



Planning Commission Executive Summary

Issue Title: Comprehensive Plan Amendment Procedures (KCC 21.08) Update
Meeting Date: July 2, 2019
Time Required: 60 minutes
Department: Department of Community Development (DCD)
Attendees: Peter Best, Dave Ward

Action Requested at this Meeting:

Provide input on the objectives of this update and the types of changes staff should address when developing a proposal for formal consideration in August.

Background

The County's procedures for amending the Comprehensive Plan and associated development regulations are provided in Kitsap County Code (KCC) Chapter 21.08, which was significantly revised in 2012. The first full amendment process under those provisions was implemented in 2018. After-action reviews of the 2018 amendment process by staff, the Planning Commission, and the Board of County Commissioners identified common interest in updating the County's Comprehensive Plan amendment procedures. The Board authorized an update of KCC 21.08 in the 2019 docket of Comprehensive Plan amendments.

Update Process

The Department is currently in the process of scoping the update to KCC 21.08. During this scoping process, the Department:

- Reviewed the procedural requirements of the Growth Management Act (Attachment 1).
- Reviewed the procedures of other jurisdictions (Attachment 6).
- Will be talking to various stakeholders.
- Will be holding work study sessions with the Planning Commission and the Board.

The Department will then develop a full proposal (with code language) for formal public consideration by the Planning Commission anticipated during August and September concurrently with other Comprehensive Plan amendments. The Board is anticipated to consider the proposal during October and November with final adoption anticipated in December.

GMA Requirements

The Growth Management Act (GMA; RCW 36.70A.130, RCW 36.70A.470, WAC 365-196-610, and WAC 365-196-640) requires continuing review and evaluation of the County's Comprehensive Plan and development regulations. A concise summary of GMA procedural requirements relevant to Comprehensive Plan amendments is provided in Attachment 2. This summary is provided to ensure discussions regarding changes to KCC 21.08 are informed and framed by the requirements of the GMA.

Current Kitsap County Requirements

KCC 21.08 (Attachment 5) governs the County's current procedures for amending the Comprehensive Plan and associated development regulations. A summary flow diagram of the current amendment process is provided in Attachment 3 and a summary of current docketing requirements is provided in Attachment 4. These summaries are provided to clarify and document the County's current practices for implementing KCC 21.08.

Objectives and Types of Changes Likely to be Considered

For discussion at this meeting, Attachment 1 includes:

- Proposed objectives to guide this update based on the 2019 docket resolution, the 2018 process after-action review, and additional staff review.
- Identified the types of changes likely to be considered during the update in order to meet the proposed objectives.

Attachments

1. Summary of Objectives and Types of Changes Likely to be Considered
2. Summary of Growth Management Act Requirements
3. Summary Diagram of Current Amendment Process
4. Summary of Current Docketing Requirements
5. KCC 21.08 Text with Relevant Definitions from KCC 21.02
6. Comparison Matrix of Other Jurisdictions

Summary of Objectives and Types of Changes Likely to be Considered for the Comprehensive Plan Amendment Procedures (KCC 21.08) Update

Objectives

The following objectives are proposed by the Department to guide this update based on the 2019 docket resolution, the 2018 process after-action review, and additional staff review.

- **Clarity** – Revise and simplify the language and organization of KCC 21.08 where possible so it is more understandable.
- **Efficiency** – Reduce the time and cost associated with the process where possible without compromising high standards for due consideration and public participation.
- **Predictability** – Provide more certainty for all parties involved (applicants, staff, appointed/elected officials) regarding when certain types of amendments will be considered relevant to the 8-year planning cycle for the Comprehensive Plan.
- **Workload Balance** – Equalize staff workload across the 8-year planning cycle to ensure adequate resources are available for the mandatory requirements as well as priority discretionary activities.
- **Decision Criteria** – Improve the decision criteria and reduce redundancy.
- **Collaboration** – Improve opportunities for collaboration with Cities regarding amendments associated with unincorporated urban growth areas (UUGAs).

Types of Changes Likely to be Considered

In order to achieve the objectives above, the following types of changes are likely to be considered.

