FINDINGS OF FACT, CONCLUSIONS AND RECOMMENDATIONS OF THE KITSAP COUNTY PLANNING COMMISSION, TO THE DEPARTMENT OF COMMUNITY DEVELOPMENT, REGARDING THE PROPOSED AMENDMENTS TO

KITSAP COUNTY COMPREHENSIVE PLAN, CAPITAL FACILITIES PLAN, KITSAP COUNTY CODE TITLES 16 "LAND DIVISION AND DEVELOPMENT", 17 "ZONING", AND 18 "ENVIRONMENT"

General Background. The Kitsap County Planning Commission makes general findings as follows:

- 1. The Washington State Growth Management Act (GMA) requires Kitsap County to periodically review and revise its comprehensive plan and development regulations. In accordance with RCW 36.70A.130, Kitsap County's deadline to complete the update is December 31, 2024.
- 2. The GMA, RCW 36.70A.130, mandates that Kitsap County's Comprehensive Plan (Plan) and corresponding development regulations, including the Zoning Code and Map, be subject to continuing review and evaluation.
- 3. Kitsap County's last periodic update to the Comprehensive Plan was completed in 2016.
- 4. The GMA also requires Kitsap County to review urban growth areas (UGAs) per RCW 36.70A.130(3). UGAs must be able to accommodate urban growth projected for population, employment, and housing for the 20-year planning period, which extends through the year 2044.
- 5. Kitsap County Code 21.08.100 establishes procedures for Planning Commission review of the County's comprehensive plans, development regulations, and amendments thereto.

<u>Procedural history.</u> The Kitsap County Planning Commission makes general procedural findings as follows:

- 6. **General Public Participation and Outreach.** Consistent with the Growth Management Act, the County held numerous opportunities for public participation throughout the update process. The County kept a record of these public engagement opportunities along with their dates. Outreach can be generally summarized as follows:
 - a. Open Houses and Workshops: Between 2022 and 2024, The County held a series of virtual and in-person open houses and workshops throughout the update process. The virtual meetings either covered individual topics or the Comprehensive Plan holistically, and included a presentation followed by break-out rooms, where participates could ask questions of staff. In person open houses were held in the Commissioner Chambers at 619 Division Street, and provided presentations as well as numerous poster boards and maps

- where attendees could engage with staff. Feedback was summarized and documented on the project website.
- b. Community Consultations and Stakeholder Engagement. Between 2022 and 2024, staff convened various meetings or outreach with stakeholder groups to describe and gain input on the Plan update. The groups included but were not limited to Citizen Advisory Committees, Cities (Bainbridge Island, Bremerton, Port Orchard and Poulsbo), the development industry (Kitsap Builders Association, Department of Community Development Advisory Group), Kitsap County Association of Realtors, Tribes, Silverdale Seniors, Kitsap Economic Development Alliance, Illahee and Keyport Community Groups, Kitsap Transit, Kitsap Environmental Coalition, Kitsap ERACE, and Students at Olympic College.
- c. Events. Kitsap County attended various events to engage people on the Comprehensive Plan update, such as Discover Kingston, Kitsap Home and Garden Show, and the Manchester Open House.
- d. Community Advisory Council (CAC) meetings. Throughout the update process, the County provided updates and presentations to the Manchester Community Advisory Council (MCAC), Central Kitsap Community Council (CKCC), Suquamish Community Advisory Council (SCAC) and Kingston Community Advisory Council (KCAC).
- e. Tribal Coordination Meetings. Throughout the Comprehensive Plan update process, County staff held regular bi-weekly coordination meetings with Tribal staff from Tribal governments with usual and accustomed areas within Kitsap County (Suquamish, Port Gamble S'Klallam, Skokomish, Squaxin Island, Puyallup).
- f. Internal Review Team. To ensure internal consistency, the County convened an Internal Review Team comprised of various departments and service providers within the County, including but not limited to, Public Works, water and sewer providers, Public Health, Department of Emergency Management, and Parks. This group met at key milestones in the update process and provided feedback and edits on draft documents.
- g. Project Notifications. Meetings, events, and public comment periods were noticed through the electronic GovDelivery system, sent to key agencies and interested parties through the "constant contact" system, posted on the project webpage, and posted using social media. Proper noticing procedures were followed for all public hearings and release of the draft and final environmental impact statement, including posting in the Kitsap Sun Newspaper, or sending to the Ecology SEPA register.
- h. **Postcards.** In March of 2024, a postcard was sent to households within urban growth areas, informing about the Plan update process and directing individuals to the Plan webpage. Approximately 30,000 postcards were sent.
- Project webpage. Kitsap County created a dedicated webpage for the Comprehensive Plan update: <u>Comprehensive Plan Update</u> (<u>kitsap.gov</u>). The webpage provided an opportunity for the public to stay current with emerging

