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STAFF REPORT - Code Update: Reasonable Measures

DATE: August 8, 2016
TO: Kitsap Board of County Commissioners and Kitsap County Planning Commission
FROM: Darren Gurnee, Planner
SUBJECT: 2016 Code Update: Reasonable Measures
ATTACHMENTS: Appendix A: Detailed Proposed Code Changes

Kitsap County updated the Buildable Lands Report, Comprehensive Plan, and associated development regulations on June 27, 2016. Reasonable measures were adopted with the Buildable Lands Report as part of that process. The Code Update: Reasonable Measures project will update Title 17 'Zoning' regulations to implement policy guidance.

NOTICE: Notices of the Planning Commission public hearings were published in the official County newspaper, the Kitsap Sun, on July 28, 2016, via electronic notification to interested parties via GovDelivery and the Kitsap County Comprehensive Plan website public events calendar: <http://compplan.kitsapgov.com>

SEPA: A Determination of Significance has been prepared for this non-project action.

RECOMMENDATION

Planning staff recommends approval of the amendments to development regulations as proposed. Further, staff finds the proposed updates to the development regulations effectively address requirements set forth in the Growth Management Act (GMA) and the Countywide Planning Policies.

PUBLIC OUTREACH/PARTICIPATION

Public participation is an essential component for updating development regulations. This is an opportunity to inform and educate residents, as well as other stakeholders about the update process and solicit feedback on planning issues. The Code Update: Reasonable Measures is a new project; however, it is directly linked to the outreach efforts that occurred during the 2016 Comprehensive Plan Update.

The proposed code updates will traverse the public review process through work studies in July and August for both the Board of County Commissioners and Planning Commission. A joint August 8, 2016 public hearing will occur to allow the public to provide feedback. Immediately prior to the joint public hearing, Kitsap County Department of Community Development will hold an open house event to inform the public and respond to questions about the proposed code revisions.

COMPREHENSIVE PLAN

The Kitsap County Comprehensive Plan was originally adopted in 1998. Since that time, various updates have occurred to the Plan, including a 2012 update to address a Growth Management Hearings Board remand order and most recently the 2016 Comprehensive Plan adopted on June 27, 2016.

The periodic update process provided an opportunity to review existing goals and policies, delete those that have been accomplished or are no longer relevant, and focus on action-oriented goals and policies. Strategies are now added to individual chapters in order to make plan implementation easier. Additionally, some existing policies were rewritten.

The update built upon the existing valid Plan to be even more action-oriented, furthering the County's goal of effective implementation.

REASONABLE MEASURES

Kitsap County adopted an updated list of reasonable measures by June 30, 2016. The GMA required that if the County's Buildable Lands Report (BLR) demonstrated an inconsistency between what has occurred in growth trends and what was envisioned in the planning process, the county must adopt and implement "measures that are reasonably likely to increase consistency during the subsequent five-year period" (RCW 36.70.A.215(4)). These measures are referred to as "reasonable measures", and are typically code provisions or comprehensive plan policies that encourage urban growth and help protect rural and resource areas.

WHAT PROMPTED THE CHANGE?

The January 2016 Central Puget Sound Growth Management Hearings Board decision on an appeal to Kitsap County's BLR noted that the County's most recent BLR still demonstrated inconsistencies in three key areas: the planned urban/rural split, urban densities occurring in rural areas, and less than the minimum urban densities being achieved in the UGAs. While the Growth Hearings Board found that the BLR was deficient in that it failed to identify reasonable measures, it agreed that the amending the BLR with new reasonable measures should be part of the Comprehensive Plan update in June 2016.

While the Growth Hearings Board did not prescribe specific reasonable measures, they have suggested types of reasonable measures that the County should consider, including measures to address on-going substandard legacy lot challenges. The County amended the BLR on June 30, 2016 by adopting Appendix E (Amended): Kitsap County Buildable Lands Report Identification of Potential Reasonable Measures.

PROPOSED CHANGES

Through consultation with the Board of Commissioners, staff has proposed code revisions as provided in Appendix A: Detailed Proposed Code Changes. The following matrix indicates where the proposed revisions will occur in Title 17 'Zoning', what the changes are, and what the changes address.

