



# Kitsap County Department of Community Development

## Staff Report and Recommendation Annual Comprehensive Plan Amendment Process for 2018 Clarifying Edits

<b>Report Date</b>	6/25/2018; Revised 10/1/2018
<b>Hearing Date</b>	7/17/2018, 7/31/2018, and 10/29/2018
<b>Amendment Type</b>	County-sponsored Amendment
<b>Description</b>	This amendment includes edits to the 2016 Kitsap County Comprehensive Plan and Kitsap County Code that are for clarification or consistency purposes only. The edits are non-substantive and do not change intent or interpretations of policies or regulations.
<b>Geographic Area Affected</b>	<a href="#">Unincorporated Kitsap County</a>
<b>SEPA</b>	Determination of Non-Significance (DNS)
<b>Department Recommendation to Planning Commission</b>	Adopt as proposed
<b>Planning Commission Recommendation</b>	Adopt as revised by the Department on 8/21/2018
<b>Department Recommendation to Board of County Commissioners</b>	Adopt as revised by the Department on 8/21/2018

This report and recommendation are based on information available at the time of publication. If new relevant and material facts are discovered, this staff report will be revised and the department recommendation may change.

### Revision History

<u>No.</u>	<u>Date</u>	<u>Description</u>
1	10/1/2018	Incorporates the Planning Commission record and recommendation.

## 1. Background

The Kitsap County Comprehensive Plan describes the 20-year vision for unincorporated Kitsap County and how that vision will be achieved. The plan covers land use, economic development, environment, housing and human services, transportation, capital facilities and utilities as well as parks, recreation, and open space. The Comprehensive Plan is mandated by the Washington State Growth Management Act (GMA, RCW 36.70A).

### A. Authority

The GMA mandates that Kitsap County's Comprehensive Plan and development regulations be reviewed and, if needed, revised at least every 8-years [RCW 36.70A.130(5)]. 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. The GMA also mandates that Kitsap County's Comprehensive Plan and development regulations be subject to continuing review and evaluation, allowing for annual amendments to the Comprehensive Plan and development regulations [RCW 36.70A.130(1)].

Kitsap County Code sets forth a process and criteria for making amendments to the Comprehensive Plan [KCC 21.08]. In making amendments, the County must consider:

1. Whether the proposed amendments are consistent with and supports other plan elements and or development regulations, and if not, what additional amendments to the plan and/or development regulations will be required to maintain consistency;
2. Whether the proposed amendment to the plan and/or regulation will more closely reflect the goals and policies of the Comprehensive Plan;
3. Whether the proposed amendment is consistent with the Kitsap County-wide Planning Policies; and
4. Whether the proposed amendment complies with the requirements of the GMA.

The final docket adopted by the Board of County Commissioners on April 4, 2018 (Resolution No. 064-2018) allows for consideration of this amendment during Kitsap County's annual Comprehensive Plan amendment process for 2018.

### B. Proposed Amendment

This amendment includes edits to the 2016 Kitsap County Comprehensive Plan and Kitsap County Code that are for clarification or consistency purposes only. The edits are non-substantive and do not change intent or interpretations of policies or regulations.

The proposed amendments are provided in Attachment A1 and include the following:

1. Chapter 1 - Land Use
  - Corrects a misspelling in Land Use Policy 26
  - Clarifies the policy references in Land Use Strategy 3
2. Chapter 4 - Housing and Human Services
  - Clarifies the time period and corrects the 2036 population estimate for consistency.
  - Removes an editorial note.
3. Chapter 7 - Capital Facilities and Utilities Chapter
  - Removes an outdated website link
4. Comprehensive Plan Land Use Map
  - Clarifies how the Mineral Resource Overlay should be shown on the map.
  - Adds the Silverdale Regional Growth Center boundary to the map.
5. Zoning Map
  - Removes the Zoning Map from the Comprehensive Plan, making it a standalone document, so that rezone requests under 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.
  - Clarifies how the Mineral Resource Overlay should be shown on the map.
6. Chapter 11 (Appendices) Appendix B - Comprehensive Plan Land Use Designations, Zoning Classifications, and Densities
  - Clarifies how to read the table in Appendix B.
  - Clarifies how density is calculated consistent with the definition of density in the Comprehensive Plan (Chapter 10, Glossary) and Kitsap County Code 17.420.020.A.
  - Reformats the table in Appendix B for clarity and consistency between the Comprehensive Plan and Kitsap County Code 17.420.
  - Clarifies and corrects the land use designations, zoning classifications, and the allowed minimum and maximum density range.
  - Clarifies how the Mineral Resource Overlay functions in relationship to an underlying land use designation and zone consistent with Kitsap County Code 17.170.
  - Clarifies allowed increases in maximum density consistent with the Gorst Subarea Plan (adopted by Ordinance 511-2013) and Kitsap County Code 17.400; the Silverdale Regional Growth Center Subarea Plan and related 2016 reasonable measures (adopted by Ordinance 534-2016); and Kitsap County Code 17.420.
7. KCC 17.120.010 - Classification of Zones
  - Removes the density column to avoid redundancy with Appendix B in the Comprehensive Plan and Kitsap County Code 17.420.
  - Clarifies and corrects the land use designations and zoning classifications consistent with Amendment #6.