issues and events related to the Plan update, as well as provide comments, sign up for notifications, and review all draft documents and maps related to the update.

- j. Planning Commission Briefings and Work Sessions. The Planning Commission conducted regular information sharing and work study sessions throughout the Plan update process. All sessions were open to the public. These briefings and work sessions were held during major milestones of the project, and general occurred in relationship to (1) initial project kick off, scoping, and direction, (2) review of the preliminary alternatives, draft code, and selection of a preferred alternative, and (3) review of final draft documents and adoption.
- k. Board of Commissioners Briefings and Work Sessions. The Board of County Commissioners conducted regular information sharing and work study sessions throughout the Plan update process. All sessions were open to the public. These briefings and work sessions were held during major milestones of the project, and general occurred in relationship to (1) initial project kick off, scoping, and direction, (2) review of the preliminary alternatives, draft code, and selection of a preferred alternative, and (3) review of final draft documents and adoption.
- 7. **EIS scoping.** On November 8, 2022, Kitsap County issued public notice of a Determination of Significance (DS) under the State Environmental Policy Act (SEPA). The notice also requested comments on the scoping of the Environmental Impact Statement (EIS), with comments due by December 8, 2022. Six comments were received during the scoping period.
- 8. **Growth Targets.** The Growth Management Act requires Kitsap County to review urban growth areas (UGAs) to accommodate urban growth projected for population and employment for the 20-year planning period, which extends through the year 2044. On January 23, 2023, Kitsap County adopted growth targets for population and employment through the year 2044, consistent with Countywide Planning Policies.
- 9. **Housing Targets.** In addition to population and employment, The Growth Management Act also requires Kitsap County to establish and accommodate housing targets for the 20-year planning period, which extends through the year 2044. These housing targets must be established for different income bands. On March 11, 2024, Kitsap County adopted housing targets consistent with Countywide Planning Policies.
- 10. Land Use Requests. Kitsap County accepted requests for land use reclassifications. The application was open to anyone who wished to apply, and 86 such requests were received. In addition, 11 land use request proposals were initiated by the County. The submission period lasted between June and August of 2022.
- 11. **Preliminary Alternatives.** In Spring of 2023, the County developed three preliminary land use alternatives (Alternative 1: No Action, Alternative 2: Focused Growth and Alternative 3: Dispersed Growth). These alternatives reflected different major policy initiatives, development regulations, and map changes.

