

ORDINANCE NO. 402-2007

Relating to Land Use Regulations for the Keyport Area, Adopting the Keyport Community Subarea Plan, as part of the Kitsap County Comprehensive Plan, Making Corresponding Changes to the Comprehensive Plan and Land Use Map, and Amending the Zoning Ordinance and Map to Add Regulations to Implement the Keyport Community Plan.

BE IT ORDAINED:

Section 1. The Kitsap County Board of Commissioners makes the following findings:

1. The Growth Management Act, Chapter 36.70A RCW (GMA), requires that Kitsap County's Comprehensive Land Use Plan and implementing development regulations be subject to continuing review and evaluation. The GMA requires counties to review, and if needed, revise their Comprehensive Plans and implementing development regulations to ensure compliance with the GMA.
2. On May 7, 1998, the Board of County Commissioners (Board) adopted the Kitsap County Comprehensive Plan, and amended on June 2002, December 2003 and October 2004 after extensive review and recommendation by the public and Planning Commission.
3. On December 11, 2006, the Board of County Commissioners (Board) adopted the Kitsap County Comprehensive Plan 10-Year Update after extensive review and recommendation by the public and Planning Commission. Adoption of this plan satisfied the requirements of compliance set forth in the Washington State Growth Management Act (GMA) of 1990 (Chapter 36.70A RCW). The Keyport Rural Village Area was designated as a potential for listing as a potential for designation as a Limited Area of More Intense Rural Development (LAMIRD) in the both the 1998 and 2006 Kitsap County Comprehensive Plan.
4. Kitsap County's Comprehensive Plan provides that it will be reviewed and updated to adjust to changing needs, unforeseen circumstances or new local or regional trends (Kitsap County Comprehensive Plan, Part I Land Use, Comprehensive Plan Amendment Process, (p. 30-32)). The Kitsap County Code Chapter 21.08 Annual Comprehensive Plan Amendment Procedures, Section 21.08.040, provides that the Board of County Commissioners will establish a schedule for review and possible amendment of the comprehensive plan.
5. The Comprehensive Plan is intended to actively guide future growth in Kitsap County and effectively respond to changes in conditions or assumptions. The

Comprehensive Plan Amendment process is intended to provide persons an opportunity to propose amendments to the County's Comprehensive Plan adopted pursuant to the Growth Management Act, Chapter 36.70A RCW, and to development regulations (if required) to maintain their consistency with the Comprehensive Plan.

6. A community planning process began for Keyport in the fall of 2003, with the intention that the community, through the Keyport Improvement Group and its committees, would be instrumental in the development of the Keyport Community Plan.
7. Early Keyport Community Plan public meetings with Kitsap County Department of Community Development staff were held on February 1, 2005, February 22, 2005 and March 15, 2005.
8. On February 26, 2007 through formal motion (3-0 vote), the Board directed Department of Community Development staff to provide an analysis of the Keyport area for the potential designation as a LAMIRD, as provided for under the Growth Management Act [RCW 36.70A.070 (5)(d)].
9. Eight Keyport Community Plan public meetings with Department of Community Development staff in conjunction with the Keyport Improvement Group, held on February 13th & 27th, March 13th & 27th, April 10th & 24th, and May 8th & 22nd of 2007.
10. On February 13th, 2007, the Keyport meetings focused on the kickoff of the Keyport Community Planning effort, definition and discussion of the Growth Management Act, Limited Area of More Intensive Rural Development (LAMIRD), the History of Keyport, the Plan Elements, the Community Goals and Concerns, and the proposed project schedule.
11. On February 27th, 2007 the Keyport meetings focused on the alternatives for potential LAMIRD boundaries and the associated Growth Management Act requirements for LAMIRD boundaries. Three boundary alternatives were evaluated and discussed and three more were proposed by the group. A vote was conducted for the preference of the three initial boundary proposals with Alternative 1 and Alternative 5, both boundaries that did not include Keyport Trace or areas south of the causeway winning the majority of votes.
12. On March 13th, 2007 the Keyport meetings focused on a number of items with a presentation by Patty Charnas from Department of Community Development Natural Resources Division discussing the Shoreline Critical Areas and the associated setbacks from marine shorelines. The main topic of discussion was the direct impacts upon Keyport parcels. Barry Loveless from the Kitsap County Public Works Wastewater Division presented to the citizens regarding the

existing sewer infrastructure, sewer expansion options, and the requirements for forming a Limited Improvement District (LID). Jim Rogers from Kitsap County Public Works Road Division discussed the transportation improvement possibilities and challenges. Pedestrian travel and Mosquito Fleet Trail improvements were discussed, specifically relating to pedestrian travel across the causeway. LAMIRD boundaries were also discussed and the creation of a Keyport Online Survey was mentioned.

