

RESOLUTION NO. 227-2018

PROVIDING FOR THE ANNUAL REVIEW AND POTENTIAL AMENDMENT OF THE KITSAP COUNTY COMPREHENSIVE PLAN, LAND USE MAP, ZONING MAP AND CORRESPONDING DEVELOPMENT REGULATIONS – 2019 INITIAL DOCKET

WHEREAS, the Washington State Growth Management Act (GMA), 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; and

WHEREAS, the GMA, RCW 36.70A.130(1), also mandates that Kitsap County's Comprehensive Plan and development regulations be subject to continuing review and evaluation and sets forth a docketing process, RCW 36.70A.470, to accomplish this; and

WHEREAS, Chapter 21.08 of Kitsap County Code (KCC) implements RCW 36.70A.470 and establishes procedures for persons to propose amendments to the Comprehensive Plan; and

WHEREAS, KCC 21.08.030 provides that the Board of County Commissioners (Board) will establish a schedule for an annual review and potential amendment of the Comprehensive Plan including associated changes to development regulations; and

WHEREAS, the GMA, RCW 36.70A.130(2), and KCC 21.08.040 requires all proposed amendments to the Comprehensive Plan be considered concurrently so that the cumulative effects of the amendments can be determined; and

WHEREAS, the GMA, RCW 36.70A.130(1), and KCC 21.08.070 requires all Comprehensive Plan amendments to conform to both the GMA and Kitsap Countywide Planning Policies as well as be internally consistent; and

WHEREAS, Chapter 21.08 of Kitsap County Code describes a public participation process that complies with the GMA, RCW 36.70A.035 and RCW 36.70A.140, and provides for early and continuous public participation in the development and amendment of the Comprehensive Plan and associated development regulations; and

WHEREAS, on December 10, 2018, following timely and effective legal notice, the Board of County Commissioners held a public hearing to consider written and verbal testimony on the draft resolution.

NOW, THEREFORE, BE IT RESOLVED that the Kitsap County Comprehensive Plan and associated development regulations in Kitsap County Code will be reviewed for amendment in 2019 as follows:

1. **Areas of Consideration:** Proposals for the following areas of consideration will be reviewed by the Board of County Commissioners to establish the final docket of amendments.
 - A. **County-sponsored amendments:** Kitsap County departments may develop amendments for the following areas of consideration.
 1. Clarifying Edits: Limited text and map amendments to improve the clarity and consistency of the Kitsap County Comprehensive Plan and Kitsap County Code. These amendments will be non-substantive and will not change the intent or interpretation of policies or regulations.
 2. Public Facilities: Updates to Public Facility designations and Park classifications to reflect the acquisition, transfer, and disposal of property.
 3. MRO Zone Clean-up: Remove the Mineral Resource Overlay from parcels where (1) there has been a change in circumstances beyond the control of the landowner [WAC 365-190-040(10)(b)(ii)] or (2) the parcel was designated in error [WAC 365-190-040(10)(b)(iii)]. This amendment is primarily intended to remove MRO regulatory restrictions from parcels substantially encumbered with existing residential or commercial uses and may include a limited number of small undeveloped parcels as deemed appropriate by the Department of Community Development. Other parcels may be evaluated as part of a future county-wide mineral resource inventory.
 4. Fircrest and Mile Hill Neighborhood: Area-wide review of the land use designations and zoning classifications in the portion of the Port Orchard UGA in the vicinity of SE Mile Hill Rd and Fircrest Dr SE to:
 - Consider Site-specific Amendment #18-00528 (Hanley Property LLC) within the context of the area;
 - Reduce the fragmented zoning pattern in the area; and
 - Ensure consistent and compatible future development.
 5. Capital Facilities Plan: Review and update the Kitsap County Capital Facilities Plan for the following facility types:
 - Parks & Recreation: To integrate the 2018 Kitsap County Parks, Recreation, and Open Space Plan.
 - Public Safety - Law Enforcement: To review levels of service.
 - Schools: To integrate the 2017 South Kitsap School District Capital Facilities Plan.
 6. Comprehensive Plan and Code Amendment Process: Review and update the process for amending the Kitsap County Comprehensive Plan and Kitsap County Code to improve the efficiency and predictability of the process as well as clarify the code.
 7. Depending on the findings of the Manchester community conversations effort and the timing of their availability relative to this amendment process, the Board may choose to initiate, defer, or decline to do an area-wide review in the Manchester area.
 - B. **Applications:** Applications may be submitted requesting an amendment for the areas of consideration described and allowed in this section.

- Text Amendments: These applications request an amendment to the language of the goals, policies, objectives, principles, or standards of any element of the Comprehensive Plan.

Applications for text amendments will not be accepted.

2. Area-wide Amendments: These applications request an amendment to the Comprehensive Plan Land Use Map and the Zoning Map that affects an area which is comprehensive in nature, and which addresses a homogeneous community, is geographically distinctive, and has the unified interest within the county, such as community, limited area of more intensive rural development (LAMIRD), or subarea plans. An area-wide amendment, unlike a site-specific amendment, 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.

Applications for area-wide amendments will not be accepted.

3. Site-specific Amendments: These applications request an amendment to the Comprehensive Plan Land Use map and Zoning Map that affects no more than five (5) contiguous parcels. A site-specific amendment only affects the maps, and not the text of the Comprehensive Plan or a development regulation.