- 12. **DEIS Issued.** On December 15, 2023, a Draft Environmental Impact Statement (DEIS) was issued which studied and compared the three preliminary alternatives. A Notice of Availability was posted in the Kitsap Sun newspaper, sent to the SEPA Register, and properly noticed to agencies, Tribes and interested parties. A public comment period was held on the DEIS between December 15, 2023 and February 26, 2024. DEIS comments and County responses to those comments were organized into a table and posted on the project website.
- 13. **Public Comment Period.** Following proper noticing, a public comment period was held for the draft Comprehensive Plan, draft Capital Facilities Plan, and draft Development Regulations between December 15, 2023 and April 8, 2024.
- 14. **Planning Commission Public Hearing.** On March 8, 2024, following timely and effective notice, the Planning Commission held a public hearing to consider the preliminary alternatives.
- 15. **Planning Commission Preferred Alternative.** On March 26, 2024, Planning Commission deliberated and made a recommendation on a single Preferred Alternative to the Board of County Commissioners.
- 16. **Board of Commissioners Public Hearing.** On April 8, 2024, following timely and effective notice, the Board of County Commissioners held a public hearing to consider the preliminary alternatives.
- 17. **Board of Commissioners Preferred Alternative.** On April 24, 2024, the Board of County Commissioners deliberated and provided direction on a single preferred alternative.
- 18. **FEIS Issued.** On August 30, 2024, the County issued a Final Environmental Impact Statement (FEIS). A Notice of Availability was posted in the Kitsap Sun newspaper, sent to the SEPA Register, and properly noticed to agencies, Tribes and interested parties.
- 19. **Department of Commerce Review.** On September 10, 2024, the County issued a 60-day Notice of Intent to Adopt to the Department of Commerce. A Commerce letter of acknowledgement of receipt was received on September 10, 2024.
- 20. **Final Public Comment period.** Following proper noticing, a public comment period was held for the final draft Comprehensive Plan, final draft Capital Facilities Plan, and final draft Development Regulations between August 30, 2024 through October 28, 2024. Comments received by September 24, 2024 were forwarded to the Planning Commission in advance of deliberations.
- 21. **Planning Commission Public Hearing.** On September 24, 2024, following timely and effective notice, the Planning Commission held a public hearing to consider the final draft Comprehensive Plan, Capital Facilities Plan and Development Regulations.

22. **Planning Commission Deliberations.** On October 1, 2024 and October 15, 2024, the Planning Commission deliberated on the final draft Comprehensive Plan, Capital Facilities Plan and Development Regulations.

Substantive Findings and Conclusions Related to Comprehensive Plan and Capital Facilities Plan. The Kitsap County Planning Commission makes the following substantive Findings and Conclusions in respect to the Comprehensive Plan and Capital Facilities Plan:

- 23. The proposed Comprehensive Plan, Comprehensive Plan Land Use Map, and Capital Facilities Plan are consistent with the Washington State Growth Management Act (GMA), including the fifteen statewide planning goals contained therein and the State Environmental Policy Act (SEPA).
- 24. The Comprehensive Plan update is consistent with PSRC's Vision 2050 and the Kitsap Countywide Planning Policies.
- 25. The Comprehensive Plan update reflects local circumstances and bears a substantial relationship to the public's general health, safety, and welfare.
- 26. Alterations to zoning and urban growth area boundaries were based on consistency with the Comprehensive Plan's goals, policies and strategies as they applied to increased housing diversity, industrial employment opportunities, urban service provision and future annexation strategies. The proposed alterations foster changing local circumstances and incorporate new state mandates while not creating isolated or incompatible land use designations.

<u>Substantive Findings and Conclusions Related to the Development Regulations.</u> The Kitsap County Planning Commission makes the following substantive Findings and Conclusions in respect to the Proposed Development Regulations:

- 27. Kitsap County's development regulations have been reviewed for consistency with the updated Comprehensive Plan. Revisions to Title 16 KCC (Land Division and Development) Title 17 KCC (Zoning), and Title 18 Environment are proposed and are general consistency with the updated Plan.
- 28. These regulations foster increased housing diversity, flexibility in site design, increased urban densities and building heights and environmental sustainability.

NOW THEREFORE, the Kitsap County Planning Commission recommends to the Department of Community Development as follows:

RECOMMENDATION:

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- Approval of Comprehensive Plan draft dated August 30, 2024, as amended by the Planning
 Commission shown in Attachment A.
- 5 2. Approval of the Capital Facilities Plan draft dated August 30, 2024, as amended by the Planning Commission shown Attachment A.
- 7 3. Approval of amendments to Title 16- Land Division and Development, Title 17 Zoning, and
 8 Title 18 Environment (C-PACER) drafts dated August 30, 2024, as amended by the Planning
 9 Commission shown in Attachment A.

