

ORDINANCE NO. 352-2005

RELATING TO GROWTH MANAGEMENT, AMENDING THE KINGSTON SUB-AREA PLAN AND MAKING CORRESPONDING AMENDMENTS TO THE KITSAP COUNTY ZONING CODE AND MAP; AND AMENDING THE SUQUAMISH RURAL VILLAGE SUB-AREA 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 (Plan). Adoption of this Plan met the requirements of the GMA. The Plan was subsequently amended in June 2002, December 2003 and October 2004 after extensive review and recommendation by the public and Planning Commission.
- 3) 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). The Kitsap County Code Chapter 21.08 Annual Comprehensive Plan Amendment Procedures, Section 21.08.040, provides that the Board will establish a schedule for review and possible amendment of the Comprehensive Plan.
- 4) 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 an opportunity for the public to propose amendments to the County's Comprehensive Plan, and amendments to the Kitsap County Code, if required to maintain consistency with the Comprehensive Plan.
- 5) The Kingston Urban Growth Area was originally adopted in 1998, and revised in 2003 to accommodate an interim population projection for the planning period of 2003-2017.

- 6) The Suquamish Rural Village was established as a Limited Area of More Intensive Rural Development (LAMIRD), through the adoption of a sub-area plan in 1999.
- 7) On October 25, 2004, following timely and effective public notice, the Board adopted Ordinance 327-2004 outlining County-wide Planning Policy revisions and 20-year population projections and distributions for the planning horizon of 2005-2025.
- 8) On October 25, 2004, following timely and effective public notice, the Board adopted Resolution 158-2004, an addendum to the 2002 Buildable Lands Report, which identified reasonable measures already existing in various sub-area plans, including Kingston and Kitsap County Code that would be reasonably likely increase consistency between the comprehensive plan and development regulations.
- 9) On April 15, 2005, following timely and effective public notice, the Board adopted Resolution 079-2005, which set forth a time line and process for the 2005 Comprehensive Plan Amendment process, including the initial docket.
- 10) On April 25, 2005, following an extensive public process, the Board accepted a framework and assumptions for the Updated Land Capacity Analysis (ULCA) methodology and gave direction to the Department of Community Development to utilize the ULCA in the on-going sub-area planning.
- 11) Pursuant to RCW 36.70A.130(3), amending the Kingston Sub-Area Plan is the first step in the 10-year review and evaluation of densities permitted within unincorporated Urban Growth areas located in Kitsap County.

Section 2. General Procedural Findings. The Board makes the following findings regarding the public participation process for amending the Kingston and Suquamish Sub-Area Plans, and the developing an Updated Land Capacity Analysis methodology:

- 1) In late 2004, the Suquamish Rural Village and Kingston Sub-Area Plans Steering Committees, as well as ULCA Citizen Advisory Group were established by the Board to reevaluate the Sub-Area Plans and the methodology for the Updated Land Capacity Analysis.
- 2) **Suquamish Rural Village Sub-Area Plan Update Process:**
 - a. The Suquamish Steering Committee was formed to evaluate the following tasks:
 - Update the Suquamish Rural Village Plan to reflect changes in conditions from 1999 to 2004;
 - Identify Community Priorities; and
 - Enhance implementation of existing policies.

- b. The Suquamish Steering Committee met over the course of a 2004-2005 to discuss the following:
- i. The Steering Committee met on December 2, 2004 to discuss road and transit issues. Kitsap County Public Works personnel provided an update on the County's current work program for roadway improvements in the Suquamish area, and discussed various options to improve road and pedestrian safety. Kitsap Transit personnel provided discussions on the role of Kitsap Transit, and the status of routes through the Suquamish area. The Steering Committee decided that several subcommittees would be organized to work on identified priorities: (1) Roads and transit issues; (2) Pedestrian safety; (3) Parks and open space; (4) Bicycle facilities; and (5) Wastewater.
 - ii. The Steering Committee met on January 18, 2005, and to evaluate bicycle safety issues. Representatives from Kitsap County Public Works Department, Bicycle Alliance of Washington and the West Sound Cycling Club participated in this meeting.
 - iii. On February 8, 2005, the Steering Committee met and evaluated stormwater and wastewater issues. Personnel from Kitsap County Public Works Department (wastewater, stormwater, and transportation divisions), provided education and discussion of the issues concerning the Suquamish area. Reports were provided from each subcommittee.
 - iv. On March 16, 2005, the Steering Committee met and continued its review of public transit issues. Representatives from Kitsap Transit were present at this meeting. There was discussion on how to improve the transit problems in the area.
 - v. The Steering Committee met on April 14, 2005. At that meeting, the Suquamish Tribe gave a presentation regarding tribal activities and future plans within the Port Madison Reservation. The Tribal representatives discussed tribal history and culture and recently-completed Tribal projects. The Tribal representatives also presented the Tribe's "future wish list" of projects that included a Community House, Suquamish Dock, Totem Pole Chief Seattle's grave, a pedestrian/bike path, Elder Center, Suquamish Museum and Library, as well as a mixed use facility.
 - vi. On June 7, 2005, the Steering Committee met and discussed the aspects of the Suquamish Rural Village Plan that would need updating.
 - vii. Between June and September 2005, County staff and the Steering Committee sub committees worked to prepare the updated Draft Suquamish Rural Village Sub Area Plan.

