council and the “new units” were not verified by DCD.

2. Tab 4 - George's Corner: Attachment C2
p 7/7 - The 2016 staff recommendation and decision seemed in the "best interests". What has changed since mid 2016 to make that decision not in the "best interests"

Staff Response: This amendment is consistent with the 2016 staff recommendation in that the LAMIRD designation and the Neighborhood Commercial zone, which was requested to be expanded in the 2016 application and recommended for removal in the 2016 staff report, would be removed from Lot D in this 2018 amendment.

3. Tab 6 – Parks, Recreation, and Open Space
Comments available on-line?

Staff Response: Yes. Comments from the 2017 development of the Parks, Recreation, and Opens Space Plan are available online here:

https://spf.kitsapgov.com/parks/Documents/PROS_CommentForm_11.15.2017.pdf

All comments submitted during the current comment period will be provided to the Planning Commission following the close of the comment period. Many are provided online here, as available: <https://app.smartsheet.com/b/form/d542ec4c01a44275943da3c983473b50>

4. Tab 7 - Affordable housing
Comments available on-line?

Staff Response: Yes. All comments submitted during the current comment period will be provided to the Planning Commission following the close of the comment period. Many are provided online here, as available:

<https://app.smartsheet.com/b/form/d542ec4c01a44275943da3c983473b50>

5. Tab 8 - Clarifying Edits: Staff Report

- A. Which amendments originated from outside of KC staff?

Staff Response: All of the 2018 clarifying edits originated from Kitsap County staff.

- B. Proposed Amendment #5 Zoning Map p 2/9

Removes the zoning map from the Comprehensive Plan, making it a stand alone document so that rezone requests under the Kitsap County Code 21.04.230 (Rezoning) that are consistent with the Comprehensive Plan are not unnecessarily required to go through a Comprehensive Plan amendment process. Examples? Does this affect site-specific rezone requests?

Staff Response: Kitsap County Code Section 21.04.230 provides for a process to review rezone requests that do not require a change to the Comprehensive Plan land use designation. Having the zoning map adopted as an appendix to the Comprehensive Plan provides some procedural uncertainty since any change to the zoning map could be viewed as a de facto amendment to the Comprehensive Plan. The proposed amendment will remove this uncertainty and allow the rezone process provided in KCC 21.04.230 to occur as intended in the Code as follows:

- Re-zones within the same Comprehensive Plan land use designation are processed per KCC 21.04.230 without a Comprehensive Plan amendment (e.g. change from Urban Restricted to Urban Low Residential – both are in the Urban Low-Density Residential land use designation).
- Site-specific Comprehensive Plan amendments are required when there is a change in land use designation (e.g. change from Urban Low-Density Residential to Commercial; change from Rural Protection to Rural Residential).

6. Tab 8 – Clarifying Edits: Attachment A

A. Amendment #2 Housing and Human Services Chapter

“It is a vision of the County allow flexible development standards for housing being proposed in the vicinity of critical areas to reach both goals of meeting housing targets and environmental protection.” Vision or delusion?

Staff Response: Consider during deliberations.

B. Amendment #4 - Where can we find Exhibit 1?

Staff Response: The referenced Exhibits A1 and A3 are exhibits to Attachment A and are located in your binder immediately following Attachment A. Exhibit A1 is the Land Use Designation Map with the new MRO symbology. Exhibit A3 is a table of parcels associated with the MRO symbology clarification. All exhibits are also available online at:

https://www.kitsapgov.com/dcd/Pages/2018_CompPlan_Amend_Materials.aspx

C. Amendment #5 - ditto

Staff Response: The referenced Exhibits A2 and A3 are exhibits to Attachment A and are located in your binder immediately following Attachment A. Exhibit 21 is the Zoning Map with the new MRO symbology. Exhibit A3 is a table of parcels associated with the MRO symbology clarification. All exhibits are also available online at:

https://www.kitsapgov.com/dcd/Pages/2018_CompPlan_Amend_Materials.aspx

D. Amendment #6, Footnote 1. MROs and reclamation process.
Have any privately owned mineral sites been reclaimed?

Staff Response: See response to question 8.B below.

E. Amendment #7

What is the rational for density column removal?