8. KCC 17.420.052 - Rural, Resource, and Urban Residential Zones Density and Dimensions Table
  - Clarifies and corrects the use of “NA”, “None”, and “0”. NA means there is no specific requirement. Density clarifications are consistent with Amendment #6.
  - Clarifies and corrects the allowed minimum and maximum density range consistent with Amendment #6.
  - Clarifies allowed increases in maximum density and dimensions consistent with the Gorst Subarea Plan (adopted by Ordinance 511-2013) and Kitsap County Code 17.400; the Silverdale Regional Growth Center Subarea Plan and related 2016 reasonable measures (adopted by Ordinance 534-2016); and Kitsap County Code 17.420.
  - Clarifies that Footnote 50 applies to maximum height across all zones, several of which currently underlie the Illahee View Protection Overlay (see also Amendments #13 and 14).
  - Clarifies and corrects phrasing in setbacks.
9. KCC 17.420.054 - Commercial, Industrial, and Parks Zones Density and Dimensions Table
  - Same changes as Amendment #8.
10. KCC 17.420.056 - Limited Areas of More Intensive Rural Development (LAMIRD) Density and Dimensions Table
  - Clarifies and corrects the use of “NA”, “None”, and “0”. NA means there is no specific requirement. Density clarifications are consistent with Amendment #6.
  - Clarifies and corrects the allowed minimum and maximum density range consistent with Amendment #6.
  - Clarifies and corrects phrasing in setbacks.
11. KCC 17.420.060.A.19 - Zero Density Footnote
  - For clarity and consistency, this change codifies footnote #1 in Amendment #6.
12. KCC 17.420.060.A.55 - Silverdale Regional Growth Center Footnote
  - Clarifies and corrects the geographical area that the footnote applies to parcels in the Urban High Residential (UH) zone within the Silverdale Regional Growth Center since the Silverdale “Regional Center” is a separate zone.
13. KCC 17.420.060.A.50 - Illahee View Protection Overlay Footnote
  - Clarifies and corrects that the Illahee View Protection Overlay is not a zone.
14. KCC 17.700 (Appendices) - Illahee View Protection Overlay Map
  - Makes the Illahee View Protection Overlay map referenced in KCC 17.420.060.A.50 easier to find.

C. Geographic Description

This amendment to the Kitsap County Comprehensive Plan affects unincorporated Kitsap County.

**2. Department Recommendation**

Having analyzed the proposed amendment and other alternatives, if applicable, public comment received to date, and the Planning Commission's recommendation, the Department recommends:

- Adoption of the amendment:
  - as proposed above
  - as described in Alternative \_\_\_ below
  - with revisions described below
  - with conditions described below
- Deferral of the amendment to a future docket
- Denial of the amendment

A. Revisions

The revised amendment (Attachment A2), as proposed by the Department on August 21, 2018 and recommended by the Planning Commission, removes the following language from Amendment #6 in Attachment A1:

- "Minimum density shall be calculated based on net developable acreage and maximum density shall be calculated based on gross acreage."

B. Conditions

None.

C. Rational

The amendment, as revised, is non-substantive and does not change intent or interpretations of policies or regulations. The amendment, as revised, will improve clarity and consistency both within and between the Comprehensive Plan and the Kitsap County Code. The revision described above removes language that is not appropriate as a clarifying edit at this time because the issue is the subject of ongoing litigation.

**3. Other Alternatives Considered**

None.