- **Schedule** – Consider defining a regular schedule for accepting applications, when certain types of applications would be considered during the 8-year cycle, and shifting the timing of the Board's consideration and adoption away from the end of the year.
- **Docketing** – Consider streamlining the docketing process while retaining the Board's discretion to set the final docket for consideration.
- **Types of Amendments** – Consider defining new types of amendments, such as capital facility amendments, community plan amendments, LAMIRD amendments, UGA amendments, and infill/redevelopment site-specific amendments.
- **Decision Criteria** – Consider improving the criteria based on past experience and models from other jurisdictions, reducing redundancy in the criteria, and clarifying which criteria are applicable for each type of amendment.
- **Clarifications** – Consider general language revisions and reorganization to improve

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Summary of Growth Management Act Requirements for the Comprehensive Plan Amendment Procedures (KCC 21.08) Update

The Growth Management Act (GMA; RCW 36.70A.130, RCW 36.70A.470, WAC 365-196-610, and WAC 365-196-640) requires continuing review and evaluation of the County's Comprehensive Plan and development regulations. The following is a concise summary of GMA procedural requirements relevant to Comprehensive Plan amendments.

Note: This summary intentionally does not include the extensive GMA requirements relevant to Comprehensive Plan amendment decision criteria, which will be addressed when considering any changes to decision criteria later in this update process.

- The County is required to review and, if needed, revise the Comprehensive Plan and development regulations every 8-years (beginning in 2016). This is referred to as an "update" and typically takes up to 4 years for Kitsap County to complete.

Below is a summary schedule showing the significant mandatory requirements during the Comprehensive Plan 8-year cycle (in orange) as implemented by Kitsap County. The mandatory SMP periodic update (in blue) is shifted 4-years from the Comprehensive Plan update cycle by statute. Not shown are activities that are discretionary or have flexible schedules, such as annual Comprehensive Plan amendments, subarea planning, code improvement projects, program improvement projects, and other special projects.

Year	1	2	3	4	5	6	7	8
<i>Ref: Current Cycle Year</i>	2017	2018	2019	2020	2021	2022	2023	2024
SMP Periodic Review				--/				
Implementation, including annual 6-year capital facility plan updates								
Monitoring								
Buildable Lands Report, Land Capacity Analysis, and Reasonable Measures				/--	--/			
Countywide Planning Policies & Growth Targets					/--	-/		
Alternatives & Associated Development Regulations								
SEPA Review								
Consideration & Adoption								--/

- The County is also required to have a program that identifies procedures and schedules whereby updates, proposed amendments, or revisions of the Comprehensive Plan are considered no more frequently than once in any 12-month period. The County is not required by GMA to amend the Comprehensive Plan annually.