Staff Response: Removing redundancy in code. Densities will be located in one place (Kitsap County Code Chapter 17.420) and will reduce the chance of future code changes creating an inconsistency between two different sections that house the same information.

F. Amendment #9 - #11 The language for footnote 29 is?

Staff Response: Kitsap County Code Section 17.420.060.A.29: One-hundred-foot setback required for single-family buildings abutting FRL or RW zones.

7. Tab 9 - Site-Specific Amendment 18-00369 (Richardson): Staff Report
Page 3/14 - C Geographic Description - para 1 "The split zone was created when a boundary line adjustment was recorded on December 27, 2017."

A. What was the justification that supported land division that created a split zone? Proponent wanted to create more commercial land?

Staff Response: Currently, a boundary line adjustment may be recorded with the Kitsap County Auditor without planning review. If this process is used to change a property line, the land use designation and zoning classification does not change and can result in a parcel split by multiple designations/zones.

Through verbal confirmation with the applicant, the intent of the boundary line adjustment was to more closely align the rear boundary line with adjacent parcels and not impede on critical areas or their buffers located west of the site.

B. Is this option available to others who own or purchase property contiguous a more desirable zoning designation? Un-reviewed BLAs can be hazardous to planning.

Staff Response: Per current Kitsap County Code, landowners may record boundary line adjustments (BLAs) as per state law without planning review. BLAs do not change land use designation or zoning classifications. Legislative action is required to change the land use designation or zoning classification on a property, such as a site-specific Comprehensive Plan amendment application or a rezone application under KCC 21.04.230. See also response to question 2.B above.

8. Tab 10 - Site-Specific Amendment 18-00431 (Ueland Tree Farm LLC): Staff Report

A. Ueland Tree Farm is based on "the approved Development Agreement between the applicant and Kitsap County (Auditor File No.201505290067)." "Approved" by? What process? Was this Agreement reviewed by DCD? Should the Planning Commission be involved in such Agreements in the future? Perhaps the Planning Commission should see that file.

Staff Response: Development Agreements are authorized by RCW 36.70B.170 through 36.70B.210, and KCC 21.04.220. Development agreements are decided by the Board of County Commissioners following a required public hearing. As per RCW 36.70B.200 and KCC 21.04.220, the Board of County Commissioners may delegate the public hearing to the Planning Commission or Hearing Examiner. The Ueland Tree Farm LLC development agreement process included the preparation of a DCD staff report and a public hearing before the Hearing Examiner (Theodore Paul Hunter).

Development agreements are an optional legislative process that must be in the public interest and meet decision criteria stated in KCC 21.04.220.D. Development agreements

must set forth the development standards and other provisions that apply to and govern and vest the development, use, and mitigation of the development for the duration specified in the agreement. Development agreements must be consistent with applicable development regulations adopted in the Kitsap County Code at the time of execution.

The development agreement with Ueland Tree Farm LLC is available online by searching for document number 201505290067 here:

<http://kcwaimg.co.kitsap.wa.us/recorder/eagleweb/docSearch.jsp>

- B. Page 3 “The mineral resource overlay designation and classification is intended to be a temporary designation to protect lands with identified mineral resources.”
Can staff share with the Planning Commission examples where KC code 17.170.060 (restoration upon depletion) & 065 (reverting to underlying zone classification) have been followed? Have any mining operations closed in Kitsap under this code?

Staff Response: Current staff are not aware of any examples where reversions to the underlying zone have occurred. Operations have ceased at certain sites; however, it is unknown if these mining operations stopped as a result of exhausting the minerals at the site or if the business was unsustainable.

9. Tab 11 – Site-Specific Amendment 18-00490 (Culbertson): Staff Report

- A. Page 3 of 17 -- Again, what is the history of reverting?

Staff Response: See response to question 8.B above.

- B. P.9 Land Use Policy 78. And action on this policy? (Land Use Policy 78. Kitsap County should determine if adequate mineral resources are available for projected needs from currently designated mineral resource lands.) Just what are the projected needs of the County?

Staff Response: It is the understanding of current staff that a countywide review of mineral resource lands has not been completed since the initial Comprehensive Planning efforts in the early 1990's. Updated analysis is needed.

WAC 365-190-070 authorizes the County to consider owner-initiated mineral resource land designation requests outside of a county-wide or regional process.