#### 4. Analysis

Amendments to the Comprehensive Plan must be consistent with the criteria outlined in Kitsap County Code (KCC) Chapter 21.08. Applicable criteria are analyzed below. A summary of the State Environmental Policy Act (SEPA) review of this amendment is located at the end of this section.

##### A. General Decision Criteria (KCC 21.08.070.A)

*For each proposed amendment to the Comprehensive Plan, the Planning Commission in reaching its recommendation, and the Board of Commissioners in making its decision, shall develop findings and conclusions, which demonstrate:*

1. *How circumstances related to the proposed amendment and/or the area in which the property affected by the proposed amendment is located have substantially changed since the adoption of the Comprehensive Plan or applicable development regulations;*

**Staff Analysis:** Not Applicable – the amendment, as revised, contains only clarifying edits that are non-substantive and do not change intent or interpretations of policies or regulations.

2. *How the assumptions upon which the Comprehensive Plan is based are no longer valid, or there is new information available which was not considered during the adoption of, or during the last annual amendment to, the Comprehensive Plan or development regulations; and*

**Staff Analysis:** Not Applicable – the amendment, as revised, contains only clarifying edits that are non-substantive and do not change intent or interpretations of policies or regulations.

3. *How the requested redesignation is in the public interest and the proposal is consistent with the Kitsap County Comprehensive Plan.*

**Staff Analysis:** Not applicable – this is not a redesignation request.

##### B. Additional Decision Criteria (KCC 21.08.070.B)

*In addition to the findings and conclusions above, for each proposed text amendment, the Planning Commission in reaching its recommendation, and the Board of Commissioners in making its decision, shall develop findings and conclusions which consider:*

1. *Whether the proposed amendment is consistent with and supports other plan elements and/or development regulations and, if not, what additional amendments to the plan and/or development regulations will be required to maintain consistency;*

**Staff Analysis:** The amendment is consistent with and supports other plan elements and/or development regulations. This amendment, as revised, contains only clarifying edits that are non-substantive and do not change intent or interpretations of policies or regulations.

2. *Whether the proposed amendment to the plan and/or regulation(s) will more closely reflect the goals, objectives and policies of the Comprehensive Plan and reflect the local circumstances of the county;*

**Staff Analysis:** Not applicable - the amendment, as revised, contains only clarifying edits that are non-substantive and do not change intent or interpretations of policies or regulations.

3. *Whether the proposed amendment is consistent with the Kitsap County-wide Planning Policy;*

**Staff Analysis:** The amendment, as revised, is consistent with the [Kitsap County-wide Planning Policies](#) (CPPs; adopted on 5/11/2015 by Kitsap County Ordinance 522-2015). The amendment, as revised, contains only clarifying edits that are non-substantive and do not change intent or interpretations of policies or regulations.

4. *Whether the proposed amendment complies with the requirements of GMA, state and local laws and other applicable inter-jurisdictional policies or agreements; and*

**Staff Analysis:** The amendment, as revised, is consistent with the requirements of GMA, state and local laws and other applicable inter-jurisdictional policies and agreements. The amendment, as revised, contains only clarifying edits that are non-substantive and do not change intent or interpretations of policies or regulations.

5. *An explanation of why language should be added to the Comprehensive Plan or why existing language should be modified or deleted.*

**Staff Analysis:** The amendment, as revised, is non-substantive and does not change intent or interpretations of policies or regulations. The amendment, as revised, will improve clarity and consistency both within and between the Comprehensive Plan and the Kitsap County Code, which will improve implementation.

C. State Environmental Policy Act (SEPA)

The Kitsap County SEPA official issued a SEPA threshold determination of non-significance (DNS; Attachment B1) for this amendment after having reviewed the SEPA environmental checklists prepared for this amendment (Attachment B2) and all of the other proposed Comprehensive Plan amendments. The SEPA official's review found that this amendment is not related to or dependent on any of the other amendments and therefore an independent SEPA threshold determination was made regarding this amendment.

Notice of this SEPA threshold determination was:

- Filed with the Washington State Department of Ecology [SEPA Register](#);
- Published in the Kitsap Sun newspaper (6/29/2018); and
- Integrated with other public announcements described in Section 5 below.

The SEPA threshold determination and environmental checklist was also distributed to agencies with jurisdiction, the Department of Ecology, affected tribes, and each local agency or political subdivision whose public services would be changed as a result of implementation of the proposal.

D. Public Comment

One public comment was received opposing the portion of Amendment #6 in the proposed amendment (Attachment A1) related to density calculations. Public comments and staff responses are provided in Attachment C1.