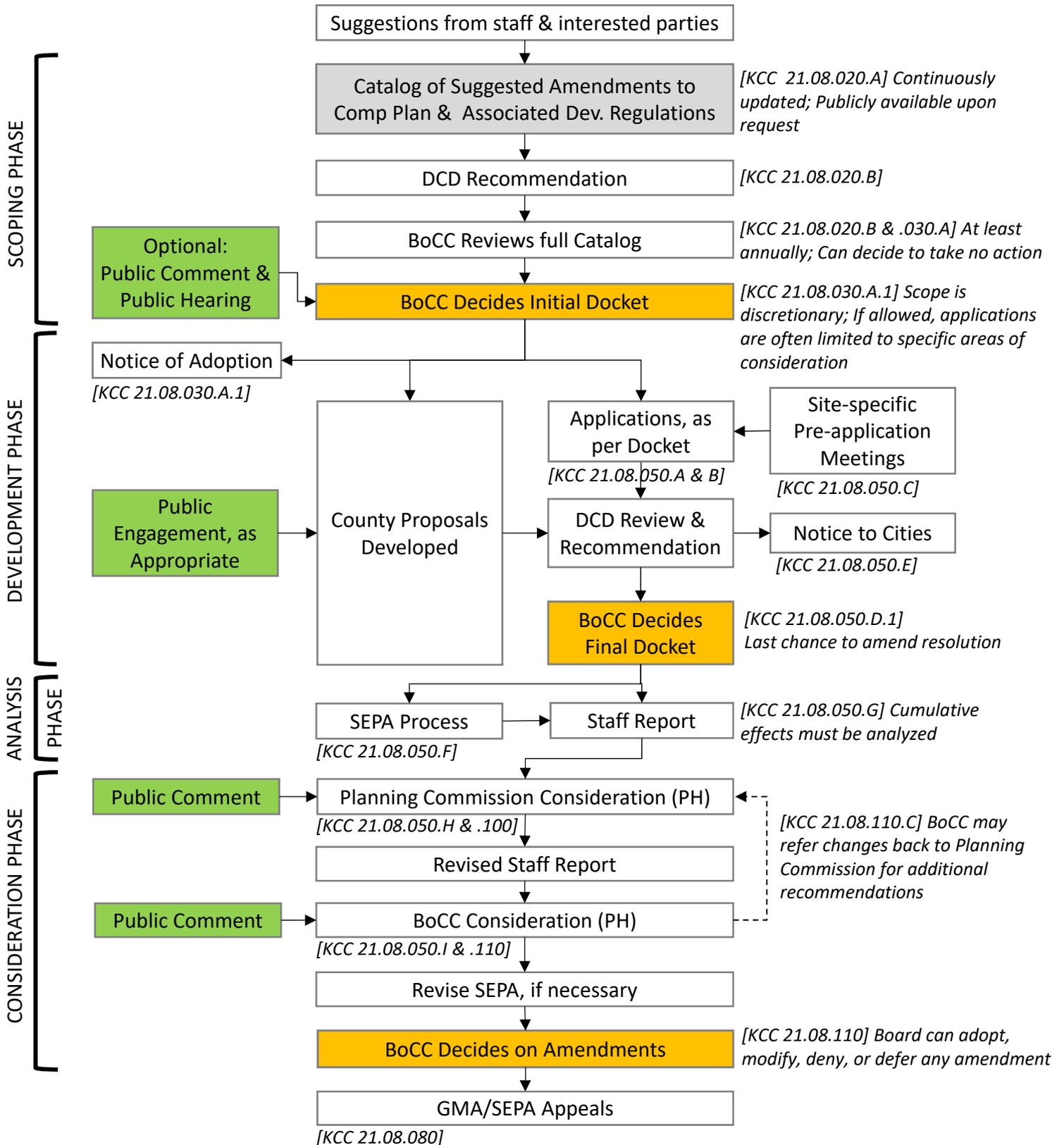
- The County must have a procedure whereby any interested person, including applicants, citizens, hearing examiners, and other agencies, can suggest Comprehensive Plan or development regulation amendments. This process should must also include a means of docketing deficiencies in the Comprehensive Plan or associated development regulations that arise during local project review. These suggestions must be docketed¹ and considered at least annually subject to the following:
 - Once a proposed amendment is received, the County must determine if a proposal should receive further consideration as part of the Comprehensive Plan amendment process.
 - Consideration of proposed amendments does not require a full analysis of every proposal within twelve months if resources are unavailable.
 - Some types of proposed amendments require a significant investment of time and expense on the part of both applicants and the County. The County may specify in its policies certain types of amendments that will not be carried forward into the amendment process on an annual basis. This provides potential applicants with advance notice of whether a proposed amendment will be carried forward and can help applicants avoid the expense of preparing an application.

The GMA has many other procedural requirements that must be met. The following are key requirements relevant to this discussion:

- Amendments must be reviewed concurrently so their cumulative effect can be ascertained.
- Amendments may be considered individually and more frequently than once every year under the following circumstances:
 - To address an emergency.
 - To resolve an appeal of the Comprehensive Plan.
 - The initial adoption of a subarea plan.
 - The adoption or amendment of a Shoreline Master Program.
 - The amendment of the Capital Facilities Element of the Comprehensive Plan concurrent with budget adoption or amendment.
 - The adoption of amendments necessary to enact a planned action under the State Environmental Policy Act (SEPA).

¹ "... docketing refers to compiling and maintaining a list of suggested changes to the Comprehensive Plan or development regulations in a manner that will ensure such suggested changes will be considered by the County and will be available for review by the public." [RCW 36.70A.470(4)] This is referred to as cataloging suggested amendments in the implementation of the County's current Comprehensive Plan Amendment process as a way to distinguish these suggestions from the amendments listed in the County's initial docket or final docket resolutions.

Summary of Current Comprehensive Plan Amendment Process



Other Notes:

- Process simplified for graphical clarity. SEPA process can vary.
- All Comp Plan amendments must be processed as a batch.
- Process does not apply to certain types of Comp Plan amendments [KCC 21.08.040.B]
- Process does not apply to adoption of Countywide Planning Policies.