Attachments:

1. Attachment A: Planning Commission Deliberations Table and Recommendations Matrix

Approved by the Planning Commission of Kitsap County, Washington, at a regular meeting thereof, held this 15th day of October, 2024.

Joe Phillips, Chair

Topic	Summary of Issue	Staff Recommendation	Planning Commission Recommendation
Kitsap County Code	– Title 16		
Boundary Line Adjustments (16.04.050.G)	 Public comment – Delay BLA code: There needs to be more public engagement and vetted properly. Consider a BLA purpose statement and task force. Public comment – consider model ordinance. 	Recommend deferral of the BLA code requirements to a future date with a broader community discussion. The County could address BLA issue during 2025 "year of the rural" as many BLA concerns relate to rural lots. Recommend retaining change to the definition of BLA and Building Site (KCC 16.10). Remove duplicate BLA definition.	Remove and defer all proposed changes to the Boundary Line Adjustment requirements (KCC16.04.050.G), the new definition of "Building Site" (KCC 16.10.xx) and the amendment to the definition of "Boundary Line Adjustment" (KCC 16.10.xx). Also, remove duplicate BLA definition. This will allow for a more focused process involving the key stakeholders (surveyors, real estate, builders, etc.).
Land Division – location of recreation area - (KCC 16.24.040.I.3.c)	Public comment concerned with addition of adding "centrally".	No change recommended. Intended to ensure the open space is not remotely located in the fringes of the plat.	Amend KCC 16.24.040.I.3.c to read: c. Be conveniently located common to all residents within the interior of the land segregation in a manner that and affords good visibility of the tract from roads, sidewalks and dwellings;
Land Division – non- conforming lots for public purpose (16.04.050.J)	 Public comment concerned that this addition would preclude non-conforming lots be created for a public purpose (for example, sectioning off one acre in a RR lot for a sewer pump station). 	No change. The example pump station would be acquired by a public entity thus covered by the language.	Amend KCC 16.04.050.J to read: J. A division of land made for the purpose of transferring land to a governmental entity and/or nonprofit land trust to accomplish any public purpose. The public purpose must confer a significant benefit to the general public.
Kitsap County Code	– Title 17		
Tree Canopy Code (KCC 17.495)	 Public comment throughout process has been in favor of retaining trees, and strengthening tree code, especially in favor of retaining larger (24"+ diameter) trees. Some public comment request that tree ordinance is deferred to be considered at a later date. Codes being considered are complex and many at once (CAO, PREP Program, etc.). Tree code has possibility hamper infill development and impact staff capacity. Another reason to delay is conflict with WUI Code. 	Current drafts include tree canopy retention requirements that were promoted in concept by the Board.	Recommend: • Approve With Amendments (See Below)