3) Kingston Sub-Area Plan Update Process

- a. The Kingston Steering Committee was formed to evaluate the following tasks:
 - Determine whether the Kingston Urban Growth Area requires revision to accommodate population growth through 2025, as determined through the Updated Land Capacity Analysis and consideration of Reasonable Measures, including an analysis of infrastructure serving the area. If it is determined that revision is required, establish a new urban growth area boundary;
 - Consider whether “Arborwood,” a vested Planned Unit Development (PUD), designated as Urban Reserve in the 2003 Kingston Sub-Area Plan should be included in the Kingston Urban Growth Area as part of the 2005 review process;
 - Consider whether the “White-Lueck Site-Specific Application” deferred from the 2004 Comprehensive Plan Amendment process should be approved as part of the review process.
- b. The Kingston Steering Committee met over the course of 2004-2005 to determine whether the current Kingston Urban Growth Area could accommodate the allocated population through the planning horizon of 2005-2025 and provide the appropriate portion of land to meet the residential demand outlined in 2005-2025 population allocation.
- c. The Kingston Steering Committee reviewed the results of the Updated Land Capacity Analysis, which determined the supply of land within the existing urban growth boundary. The Steering Committee also evaluated the demand for residential land presented in the 2005-2025 population allocation for the Kingston Urban Growth Area.
- d. On May 18, June 15 and July 20, 2005, the Steering Committee met to discuss Reasonable Measures identified in Resolution 158-2004 and the Kitsap Regional Coordinating Council (KRCC) *Desktop Reference Guide to Reasonable Measures*. The Steering Committee reviewed measures already existing in the Kingston Sub-Area Plan goals and policies, as outlined in Resolution 158-2004. The Steering Committee determined that the Kingston Sub-Area Plan, originally adopted in 2003, contained reasonable measures that would increase urban densities within the urban growth area.
- e. On October 19, 2005, the Steering Committee met and considered testimony from property owners and representatives who submitted Land Use Reclassification Requests. The Steering Committee deliberated on each individual land use reclassification request, considering environmental constraints, distance to public infrastructure, the goals and policy of the

Kingston Sub-area plan, and the goals, policies and requirements of the Growth Management Act, Chapter 36.70A.RCW.

- f. After the deliberation, the Steering Committee reached consensus on revisions the Kingston Sub-area Plan and the UGA boundary, choosing Alternative 4. Alternative 4 included the existing Kingston Urban Growth Area and four additional properties:

Claro Property

Current Land Use Designation/Zoning: Rural Residential (1 DU/5Acre)

Proposed Land Use Designation/Zoning: Urban Low Residential (5-9 DU/Acre)

Parcel Size: 2 parcels, totaling 10 acres

Robinson Property

Current Land Use Designation/Zoning: Urban Low Residential (5-9 DU/Acre)

Proposed Land Use Designation/Zoning: Urban Medium Residential (10-18 DU/Acre)

Parcel Size: .21 acre

White/Lueck Property (Deferred 2004 Site-Specific Application)

Location: south side of 272nd Street on the southwest intersection of Lindvog Road and 272nd Street

Current Land Use Designation/Zoning: Rural Residential (1DU/5 Acres)

Proposed Land Use Designation/Zoning: Urban Medium Residential (10-18 DU/Acre)