BoCC: Board of County Commissioners
 DCD: Dept of Community Development
 DNS: Determination of Non-Significance
 GMA: Growth Management Act
 KCC: Kitsap County Code
 PH: Public Hearing
 SEPA: State Environmental Policy Act

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Summary of Current Docketing Requirements for the Comprehensive Plan Amendment Procedures (KCC 21.08) Update

Kitsap Countywide Planning Policies

Kitsap County has adopted Countywide Planning Policy B.3.f regarding UGA amendments which states, *“The County, City, or interested citizens may initiate an amendment to an existing Urban Growth Area through the comprehensive plan amendment process as authorized by the Growth Management Act.”*

Kitsap County Comprehensive Plan Policies

Kitsap County has adopted a Comprehensive Plan policy regarding site-specific amendments which states, *“Land Use Policy 30. At mid-point of Comprehensive Plan, i.e. 4-year cycle, assess the Land Use Map and docket for Site Specific Amendments.”* This policy can be amended for clarity and to reflect a different schedule.

Kitsap County Code 21.08

The following summarizes the key requirements for establishing an annual docket of Comprehensive Plan amendments under current Kitsap County Code (KCC) Chapter 21.08. The full County procedure is detailed in KCC 21.08 and covers applications, review, decisions, and appeals.

- On a continuing basis, the Department of Community Development must keep a docket (AKA catalog)¹ of suggested amendments to the Comprehensive Plan that have been identified by the Department or suggested by other interested persons (e.g.: applicants, citizens, hearing examiners, and other agencies).
- At least once annually (within a 12-month period), the Board must review the catalog of suggested amendments and determine whether a review of the Comprehensive Plan is necessary.
- Unless an amendment is required by law or legal ruling, the Board may decide which, if any, amendments to include in the annual docket. The Board may also decide whether to accept, or not accept, applications for amendments to the Comprehensive Plan and may specify areas of consideration for which applications would be accepted.
 - If the Board determines a review is necessary, the Board must adopt, by resolution, a schedule and initial docket of amendments for consideration. If the Board determines a review is not necessary, the reason is recorded in the meeting minutes.
 - The Board may amend the docket resolution, provided all Comprehensive Plan amendments can still be reviewed concurrently (i.e.: batching requirement).

¹ This is referred to as a catalog of suggested amendments in the implementation of the County’s current Comprehensive Plan Amendment process as a way to distinguish these suggestions from the amendments listed in the County’s initial docket or final docket resolutions.

- If the Board allows for applications in the initial docket resolution, the Department of Community Development opens a brief application period (typically 4-6 weeks in January and February). A pre-application staff consultation is required for site-specific amendments.
- The Department of Community Development reviews all submitted applications for completeness and recommends a final docket of amendments to the Board, including applications and county-sponsored amendments.
- The Board adopts a final docket resolution specifying which amendments will be analyzed by staff and considered for adoption. This is the last practical point in the process to add amendments to the docket so that amendments can be reviewed concurrently, and cumulative effects evaluated.
- The following items do not need to be docketed, are not subject to the “batching requirement”, and may be adopted independently and more frequently than once per year.
 - Development regulation amendments that are consistent with the Comprehensive Plan
 - Zoning Map changes that are consistent with the Comprehensive Plan and do not require Comprehensive Plan Land Use Map changes
 - Initial adoption of sub-area plans
 - Shoreline Master Program updates/amendments (processed as per RCW 90.58)
 - Capital Facilities element amendments adopted concurrently with the County budget
 - Emergency amendments
 - Moratorium or interim plan or regulation pursuant to RCW 36.70A.390
 - Amendments required by law to be completed outside the annual plan amendment process
 - Resolve an appeal filed with the Growth Management Hearings Board or court
 - An interim land use plan, or part thereof, not expressly designated as a part of the Comprehensive Plan
 - Typographical or clerical errors made during Comprehensive Plan amendments approved by the board, where such explicit action was deliberated and inadvertently left out of the final printed version of the plan, maps, or codes

Chapter 21.02**DEFINITIONS****21.02.054 Area-wide amendment.**

“Area-wide amendment” means a proposed change or revision to the Comprehensive Plan land use map and/or zoning map that affects an area which is comprehensive in nature, and which addresses a homogeneous community, is geographically distinctive, and has a unified interest within the county, such as community, LAMIRD, or subarea plans. An area-wide amendment, unlike a site-specific land use reclassification request, is of area-wide significance, and includes many separate properties under various ownerships. Area-wide amendments typically accompany text amendments to goals and policies of the Comprehensive Plan.