Topic	Summary of Issue	Staff Recommendation	Planning Commission Recommendation
Tree Canopy Code (KCC 17.495.050)	Public comment that street trees planted along newly designed ROW internal to a new plat should count as replacement trees.	Recommend allowing trees to count within ROW of local roads as classified by the Road Standards to count towards the requirements. Not on collectors or arterials.	Amend KCC 17.495.050 to read: B. Trees planted in public rights-of-way or areas to be dedicated as public-right-of-way classified as arterials or collectors by the Kitsap County Road Standards shall not count toward a development's private lot's existing or replacement tree unit credits. Trees that are retained or replaced within local and minor collector rights-of-way are counted toward tree unit credits.
Tree Canopy Code (KCC 17.495.030.F)	 Tree units for existing trees are not adequate to act as an incentive based on the impact their preservation will have on development. Should be increased. 	Recommend creating a 36" and above category worth 5.5 units. Update 24" category to 24-35" and increase to 4.5 units. Increase grove category to 6.5 units.	Amend KCC 17.495.030.F as shown in Attachment A.
Tree Canopy Code (KCC 17.495.030.F)	 Deciduous replacement trees should count for 1 credit similar to a conifer replacement tree. 	Recommend increasing replacement deciduous trees to 1 (deciduous generally have larger canopies than evergreen and can assist with heat effects).	Amend KCC 17.495.030.F as shown in Attachment A.
Tree Canopy Code (KCC 17.495.030.E)	This is not a complete sentence	Recommend change to Diameter at breast-height (DBH) means the diameter of a tree trunk measured at 4.5 feet above average grade of the tree trunk. DBH is used in determining the diameter of existing trees.	Support staff recommendation on KCC 17.495.030.E.
Tree Canopy Code (KCC 17.495.050.C.4.b)	 The % of trees that must be in private tracts is too high at 50%. Should be reduced. 	Recommend reducing the percentage to 25% consistent with Pierce County's requirement.	Support staff recommendation on KCC 17.495.050.C.4.b.

Topic	Summary of Issue	Staff Recommendation	Planning Commission Recommendation
Multifamily Open Space (KCC 17.470.070)	Multifamily design standards do not have a prescriptive open space standard. The design standards discuss "usable" open space but usable is not defined.	A. Requirement. Open space shall be provided in or adjacent to multifamily development for all the residents of the development. For projects fifty (50) units or less, at least one open space area shall be provided. For projects, greater than fifty (50) units, two or more open spaces shall be provided. Additionally, each open space area shall: 1. Be of a grade and surface suitable for recreation and generally have a maximum grade of five percent, unless a steeper grade is acceptable for the activities associated with the amenity; 2. Be located in a manner that affords good visibility of the tract from roads, sidewalks and dwellings; 3. For external open space, have no dimensions less than thirty feet, except the width of trail segments; 4. For external open space, be at least five hundred (500) square feet in size. For internal open space, be at least two hundred (200) square feet in size; 5. Be accessible and convenient for year-round use to all residents within the project.	No Change to existing code language in 17.470.070
Park and Ride Impact Fee	Kitsap Transit concerned with \$2,500/space impact fee for Park and Rides	Recommend consideration of the fee in 2025 when impact fee schedule is updated.	Support staff recommendation to make no change to impact fees, and to consider in 2025

Topic	Summary of Issue	Staff Recommendation	Planning Commission Recommendation		
Zoning and Urban Growth Area Boundaries					
Skokomish Tribe Land Use/Zoning Request PSIC-Bremerton UGA Expansion	 Applicant initial request was to go from RP to Commercial. This was not included in the preferred alternative. Applicant updated request to Industrial and provided additional supporting materials. 	Recommend no change. The Industrial proposal was not reviewed in the Preferred Alternative. The property does not have a support letter from the urban services provider (Bremerton). Additionally, it is in process to potentially become federal Indian lands which, if approved, would remove County requirements in future uses.	Support staff recommendation of no change		
Goldberg Land Use/Zoning Request Port Orchard UGA Expansion	 Applicant initial request was to go from RR to UL. This was in Alt. 2 and Alt 3. But not included in preferred alternative. Applicant updated request from UL to UM. Both UL and UM zoning is supported by the City of Port Orchard. 	Recommend no change. The UM proposal was not reviewed in the DEIS or Preferred Alternative. The proposal would require a Developers Agreement to ensure the benefits described in the testimony. With the Plan due in December, this proposal would have an impact of scope, schedule and budget of the update. Could be recommended for future consideration.	Support staff recommendation of no change		
Capital Facilities P	lan				
Sewer Map	New data available	Add current sewer inventory map to Appendix 'A"	Support staff recommendation on the Capital Facilities Plan as shown in Attachment B.		
Transportation Revenue Tables	New data available - Update of estimated future (2030-2044) funding by revenue source. No change in 2024 – 2029 revenue numbers.	 Exhibit 3-7. Projected Transportation Grant Revenues for Capital Projects (2024 – 2044 in YOE\$) Exhibit 3-8. Projected Total Transportation Revenues Allocation for Capital (2024 – 2044 in YOE\$) Exhibit 4-92 Transportation Capital Improvement Revenue Sources (All numbers are in 2024 \$1000s) 	Support staff recommendation on the Capital Facilities Plan as shown in Attachment B.		