13. On March 27th, 2007 the Keyport meetings focused on input from Navy officials and discussions of the interactions the community has with the Navy installation on the peninsula. Diane Jennings, a Public Affairs Officer from the Naval Undersea Warfare Center presented the Navy's perspectives and answered community questions. John Claussen from Kitsap Transit also presented to the community regarding the possibility of a Park and Ride lot at Keyport Junction, viability of bus service to Keyport, and the available transit options for the community.
14. On April 10th 2007 the Keyport meetings focused on a discussion with the Fire Chief, Jim Shields of the Poulsbo Fire Department, Fire District #18 regarding the level of emergency service, volunteers, response time, fire station properties and fire facilities within Keyport. The Chief also answered community questions and discussed the upcoming ballot measure for Fire District #18. James Weaver from the Department of Community Development presented and discussed the existing zoning, setbacks, and density for Keyport. Potential zoning proposals were discussed for community input.
15. On April 24th, 2007 the Keyport public meetings focused on a discussion with Kitsap County Assessor, Jim Avery regarding taxing districts, assessment methodology, assessment rates and the various bond measures on the ballot. Additional discussion was conducted by Jodi Wroblewski from the Kitsap County Facilities, Parks & Recreation department. Specific interest items were park funding and potential park improvements in Keyport and the upcoming fiscal challenges facing the future park maintenance and improvement programs. Land Use and zoning were discussed in detail at this meeting with comparison documents from Manchester and Port Gamble and the potential Keyport specific land use zones, density, and setbacks that may be adopted as part of the plan.
16. On May 8th, 2007 the Keyport public meeting focused on the results of the Keyport Online Survey, measuring the community's desire or aversion to specific elements or proposals. Dave Tucker of the Kitsap County Public Works Department, Storm water Division spoke about the storm water infrastructure located in Keyport and about the Low Impact Development opportunities for handling storm water. Land Use and zoning were discussed and refined at this meeting with specific Keyport land use zones, allowed uses, permit processing

for each zone, cluster development, densities, and setbacks that were proposed as part of the plan.

17. On May 22nd, 2007 the Keyport public meeting was a recap of the proposals and decisions made at previous meetings regarding land use, zoning, densities, setbacks and other elements of the plan. Proposed LAMIRD Boundaries were discussed and the results of the Keyport Online Survey were compared to the resulting zoning maps. Meeting discussion focused upon the proposed view protection code and overlay map, with proposed height restrictions based upon an existing Manchester model. The proposal and various iterations of a possible view protection code was debated and eventually voted for complete removal by the citizens present. Discussion also oriented around the Design Guidelines for the commercial district and evaluation of a various provisions to ensure a compatible architectural quality for commercial development in the area. Debate occurred about the tools available for ensuring the bulk and scale of new commercial development was compatible with the "main street" character of the community. The design guidelines were voted to be included within the plan.
18. Between May 22, 2007 and July 18, 2007, County staff utilized the Keyport Online Survey and the Keyport Improvement Group recommendations and worked to prepare the updated Draft Keyport Community Plan.
19. On July 18, 2007 Kitsap County released the Draft Keyport Community Plan and State Environmental Policy Act; Determination of Non-Significance (DNS) for public and agency review.
20. On July 24, 2007, a public meeting was held with the Keyport Improvement Group and Keyport citizens to distribute copies of the Draft Keyport Community Plan, to discuss elements of the plan, to answer questions and to discuss the public approval process and upcoming public meetings.
21. On July 24, 2007, a public meeting was held by the Kitsap County Planning Commission for introduction and discussion related to the draft Keyport Community Plan.
22. On August 14, 2007, a public hearing was held by the Kitsap County Planning Commission to receive oral and written testimony relating to the Keyport Community plan. Oral and written testimony period for the Planning Commission public hearing listed above closed on August 17, 2007.
23. On August 28, 2007, the Planning Commission held a decision-only work/study session to deliberate and formulate their recommendations to the Board on the Keyport Community plan update. Nine members of the Planning Commission were in attendance.