Applications for site-specific amendments will be limited to the following areas of consideration. Applications shall not be accepted if they propose or require a boundary change to any urban growth area (UGA), limited area of more intensive rural development (LAMIRD), or regional growth center.

a. Previously Deferred Applications:

1. #18-00495 (Ace Paving Co; Port Orchard Sand and Gravel Co).

b. New Applications:

1. Removing the Mineral Resource Overlay (MRO) land use designation and zoning classification from former surface mine properties that are in compliance with Kitsap County Code 17.170.060 or 17.170.065.

4. Map Corrections: These applications request an amendment to the Comprehensive Plan Land Use and Zoning Map to reflect the actual direction or decision of the Board of Commissioners, as documented in the record. Map corrections shall not affect goals or policies within the Comprehensive Plan text or development regulations.

Applications for map corrections will not be accepted. The Board will only consider proposals for map corrections that are proposed by the Department of Community Development and/or by the Board itself.

- C. **Other:** The Board may reconsider and revise, by amendment, the scope of this resolution to add or modify the types of applications accepted through this process if a need or inadvertent omission is demonstrated and if a full and cumulative review (including environmental review) and batch consideration can still be concluded by the end of 2019.

- 2. **Batch Consideration:** The Growth Management Act, RCW 36.70A.130, and KCC 21.08.040(A) require that all proposed amendments be considered concurrently on an annual basis (and no more frequently than once per 12-month period), except for those specifically exempted from the batching requirement in KCC 21.08.040(B). The Board of County Commissioners intends to complete the batch consideration of the amendments under this annual docket by the end of 2019.

Therefore, amendments meeting the following criteria shall be automatically removed from the 2019 docket because they will prevent the batch consideration of the amendments in a timely manner and any such amendment applications shall be administratively closed by the Department of Community Development except as otherwise provided below.

- A. Any application submittal that remains incomplete more than 30-days after the application deadline.
 - B. Any application with an incomplete response to a request for additional information more than 30-days past the date of request unless a later deadline was specified in the request.
 - C. Any application with a fee balance more than 90-days past due.
 - D. Any application that involves parcels with an active code compliance case in which the proposed amendment is not a part of the agreed upon process to address the non-compliance.
 - E. Any amendment issued a Determination of Significance under the State Environmental Policy Act (SEPA). These amendments shall be automatically deferred until:
 - 1. The SEPA process has produced at least a draft environmental impact statement and the Board of County Commissioners has included the amendment in a future docket;
 - 2. The amendment is withdrawn by the applicant;
 - 3. The amendment is administratively closed by the Department of Community Development because the SEPA process has not been completed and the application has been inactive for more than 180-days; or
 - 4. The Board of County Commissioners decide for any reason to stop further consideration of the amendment and close the application.
- 3. **Transfer of Development Rights:** Kitsap County Code Chapter 17.580 (Transfer of Development Rights) shall apply to site-specific amendments and acquisition of development rights shall be required at the ratios adopted by Resolution 217-2017, or its successor.

4. **Standards of Review:** The procedures and requirements for application, review, decision, and appeal of amendments to the Comprehensive Plan are described in Chapter 21.08 of Kitsap County Code.
5. **Applications:** Applications shall be accepted only for the areas of consideration described in Section 1(B) of this Resolution. Applications shall be submitted on forms available from the Department of Community Development. Applications will not be considered if they are submitted late, incomplete, or do not meet the criteria described in this Resolution. As required by KCC 21.08.050(C), site-specific amendment applicants must participate in a staff consultation meeting with staff prior to submitting an application.
6. **Application Period:** Applications will be accepted starting January 7, 2019 and ending at close of business (4:00pm) on February 8, 2019. Staff consultation meetings regarding site-specific applications may be held prior to this application period.
7. **Application Fees:** Fees for the submittal and review of Comprehensive Plan amendment applications shall be in accordance with Department of Community Development policies and fee schedule.
8. **Public Outreach and Participation:** Public outreach and participation will be conducted as set forth in Chapter 21.08 of Kitsap County Code and in compliance with the GMA. Such outreach may include mailings, notifications, signs, a website, and other electronic and non-electronic means appropriate to the nature and location of amendment requests. Existing or new advisory committees will be consulted and public meetings will be conducted, as appropriate to the nature and location of requested amendments. Public hearings will also be conducted by the Planning Commission and the Board of County Commissioners. Individuals, organizations, businesses, tribal governments, government agencies, and others are invited to provide input and comment on any proposed changes to the Comprehensive Plan and, if applicable, associated development regulations.
9. **Final Docket:** Following the application period, the Department of Community Development shall review all proposed amendments and forward a recommendation to the Board of County Commissioners as to which of the submitted amendments are recommended for further consideration by the County as required by KCC 21.08.050(D)(1). The Board of County Commissioners shall establish the final docket of amendments by either adopting a revised docket resolution or retaining the initial docket by an adopted motion.

DATED this 19th day of December, 2018.



KITSAP COUNTY BOARD OF
COMMISSIONERS

Robert Gelder, Chair

Charlotte Garrido, Commissioner

Edward E. Wolfe, Commissioner

ATTEST:

Dana Daniels
Clerk of the Board

Approved as to form:

Lisa J. Nickel
Deputy Prosecuting Attorney