Topic	Summary of Issue	Staff Recommendation	Planning Commission Recommendation
Comprehensive Pla	ın		
Port Gamble Heritage Park Framework	 Comments that PGHP should not be approved until an EIS is approved 	No change. The Plan does not adopt the Port Gamble Forest Heritage Park Framework. It does include the impacts within the FEIS and includes a specific policy	Support staff recommendation of no change.
	 PGHP is a reference document, which is different from "adopted by reference". 	about additional wildlife and environmental review prior to planning new major projects. Any <i>adoption</i> of the Framework would be considered separately at a later date.	

ATTACHMENT A TREE CANOPY CODE AMENDMENTS (KCC 17.495)

KCC 17.495.030

Existing on-site tree unit credits shall be calculated according to Table 17.495.030-2.

Table 17.495.030-2 Credit Values for Existing and Replacement Trees

Tree Category (DBH¹ or Size)	Tree Unit Credit (per tree)
Existing healthy trees between 1" and up to 8" DBH	1
Existing Larger than 8" and up to 12" DBH	1.5
Existing Larger than 12" and up to 18" DBH	2
Existing Larger than 18" and up to 24" DBH	3
Existing Larger than 24" and up to 36" DBH	3.5 <u>4.5</u>
Existing Larger 36" DBH	<u>5.5</u>
Existing Groves of three (3) or more trees, each with DBH Larger than 8" DBH	5 6.5
Replacement 2-inch caliper deciduous or broadleaf tree	.5 1
Replacement 6-foot-tall evergreen, conifer tree	1

¹ Diameter at breast height (DBH), is used in determining the diameter of existing trees. For example: On a 7,500 square foot lot in ULR zone (3 credits needed) with one 24" DBH tree, one 12" DBH tree, and two 6" DBH trees, the minimum tree unit credits are met by retaining the 24" DBH tree only, or retaining the 12" DBH tree and one of the 6" DBH trees, or remove all trees on site and plant 6 new deciduous or 3 new conifers to meet the minimum tree density units for the lot.

CFP Appendix A – Sewer Maps Additions from the City of Bremerton

ATTACHMENT B CAPITAL FACILITIES PLAN UPDATES

Exhibit 3-7. Projected Transportation Grant Revenues for Capital Projects (2024 – 2044 in YOE\$)

Transportation Grants	Subtotal	Subtotal	Total
	2024-2029	2030-2044	2024-2044
Estimated Revenues	\$79,963,000	\$179,580,333	\$256,543,333

Source: Kitsap County Transportation Planning 2023; LDC, 2023

Exhibit 3-8. Projected Total Transportation Revenues Allocation for Capital (2024 – 2044 in YOE\$)

Total Transportation	Subtotal	Subtotal	Total
Revenues	2024-2029	2030-2044	2024-2044
Estimated Revenues	\$125,998,000	\$287,380,333	\$413,378,333

Source: Kitsap County Transportation Planning 2023; LDC, 2023

Exhibit 4-92 Transportation Capital Improvement Revenue Sources (All numbers are in 2024 \$1000s)

Revenue Source	Total Revenue Years 2024- 2029	Total Revenue Years 2030- 2044	Total Revenue Years 2024- 2044
Federal Funding	61,452	143,388	204,840
Local Funds	34,035	72,800	106,835
State Funds	15,511	36,192	51,703
Impact Fees	15,000	35,000	50,000
Total	125,998	287,380	413,378

Source: Kitsap County TIP, 2023