24. The Kitsap County Planning Commission considered the draft Keyport Community Plan and voted 8 to 1 to recommend a modification to *Appendix B: Section 17.321D.060 Item A. Height*

From: A. *No structure in the Keyport Village Commercial zone shall be constructed to have more than two stories.*
1. *Sub-Grade stories and basements are permitted up to 30 inches above sidewalk grade or natural grade, which ever is lower.*

To: A. *No structure in the Keyport Village Commercial zone shall be constructed to have more than two stories facing Washington Avenue, with all stories above the second story setback a minimum of 10 additional feet from the façade line.*
1. *Sub-Grade stories and basements are permitted up to 30 inches above sidewalk grade along Washington Avenue.*

25. The Planning Commission voted 8 to 1 to designate Keyport as a LAMIRD based on staff findings that recognize the existing development (pre-1990) and natural limitations with limited infill opportunities and recommend approval of the Keyport Community Plan with the sole modification indicated above and forward the Draft Keyport Community Plan for approval to the Board of County Commissioners.

26. The Board of County Commissioners held a public hearing on November 19, 2007 to consider the Planning Commission's recommendation. The hearing was closed on that day.

27. The Board of County Commissioners voted 3 – 0 on November 19, 2007 to approve the Keyport Community Plan and associated Goals, Policies, Logical Outer Boundary, and development regulations with a single modification to the Kitsap County Planning Commission Recommendation.

28. The Board of County Commissioners considered the draft Keyport Community Plan and Kitsap County Planning Commission Recommendation and voted 3 to 0 to recommend a modification to *Appendix B: Section 17.321D.060 Item A. Height*

From: A. *No structure in the Keyport Village Commercial zone shall be constructed to have more than two stories.*
1. *Sub-Grade stories and basements are permitted up to 30 inches above sidewalk grade or natural grade, which ever is lower.*

To: A. *No structure in the Keyport Village Commercial zone shall be constructed to have more than two stories facing Washington*

Avenue, provided however, additional stories may be allowed if those stories above the second story are set back a minimum of 10 additional feet from the façade line and if the building otherwise meets height limitations.

1. *Sub-Grade stories and basements are permitted up to 30 inches above sidewalk grade along Washington Avenue.*
29. The proposal is consistent with the 13 statewide planning goals contained within the Growth Management Act (RCW 36.70A.020). The Keyport Community Plan would encourage development in areas where adequate public facilities and services exist and can be provided in an efficient manner.
30. The proposed sub-area plan is consistent with the County Wide Planning Policies and with the goals and policies contained in the Kitsap County Comprehensive Plan.
31. The proposed Keyport Community Plan promotes the public interest and welfare of the citizens of Kitsap County, and should be approved.

Section 2. Pursuant to the Growth Management Act, Chapter 36.70A RCW and Article 11, Section 11 of the Washington Constitution, the Board of County Commissioners adopts the attached Keyport Community Plan, dated July 18, 2007; the attached corresponding amendments to the 2006 Comprehensive Plan and Land Use Map; and the attached amendments to the 2006 Zoning Ordinance and Map, adding Section 321.D, "Areas of More Intensive Rural Development", and specific zoning regulations for the Keyport Rural Village.

Section 3. 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 to other persons, entities or circumstances is not affected.

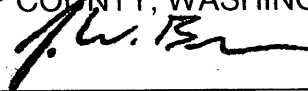
Section 4. Should any errors, errata, or amendment to Keyport Community Plan and associated Land Use map that was passed by the Board during its deliberations on November 19, 2007 be inadvertently left out upon publication, the explicit action of the Board as discussed and passed shall prevail upon subsequent review and verification by the Board.

Section 5. NOW THEREFORE, BE IT FURTHER ORDAINED, that the Kitsap County Board of Commissioners, based on the foregoing findings, hereby adopt and enacts the text and policy for the Keyport Community Sub-Area Plan as described in Attachment 2, incorporated herein by this reference.

Effective Date: This Ordinance shall take effect immediately.

Dated this 19th Day of November, 2007

BOARD OF COMMISSIONERS
KITSAP COUNTY, WASHINGTON



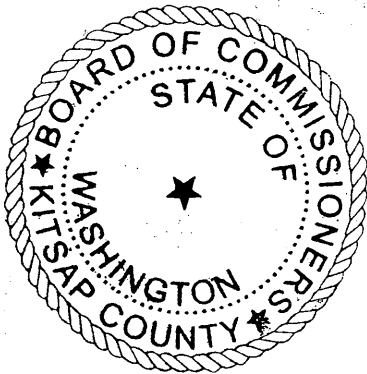
JOSH BROWN, Chair



JAN ANGEL, Commissioner



STEPHEN BAUER, Commissioner

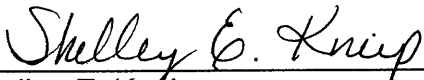


ATTEST:



Opal Robertson, Clerk of the Board

Approved as to Form:



Shelley E. Kneip
Deputy Prosecuting Attorney