Parcel Size: 2 parcels, totaling 19.17 acres

Arborwood

Location: 1.5 miles southwest of the community of Kingston in an incorporated area of Kitsap County west of South Kingston Road and ¼ mile south of West Kingston Road

Current Land Use Designation/Zoning: Urban Reserve (1DU/10 Acres)

Proposed Land Use Designation/Zoning: Urban Cluster Residential (5-9 DU/Acre)

Parcel Size: 2 parcels, totaling 337 acres

4) Updated Land Capacity Analysis Methodology Process

- a. An Updated Land Capacity Analysis (ULCA) Citizen’s Advisory Group was formed to evaluate the following tasks:
 - Review the Buildable Lands and 1998 Comprehensive Plan Land Capacity Methodology and Assumptions;
 - Evaluate development trends in Kitsap County; and

- If determined necessary, identify options or revised framework and assumptions for land capacity analysis.

- b. On January 11 and February 8, 2005, following timely and effective public notice, the Planning Commission held work study sessions to review and discuss proposed options for the ULCA methodology.
- c. On April 12, 2005, following timely and effective public notice, the Planning Commission held a public hearing to consider testimony and make a recommendation on the preferred framework and assumption on the ULCA. That methodology is to be applied in all future updates to the Kitsap County Comprehensive plan.

5) The Kitsap County Planning Commission Process

- a. On August 23 and November 8, 2005, following timely and effective public notice, the Planning Commission held work-study sessions to review and discuss the Suquamish and Kingston Sub-Area Plans updates.
- b. On November 22, 2005, following timely and effective public notice, the Planning Commission held a public hearing to receive testimony on the Kingston and Suquamish Rural Village Sub-Area Plans.
- c. On November 29, 2005, following timely and effective public notice, the Planning Commission held a decision-only public hearing to deliberate and formulate their recommendation to the Board on the Kingston and Suquamish Sub-Area Plans updates. The Planning Commission recommended that the text and policy updates to the Suquamish Rural Village Sub-Area Plan be approved as recommended by the Suquamish Steering Committee. The Planning Commission recommended that Alternative 4 be adopted, with the exception that the Robinson Land Use Reclassification Request not be adopted. The Planning Commission recommended that the Robinson property remain designated as Urban Low Residential because it was more compatible with the surrounding area.
- d. On December 13, 2005, following a timely and effective public notice, the Board held a public hearing to receive testimony on the Kingston and Suquamish Rural Village Sub-Area Plans.
- e. The Board of Commissioners continued that public hearing to November 19, 2005. At that hearing, Department of Community Development staff testified that they had prepared revisions to the Kingston Sub-Area Plan based upon public comment, including grammatical and organizational changes, further documentation of reasonable measures, and a review and revision to the land capacity analysis to reflect actual conditions.

Section 3. Substantive Findings Relating to Text and Policy Amendments. The Board of County Commissioners makes the following findings with respect to the text and policy amendments to the Kingston and Suquamish Sub-Area Plans.

- 1) The Kitsap County Planning Commission considered the goals and requirements of the GMA (Chapter 36.70A RCW) and made findings pertaining to the proposed amendments to the Kingston and Suquamish Sub-Area Plans. The Planning Commission also reviewed the proposed amendments for compliance with the criteria of KCC 21.08.160 and KCC 21.08.180, as well as the goals and policies of the Kitsap County Comprehensive Plan. Except where otherwise noted, the Board hereby adopts those findings of the Planning Commission.
- 2) Kitsap County Code 21.08.160 sets forth criteria that the Board must consider in general when making amendments to the Comprehensive Plan. In making amendments to the Comprehensive Plan, the Board must consider:
 - a) Whether circumstances related to the proposed amendment and/or the area in which the property affected by the proposed amendments is located have substantially changed since the adoption of the Comprehensive Plan; and
 - b) Whether the assumptions upon which the Comprehensive Plan is based on are no longer valid, or there is new information available which was not considered during the adoption of, or during the last annual amendment to the Comprehensive Plan.
- 3) Kitsap County Code 21.08.170 also sets forth criteria for making text or area-wide amendments to the Comprehensive Plan. In making such amendments, the Board must consider:
 - a) Whether the proposed amendment is consistent with and supports other plan elements and/or Development Regulations, and if not, what additional amendments to the plan and/or Development Regulations will be required to maintain consistency;
 - b) Whether the proposed amendment to the plan and/or regulation will more closely reflect the goals, objectives and policies of the Comprehensive Plan;
 - c) Whether the proposed amendment is consistent with the Kitsap County-wide Planning Policies; and
 - d) Whether the proposed amendment complies with the requirements of the GMA (RCW 36.70A).
- 4) The Board specifically adopts findings made by the Kitsap County Planning Commission regarding the Kingston and Suquamish Sub-Area Plans recommended on November 29, 2005, which found that the proposed general text and policy amendments met the criteria for recommendation for decision, as per Sections 21.08.160 and 21.08.170 of the Kitsap County Code. Additionally, the