**Staff Analysis:** Litigation on this issue remains ongoing, therefore this topic is not appropriate as a clarifying edit at this time. On August 21, 2018, staff presented a revised amendment (Attachment A2) to the Planning Commission removing the portion of Amendment #6 related to density calculations.

E. Planning Commission Recommendation

The Planning Commission recommended adopting the amendment as revised by the Department on August 21, 2018 (Attachment A2).

**Staff Analysis:** The Department concurs with the Planning Commission recommendation.

**5. Public Involvement and Outreach**

Kitsap County's public involvement and outreach in support of this amendment has exceeded the requirements of the Growth Management Act (RCW 36.70A) and Kitsap County Code (KCC 21.08).



Public involvement and outreach in support of this amendment has included the following:

- An [Online Open House](#) with information about previous, current, and upcoming phases of the 2018 amendment process.
- A public comment period (11/27/2017 – 12/15/2017) and a public hearing by the Kitsap County Board of Commissioners (12/11/2017) while setting the initial docket of amendments. Notifications and announcements regarding this comment period and public hearing included the following:
  - Legal notice published in the Kitsap Sun newspaper (11/27/2017);
  - Broadcast announcements via email, text message, Facebook.com, Twitter.com, and Nextdoor.com; and
  - Formal letters to Tribes with usual and accustomed area in Kitsap County.
- Legal notice announcing the docket of amendments was published in the Kitsap Sun newspaper (1/8/2018).
- A public comment period (6/28/2018 – 8/7/2018) and public hearings by the Kitsap County Planning Commission (7/17/2018 and 7/31/2018) regarding the proposed amendment, staff report, and SEPA determination. Notifications and announcements regarding this comment period and public hearing included the following:
  - Legal notice published in the Kitsap Sun newspaper;
  - Broadcast announcements via email, text message, Facebook.com, Twitter.com, and Nextdoor.com;
  - Notice signs posted on site-specific amendment properties;
  - Notices mailed to property owners near site-specific amendments and other geographically specific amendments; and
  - Formal letters to Tribes with usual and accustomed area in Kitsap County.
- Open house meetings were held on 7/10/2018 in Kingston, 7/11/2018 in Port Orchard, and 7/12/2018 in Silverdale.
- Presentations to various Kitsap County advisory groups and community groups.

#### Comment Period and Public Hearing

A new comment period regarding the amendment and this staff report will run through Wednesday, October 31, 2018.

- During this public comment period, the public may learn more about this and other amendments by:
  - Visiting an [Online Open House](http://tinyurl.com/kitsap2018cpa) (<http://tinyurl.com/kitsap2018cpa>);
  - Attending applicable Board of County Commissioner meetings; or
  - Contacting the staff listed in Section 6 below.
- To be included in the official record, written comments must be submitted to the Department of Community Development by 11:59 PM on Wednesday, October 31, 2018 using one of the following methods:
  - Entered [online via computer or mobile device](#);
  - Emailed to [CompPlan@co.kitsap.wa.us](mailto:CompPlan@co.kitsap.wa.us);

- Mailed to 614 Division St - MS36, Port Orchard, WA 98366;
- Dropped off at the Permit Center at 619 Division St, Port Orchard; or
- Dropped off at one of the open houses listed above.
- Oral and written testimony may also be made to the Board of County Commissioners during a public hearing on October 29, 2018 in the Commissioner's Chambers on the 3<sup>rd</sup> Floor of the Kitsap County Administration Building (619 Division St, Port Orchard).
- Notifications and announcements regarding this comment period and public hearing include the following:
  - Legal notice published in the Kitsap Sun newspaper;
  - Broadcast announcements via email, text message, Facebook.com, Twitter.com, and Nextdoor.com;
  - Notice signs posted on site-specific amendment properties;
  - Notices mailed to property owners near site-specific amendments and other geographically specific amendments; and
  - Formal letters to Tribes with usual and accustomed area in Kitsap County.

## 6. Staff Contact

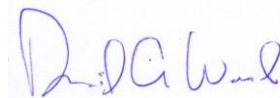
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Report approved by:



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**7. Attachments**

A. Amendment

1. Proposed Amendment
2. Revised Amendment (8/21/2018)

B. State Environmental Policy Act (SEPA)

1. SEPA Determination
2. SEPA Checklist

C. Supplemental Materials

1. Public Comment and Staff Response