(Ord. 490 (2012) § 3 (Att. 1), 2012)

21.02.092 Capital facilities amendment.

“Capital facilities amendment” means an amendment to the capital facilities element of the Comprehensive Plan that affects capital budget decisions.

(Ord. 490 (2012) § 3 (Att. 1), 2012)

21.02.101 Community plan amendment.

“Community plan amendment” means an amendment to an adopted community, LAMIRD, or subarea plan, which may include a change to the Comprehensive Plan land use map, and Comprehensive Plan text amendments. A community plan amendment does not include the initial adoption of a new community, LAMIRD, or subarea plan.

(Ord. 490 (2012) § 3 (Att. 1), 2012)

21.02.105 Comprehensive Plan.

“Comprehensive Plan” means the planning document that provides principles, objectives, goals and policies to guide growth and development, as required under Chapter 36.70A RCW. The Kitsap County Comprehensive Plan coordinates and provides policy direction for county programs and services, includes the land use map and establishes urban/rural boundaries.

(Ord. 490 (2012) § 3 (Att. 1), 2012)

21.02.151 Development regulations.

“Development regulations” means the controls placed on development or land use activities, including, but not limited to, zoning ordinances, critical areas ordinances, shoreline master programs, official controls, planned unit development ordinances, subdivision ordinances, and binding site plan ordinances together with any amendments thereto. A development regulation does not include a decision to approve a project permit or project permit application, as defined in RCW 36.70B.020, even though the decision may be expressed in a resolution or ordinance of the legislative body of the county. A development regulation does not include ordinances or regulations that address procedural issues related to land use planning or interim, emergency ordinances, moratorium ordinances or remand actions from state administrative boards and/or courts of law.

(Ord. 490 (2012) § 3 (Att. 1), 2012)

Staff Notes:

1. Development regulations include the following Kitsap County Code Titles:
 - 16 (Land Division and Development)
 - 17 (Zoning)
 - 19 (Critical Areas Ordinance)
 - 22 (Shoreline Master Program)
2. RCW 36.70.560 states that official controls may include:

- Maps showing the exact boundaries of zones within each of which separate controls over the type and degree of permissible land uses are defined;
- Maps for streets showing the exact alignment, gradients, dimensions and other pertinent features, and including specific controls with reference to protecting such accurately defined future rights-of-way against encroachment by buildings, other physical structures or facilities;
- Maps for other public facilities, such as parks, playgrounds, civic centers, etc., showing exact location, size, boundaries and other related features, including appropriate regulations protecting such future sites against encroachment by buildings and other physical structures or facilities;
- Specific regulations and controls pertaining to other subjects incorporated in the comprehensive plan or establishing standards and procedures to be employed in land development including, but not limited to, subdividing of land and the approval of land plats and the preservation of streets and lands for other public purposes requiring future dedication or acquisition and general design of physical improvements, and the encouragement and protection of access to direct sunlight for solar energy systems.

21.02.153 Docketing.

“Docketing” means compiling and maintaining a list of suggested changes to the Comprehensive Plan or development regulations in a manner that will ensure such suggested changes will be considered by the board of commissioners and will be available by the public.

(Ord. 490 (2012) § 3 (Att. 1), 2012)

21.02.216 Legislative action.

“Legislative actions” means nonproject-specific actions, such as county-wide planning policies, Comprehensive Plans, and sub-area plans amendments, that are subject to Chapter 21.08.

(Ord. 490 (2012) § 3 (Att. 1), 2012)

21.02.231 Map correction.

“Map correction” means an amendment to the land use map or zoning map to reflect the actual direction or decision of the board of commissioners, as documented in the record. Map corrections shall not affect goals or policies within the Comprehensive Plan text or development regulations.

(Ord. 490 (2012) § 3 (Att. 1), 2012)

21.02.306 Site-specific amendment.

“Site-specific amendment” means an amendment to the Comprehensive Plan and/or land use map that affects no more than five contiguous parcels. A site-specific amendment only affects the land use map, and not the text of the Comprehensive Plan or a development regulation.

(Ord. 490 (2012) § 3 (Att. 1), 2012)

21.02.342 Text amendment.

“Text amendment” means an amendment to the language of the goals, policies, objectives, principles, or standards of any element of the Comprehensive Plan.

