

Ordinance No. ____ - 2010

AN ORDINANCE CONCERNING THE RURAL WOODED INCENTIVE PROGRAM (“RWIP”), REPEALING ORDINANCE 430-2009, AND KITSAP COUNTY CODE SECTION 17.301.080 IN ITS ENTIRETY

WHEREAS, the State Growth Management Act (GMA), Chapter RCW 36.70A, permits counties to consider local circumstances in planning for rural areas; and include innovative techniques to accommodate appropriate rural densities consistent with rural character; including, but not limited to density bonuses, cluster housing and transfers of development rights; and

WHEREAS, in December 2006, Kitsap County adopted such an innovative program in the Rural Wooded Incentive Program (RWIP), codified at Kitsap County Code Chapter 17.301; and

WHEREAS, the RWIP was appealed to the Central Puget Sound Growth Management Hearings Board and a decision rendered on August 15, 2007 in *Suquamish II v. Kitsap County*, CPSGMHB Case No. 07-3-0019c, Final Decision and Order (August 15, 2007). The CPSGMHB remanded the RWIP back to the County and ordered Kitsap County to take legislative action to comply with the Order; and

WHEREAS, Kitsap County took action to amend the RWIP, which was subsequently found by the CPSGMHB to be compliant with the GMA. While Kitsap County took action to comply with the GMA, the Kitsap County Board of Commissioners expressed some concern over other issues associated with the RWIP program and imposed a moratorium on the program; and

WHEREAS, the CPSGMHB’s decision concerning the RWIP was appealed to the Courts, and appeals are still pending at this time; and

WHEREAS, on July 13, 2009, the Board enacted Kitsap County Ordinance 430-2009, which imposed a moratorium on the acceptance of new applications for development utilizing the RWIP, in order to take additional time to evaluate other issues not addressed by the CPSGMHB, but which may require additional changes to the RWIP, as well as awaiting the outcome of the pending litigation; and

WHEREAS, the County is currently considering a North Kitsap Legacy Partnership with the Olympic Property Group that could allow a geographically focused rural clustering program providing greater assurances of public benefits, and protection of environmental features and rural character. The North Kitsap Legacy Partnership will likely require revised comprehensive plan and zoning regulations for implementation, and may build on the work that has been done for the RWIP; and

WHEREAS, some components of RWIP including: management and ownership of open space, minimum project size, and potential infrastructure and cost implications remain unresolved and may not be able to be adequately addressed; and

WHEREAS, due to these unresolved issues and the potential for additional revisions through the North Kitsap Legacy Partnership, there is no need to continue the RWIP and/or the moratorium at this time.

BE IT ORDAINED:

Kitsap County Ordinance 430-2009 is repealed.

Kitsap County Code Section 17.301.080, last amended by Ordinance No. 411-2008, is repealed and the section shall be shown as “Reserved” in the Kitsap County Code.

DATED this _____ day of _____, 2010.

**BOARD OF COUNTY COMMISSIONERS
KITSAP COUNTY, WASHINGTON**

JOSH BROWN, Chair

ATTEST:

STEVE BAUER, Commissioner

Opal Robertson
Clerk of the Board

CHARLOTTE GARRIDO, Commissioner

Approved as to form:

Deputy Prosecuting Attorney