

ORDINANCE NO. ~~558~~ 2018

**RELATING TO GROWTH MANAGEMENT, AMENDING THE CAPITAL FACILITIES  
PLAN OF THE 2016 COMPREHENSIVE PLAN**

WHEREAS, the Washington State Growth Management Act (GMA), RCW 36.70A.130, mandates that Kitsap County's Comprehensive Land Use Plan (Comprehensive Plan) be subject to continuing review and evaluation;

WHEREAS, on June 27, 2016 Kitsap County adopted Ordinance 534-2016 to amend and update its Comprehensive Plan and the associated Capital Facilities Plan, incorporated by reference in Section 7(2) of the Ordinance;

WHEREAS, the 2016 Capital Facilities Plan reiterated the County's concurrency methodology as it applied to transportation;

WHEREAS, the City of Port Orchard challenged Ordinance 534-2016 before the Central Puget Sound Growth Management Hearings Board (CPSGMHB) in *City of Port Orchard v. Kitsap County*, CPSGMHB Cause No. 16-3-0012;

WHEREAS, the City of Port Orchard asserted, among other issues, that the County's transportation concurrency methodology and implementation contained in the County's Capital Facilities Plan violated the Growth Management Act;

WHEREAS, the County disputed the City's assertions, but recognized the mutual benefit of transportation planning, including implementation of concurrency methodologies, on a localized planning area and entered into a settlement agreement whereby the County agreed to consider as a legislative amendment to the Capital Facilities Plan the establishment of a South County Road Service Area;

WHEREAS, both GMA, RCW 36.70A.130(2)(b), and Kitsap County Code, KCC 21.08.040(B)(5), allow a comprehensive plan amendment outside of the annual process if it is to resolve an appeal filed with a Growth Management Hearings Board.

**NOW, THEREFORE, BE IT ORDAINED:**

**Section 1. Substantive Findings.**

1. The Recitals above are incorporated by this reference as findings in support of the action taken herein.

2. The Board of County Commissioners (Board) further finds that the amendments to the Capital Facilities Plan as set forth herein are consistent with GMA,

the Countywide Planning Policies, and other applicable requirements. In conducting its review of these amendments, Kitsap County has followed state law.

**Section 2. Procedural Findings.**

1. On June 6, 2018, a work study between the Board of County Commissioners and the Department of Community Development was held to discuss the proposed amendments.

2. On June 11, 2018, following effective and timely legal notice, the Kitsap County Board of County Commissioners held a public hearing to accept testimony on the proposed amendments.

3. On June 11, 2018, the Board of County Commissioners deliberated on the proposed amendments and, after consideration of public comment and the entire record related to this ordinance, made a final decision to approve this ordinance.

**Section 3.** Kitsap County hereby establishes a "South County Service Area" consisting of existing Road Service Areas 3 and 4, and agrees to apply the County's 15% concurrency analysis to the lane miles within the South County Service Area in order to determine whether concurrency has been satisfied.

**Section 4.** To implement Section 4, the Capital Facilities Plan shall be amended as follows:

A. Page 4-106 of Chapter 4: The last paragraph shall be amended as follows:

The Kitsap County Concurrency Ordinance, codified in KCC 20.04, establishes the process for determining whether a development project meets concurrency. Though the County's goal is to have no LOS deficiencies, it is recognized that not all roadways will meet the standards all the time given the limits of county, state, and federal funding and timing of project improvements. The County's strategy, therefore, is to ensure LOS standards are within an acceptable range. This strategy is accomplished by allowing up to 15% of the road lanes- miles tested for concurrency ~~will be allowed to temporarily exceed LOS standards. This 15% allowance shall be applied~~ assessed independently within two separate regional geographies: the North/Central County Service Area (Road Service Areas 1 and 2) and the South County Service Area (Road Service Areas 3 and 4), at both the system wide and project site level. Generally, the 15% threshold for road concurrency is the County's adopted strategy to ensure LOS standards are within an accepted range and is not an acknowledgement of an LOS deficiency. This 15% is evaluated on a county wide basis and includes both rural and urban areas. Concurrency is satisfied if no more than 15% of county the road lane-miles tested within the specific geography exceed LOS standards.

**Section 5. Typographical/Clerical Errors.** Should any amendment made to this Ordinance that was passed by the Board during its deliberations be inadvertently left out of the final printed version of the plan, maps, or code, the explicit action of the Board as discussed and passed shall prevail upon subsequent review and verification by the Board, and shall be corrected.

**Section 6. Effective Date.** This ordinance shall take effect immediately.

**Section 7. Severability.** 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.

Adopted this 11<sup>th</sup> day of June, 2018

ATTEST:

KITSAP COUNTY  
BOARD OF COMMISSIONERS

*Robert Gelder*

ROBERT GELDER, Chair

*E. Wolfe*

EDWARD E. WOLFE, Commissioner

*Dana Daniels*

Dana Daniels, Clerk of the Board

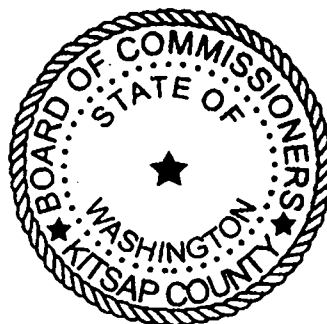
*Charlotte Garrido*

CHARLOTTE GARRIDO, Commissioner

Approved as to form:

*Jana Nickel*

Deputy Prosecuting Attorney



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