(Ord. 490 (2012) § 3 (Att. 1), 2012)

Chapter 21.08**LEGISLATIVE ACTION PROCEDURES**

Sections:

- 21.08.010 Intent.
- 21.08.020 Docketing of suggested amendments.
- 21.08.030 Docket of amendments.
- 21.08.040 Annual consideration of amendments.
- 21.08.050 General procedures for proposed amendments.
- 21.08.060 Application requirements for amendments.
- 21.08.070 Criteria for recommendation or decision – General.
- 21.08.080 Appeals.
- 21.08.090 Compliance.
- 21.08.100 Review by planning commission.
- 21.08.110 Review and decisions by board.

21.08.010 Intent.

The intent of this chapter is to establish roles and responsibilities of the Kitsap County department of community development, the planning commission and the board of county commissioners (“board”) relating to adoption of the county’s Comprehensive Plan, sub-area plans, development regulations and amendments thereto. This chapter also provides the basic public participation program for updates, proposed amendments and/or revisions of Comprehensive Plans, sub-area plans, and development regulations. The department has the discretion to modify and expand on the public participation program where appropriate. This chapter shall not apply to review of project permits, or the amendment of county-wide planning policies. The responsibilities and procedures for review of project permits are governed by the provisions of Chapter 21.04.

(Ord. 490 (2012) § 3 (Att. 1), 2012)

21.08.020 Docketing of suggested amendments.

A. On a continuing basis, the department shall keep a docket of suggested amendments of the following:

1. Any deficiencies in the Comprehensive Plan or development regulations that have been identified by the department during the project review stage; and
2. Comprehensive plan or development regulation amendments suggested by any interested person, including but not limited to applicants, citizens, hearing examiners, and staff of other agencies.

B. Annually, in accordance with Section 21.08.040, the department will present the docket to the board of commissioners, and make a recommendation regarding suggested amendments for potential initiation. The board of commissioners shall review the docket prepared pursuant to this section and shall consider whether any changes to the Comprehensive Plan and/or development regulations are required. Each docket request/suggestion shall be made in writing to the department and shall include the following information:

1. Name and address of person or agency requesting the amendment;
2. Type of amendment being suggested and a description of amendment including current zone designation and proposed zone designation if applicable;
3. Date of request;
4. Street address or tax parcel ID number for affected parcel(s) and a map of affected area (if applicable); and
5. Reason such amendment is needed.

C. The docket shall be made available to the public for review upon request.

(Ord. 490 (2012) § 3 (Att. 1), 2012)

21.08.030 Docket of amendments.

A. Annual Review. At least once annually, the board of commissioners shall review the docket and shall determine whether a review of the Comprehensive Plan (and/or associated development regulations where applicable) is necessary. Unless otherwise directed by law or by judicial or Growth Management Hearings Board order, this determination is solely within the board's discretion and the board is not required to consider changes.

1. If the board determines review is necessary, it will establish, by resolution, a schedule for the review and include the initial docket for consideration in the resolution. Notice of the resolution shall be given by publication in the official county newspaper promptly following adoption and the department shall proceed with review of the proposed amendments in accordance with the balance of this chapter.

2. If the board determines not to conduct a review, it will state the reason for its decision, which shall be recorded in the official minutes.

B. This section applies only to annual Comprehensive Plan amendments and does not preclude consideration of other types of amendments and/or legislative actions, as set forth in Section 21.08.040(B), outside of the annual docketing process.

(Ord. 490 (2012) § 3 (Att. 1), 2012)

21.08.040 Annual consideration of amendments.

A. Annual Consideration. Unless listed as an exception under subsection (B) of this section, all proposed Comprehensive Plan amendments shall be considered concurrently on an annual basis (no more frequently than once per year), according to the schedule adopted by the board by resolution, so that the cumulative effect of all proposed amendments can be determined.