Matrix of Proposed Title 17 'Zoning' Code Changes

#	Topic Title	KCC Reference	Proposed Revision	Inconsistency addressed
1.	Dry Sewer Policy	17.410.050 (A)(48) 17.460.020	Use table footnote 48 revised to include a reference to exemptions in KCC 17.460.020. Allow properties within an Urban Growth Area, that are too far from sewer, to develop with increased densities provided a dry sewer is constructed with a mandatory sewer hook-up agreement to connect once sewer is available. The properties must be located within an area where sewer service will become available as identified by in the Kitsap County Wastewater Facility Plan.	Encourage infill development and increased residential density in Urban Growth Areas.
2.	Reduced Regulatory Fees in UGA	Commitment only during this code update. Code changes in development.	Allow use of general funds for permit review when a project achieves the maximum density allowed by the zone.	Encourage infill development and increased residential density in Urban Growth Areas.
3.	Tax Incentives for Infill or Redevelopment	Commitment only during this code update. Code changes in development.	Temporarily reduce taxation rate for infill developments.	Encourage infill development and increased residential density in Urban Growth Areas.
4.	Minimum Lot Size	17.420.050 (A)	Use lot averaging calculation method to achieve the minimum lot size in urban residential zoning districts.	Encourage infill development and increased residential density in Urban Growth Areas.
5.	Streamline Short Plat Process in UGA	Commitment only during this code update. Code changes in development.	Allow use of general funds for permit review when a detached single family dwelling permit requires the subdivision of one parcel into three or less parcels.	Encourage infill development and increased residential density in Urban Growth Areas.
6.	Increased Heights Allowed in UGA	17.420.050 (A) 17.420.060 (17)	Increase allowed base height and incentivized heights. Base height UM: 35 45 feet UH: 35 55 feet With footnote 17 UM: 35 55 feet UH: 65 feet	Encourage increased residential density in Urban Growth Areas.

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#	Topic Title	KCC Reference	Proposed Revision	Inconsistency addressed
7.	Infrastructure Investment in UGA.	Coordination with public works TIP and CIP	Target infrastructure development to support other reasonable measures. For example, combine incentives for building in certain areas of a UGA with increased infrastructure development in the same area.	Increase growth where urban services are currently provided or plan to be established or expanded in the future.
8.	Lot Size Averaging in UGA	17.420.050 (A) 17.420.060 (19)	Use lot averaging calculation method to achieve the minimum lot area and dimensions in urban residential zoning districts.	Maximize residential densities in Urban Growth Areas via flexibility within the regulations.
9.	Remove minimum lot widths in UGAs	17.420.050 (A) 17.420.060 (19)	Use lot averaging calculation method to achieve the minimum lot widths in urban residential zoning districts.	Maximize residential densities Urban Growth Areas via flexibility within the regulations.
10.	Transfer of Development Rights	Commitment only during this code update. Code changes in development.	Established increased ratios and use market based values for Transfer of Development Rights.	Incentivize development within Urban Growth Areas and preservation of rural lands.
11.	Rural Legacy Lots: Footnote 39	17.420.060 (39)	Building permits are not allowed for rural lots located outside a UGA or designated LAMIRD, created prior to July 1, 1974, less than one acre, contiguous ownership, and no improvements.	Substandard rural lot sizes.
12.	Maximum Urban Lot Size	17.420.050 (A) 17.420.060 (19)	Establish 9,000 square foot maximum lot size in Urban Low Residential (ULR) and Urban Cluster Residential (UCR) zones.	Reduce the number of oversized lots in urban areas.
13.	Urban Medium Residential and Urban High Residential Use Permissibility	17.410.040 (A) 17.410.050 (26) 17.410.050 (37) 17.410.050 (47)	<ul style="list-style-type: none"> • Add footnote 26 to limit ability to develop detached single family dwellings. • Modify footnote 37 language and application to require residential uses in conjunction with certain allowed commercial uses. • Modify footnote 47 for consistency with zone intent with regards to commercial and mixed use development. 	Reinforces the zone intent as an area designated for residential uses.