proposed text and policy amendments outlined in the Kingston and Suquamish Sub-Area Plans promote the public interest and welfare of the citizens of Kitsap County.

Section 4. Substantive Findings related to the Kingston Sub-Area Plan. The Board of County Commissioners makes the following findings related to the update of the Kingston Urban Growth Area:

- 1) The Kingston Urban Growth Area was established upon the adoption of the 1998 Comprehensive Plan. The Urban Growth Area was revised in 2003, which took into consideration interim population projections for the planning period 2003 to 2017. The interim 2017 population target of 640 new residents allowed ongoing and extensive planning efforts to proceed, pending adoption of a new 20-year population target consistent with the OFM 2005-2025 population range.
- 2) In 2004, the County adopted revised population allocations. Additional future population of 3,135 was projected for the Kingston Urban Growth Area for the planning horizon of 2005-2025.. The population allocated in 2004 included the 2017 population projection used in the 2003 amendments.
- 3) The Updated Land Capacity Analysis, based on the Board accepted framework and assumptions, indicated lands within the existing Kingston Urban Growth Area could accommodate 603 people within vacant parcels and "underutilized lands" could accommodate 271 new people, with an overall ability to accommodate 874 new people within the 2005-2025 planning horizon. In short, the current Urban Growth Area did not contain sufficient land supply to accommodate 2,261 people. These figures are represented as follows:

	1,871	Baseline population (within the existing Kingston UGA 2000 Census)
+	3,135	New allocated population (through 2025 (Land Demand))
=	5,006	Expected population (year 2025)

	3,135	New allocated population (through 2025)
-	874	Population capacity of vacant and "underutilized" lands of Kingston Urban Growth Area (Land Supply)
=	2,261	Population left to accommodate

- 4) Pursuant to RCW 36.70A.215, Reasonable Measures identified in Resolution 158-2004, which some measures were already being implemented in the 2003 Kingston Sub-Area Plan, as well as KRCC *Desktop Reference Guide to Reasonable Measures* are identified and implemented in revised Kingston Sub-Area Plan. The Board finds that the reasonable measures already implemented in the 2003 sub-area plan should be adequate to increase urban densities within Kingston. The 2007 Buildable Lands Report is expected to demonstrate the effectiveness of these reasonable measures. The Planning Commission deliberated as to whether the

expansion of the Kingston Urban Growth Area was appropriate, and if so, where would the expansion of the urban boundary occur should be drawn, while considering and implementing Reasonable Measures. The Planning Commission considered the Kingston Steering Committee recommendations and various alternatives articulated by the Steering Committee.

- 5) The Planning Commission found that there was insufficient land zoned/designated within the existing Kingston Urban Growth Area and an expansion was appropriate to accommodate the population projection for the planning horizon of 2005-2025.
- 6) The Planning Commission voted to recommend approval of Alternative 4 with the exception of the Robinson Land Use Reclassification Request. The Planning Commission found that the Robinson Land Use Reclassification Request from Urban Low Residential to Urban Medium Residential was not compatible with the surrounding character of neighboring uses and recommended that this property remain Urban Low Residential.
- 7) The Board finds that Alternative 4, with the exception of the proposed redesignation of the Robinson property complies with the GMA. The Board finds that the property known as "Arborwood" is currently vested to develop at densities of 1 dwelling unit per acre. Bringing Arborwood into the UGA would allow the property to develop at urban densities through the Urban Cluster Residential (UCR) designation and would reduce the development of rural sprawl. Moreover, the development of Arborwood at UCR densities will also facilitate the extension of public sewer and other urban services into the UGA. The infrastructure extension will serve the existing UGA, acting as a reasonable measure to increase urban density in existing UGA areas not currently served by urban services. Finally, the development of Arborwood will provide additional park and open space facilities as amenities to serve the UGA. However, the County shall condition the redesignation of the Arborwood property as set forth below.
- 8) The Board finds that the Planning Commission recommendation on Alternative 4 accommodates the projected population growth to the Kingston Urban Growth Area for the planning horizon of 2005-2025.
- 9) The Board finds that measures likely to increase consistency between the comprehensive plan and development regulations, outlined in Resolution 158-2004 and the KRCC *Desktop Reference Guide to Reasonable Measures* have been applied and implemented in the Kingston Sub-Area Plan.
- 10) The Board finds that expansion of the Kingston Urban Growth Area and revised text and policy contained within the sub-area plan is consistent with the 13 statewide planning goals outlined within the Growth Management Act (RCW 36.70A.020). The Kingston Sub-Area Plan will encourage development in areas where adequate public facilities and services exist and can be provided in an efficient manner.

- 11) The Board finds the Kingston Sub-area Plan and expansion of the Urban Growth Area is consistent with the County Wide Planning Policies and with the goals and policies contained in the Kitsap County Comprehensive Plan, amended in 2004.
- 12) The Board adopts the Planning Commission's recommendation and finds that Alternative 4, with the exception of the Robinson Land Use Reclassification Request, attached hereto as Attachment 1 constitutes a logical and necessary expansion of the Kingston Urban Growth Area.

Section 5. Substantive Findings related to the Suquamish Rural Village Sub-Area Plan. The Board of County Commissioners makes the following findings related to the goal and policy updates to the Suquamish Rural Village Sub-Area Plan:

- 1) The Suquamish LAMIRD and Sub-area Plan were adopted in 1999, delineating a Logical Outer Boundary that preserves the character of the existing area; the location of physical, prevents an abnormally irregular boundary and has the ability to provide public services and facilities to the area in a manner that will not permit low-density sprawl.
- 2) The Board finds that the text and policy revisions are consistent with the 13 statewide planning goals contained within the Growth Management Act (RCW 36.70A.020).
- 3) The Board adopts the Planning Commission's recommendation on the revisions to the Suquamish Rural Village Sub-Area Plan hereto as Attachment 2 and finds that the text and policy changes within the Sub-Area Plan promotes the public interest and welfare of the citizens of Kitsap County.

Section 6. NOW THEREFORE, BE IT FURTHER ORDAINED, that the Kitsap County Board of Commissioners, based on the foregoing findings, hereby adopt and enacts:

- 1. The update to the Kingston Sub-Area Plan and Urban Growth Area as described in Attachment 1, incorporated herein by this reference, with the following conditions:
 - 1. The inclusion of the Arborwood property within the Kingston UGA is subject to the following conditions:
 - a. No development will be permitted until a development agreement is signed by the County and the owner that establishes development standards and an applicable vesting period.
 - b. The owner will dedicate to the County the Greenway area consisting of approximately 104 acres as generally shown in the attached site plan (Attachment 3). The dedication may occur in phases as the area is developed, so long as the property remains in single ownership. As part of the development of adjoining areas, the owner may record

easements and install facilities for trails, drainage, access, utilities and similar uses within the Greenway.

- c. The development agreement will include the following development standards, consistent with the Urban Cluster Residential zone:
- Wetlands and open space will be established outside of the development areas. Designation of open space areas will be subject to County approval and consistent with Kitsap County code.
 - Within the development areas, residential development will occur at an average density of approximately 5 du/acre based on the actual net developable acres. The total dwelling units within the Arborwood property shall not exceed 751, unless and until additional population is allocated to the Kingston UGA.
 - The development agreement will provide that no commercial or retail uses otherwise allowed in the UCR zone will be permitted without further approval by the County.
- d. The owner will withdraw vesting of the Arborwood preliminary plat/PUD upon signing of the development agreement.

2. The text and policy revisions to the Suquamish Rural Village Sub-Area Plan as described in Attachment 2, incorporated herein by this reference.

Effective Date: This Ordinance shall take effect immediately.

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.

Dated this _____ Day of December, 2005

BOARD OF COMMISSIONERS
KITSAP COUNTY, WASHINGTON

CHRIS ENDRESEN, Chair

JAN ANGEL, Commissioner

PATTY LENT, Commissioner

ATTEST:

Opal Robertson, Clerk of the Board

Approved as to Form:

Shelley E. Kneip
Deputy Prosecuting Attorney