B. Exceptions to Annual Batching Requirement. The county may adopt the following amendments more frequently than once per year:

1. Initial adoption of sub-area plan;
2. Amendments to the county's shoreline master program (shoreline program amendments shall be processed under the procedures set forth in Chapter 90.58 RCW);
3. Amendments to the capital facilities element that occur concurrently with the adoption or amendment of the county budget;
4. Amendments when the board finds that an emergency exists. A personal emergency on the part of a landowner or applicant shall not be considered an emergency of the county, and a landowner or applicant must utilize the annual docketing process;
5. Amendments to resolve an appeal filed with a growth management hearings board or with a court;
6. Adoption of an interim land use plan, or part thereof, not expressly designated as a part of the Comprehensive Plan;
7. Adoption of a moratorium or interim plan or regulation pursuant to RCW 36.70A.390;
8. Adoption of an amendment which is required by law to be completed outside the annual plan amendment process;
9. Development regulation text amendments that are consistent with the Comprehensive Plan;

10. Zoning map amendments that are consistent with the Comprehensive Plan and do not require a Comprehensive Plan land use map change; or
11. Typographical or clerical errors made during Comprehensive Plan amendments approved by the board, where such explicit action was deliberated and inadvertently left out of the final printed version of the plan, maps, or codes.

(Ord. 490 (2012) § 3 (Att. 1), 2012)

21.08.050 General procedures for proposed amendments.

A. Application Classifications. All applications for Comprehensive Plan amendments shall be classified as one of the following:

1. Text amendment;
2. Area-wide amendment;
3. Site-specific amendment; or
4. Map correction.

This section does not apply to amendments proposed by the county itself.

B. Submittal Deadlines. Unless otherwise provided for in this chapter, applications for amendments to the Comprehensive Plan shall be submitted annually by a deadline established by the board in its docketing resolution. Applications exempt from the annual docket process may be submitted at any time; provided, however, the director has the sole discretion to determine whether such an application shall be held for consideration as part of the annual amendment process rather than processed individually.

C. Pre-Application Meeting. Applicants for site-specific amendments shall submit a completed pre-application review request and meet with the department prior to submitting an application.

1. Upon receipt of the review request, the department will schedule a meeting and conduct a preliminary review of the amendment proposal.
2. The intent of this meeting is to allow the department to ask and answer questions, help review initial feasibility of county consideration, explain the process and evaluation criteria and determine whether additional environmental documentation is required for a complete application.

D. Initiation of Review.

1. Docketed Amendments. Following the submittal deadline for amendment to be considered as part of the annual docket review, the department shall review all of the proposed amendments and shall forward a recommendation to the board as to which of the submitted amendments the department recommends for further consideration by the county.
2. For Amendments outside the Docket Process.
 - a. Development Regulation Amendments. Amendments to the development regulations that are consistent with the Comprehensive Plan are not subject to annual batching requirements and may be initiated at any time by a recommendation from the county. Following the board's receipt of the department's recommendation on one or more proposed amendments, the board shall, in a public meeting, consider the department recommendation on the proposed amendment(s) and decide whether to initiate review of the amendment(s). If the board decides to initiate review of the proposed amendment(s), it shall refer the same to the planning commission for review, consistent with the provisions of this chapter. A decision by the board to initiate the review process for a proposed amendment is procedural only and does not constitute a decision by the board as to whether the amendment will ultimately be approved.

b. For any other Comprehensive Plan amendment that is not required to be considered through the annual docketing process, including but not limited to emergency amendments or amendments to resolve appeals, the county shall consider the public process for that amendment on a case-by-case basis as appropriate given the circumstances of the case.

E. Notice to Cities. For any amendment which may alter an urban growth area adjacent to a city, notice to the appropriate city shall be given.

F. Environmental Review. Following initiation of the amendment review process, the department shall conduct environmental review on proposed amendments pursuant to the State Environmental Policy Act, Chapter 43.21C RCW and Chapter 18.04, SEPA.

1. Any required environmental review shall consolidate site-specific and area-wide amendments, to the extent practical, to ensure adequate consideration of cumulative effects of the proposed amendments.
2. Costs for SEPA review related to amendments may be charged to the applicant.

G. Department's Report and Recommendation. The department shall prepare a report for the planning commission and/or the board of commissioners on all proposed amendments. The report shall include, at a minimum:

1. A summary of the proposed amendment(s).
2. An analysis of each amendment and how it complies with the criteria that must be considered in making a recommendation or decision on the application, pursuant to Section 21.08.060.
3. The department's recommendation on each application.
4. For amendments processed together as part of the annual docket, the report shall also include an analysis of the cumulative effect of the proposed amendments.

H. Review by Planning Commission. In general, all amendments shall be reviewed by the planning commission in accordance with Section 21.08.070.

I. Review by Board. Amendments shall be reviewed by the board in accordance with Section 21.08.070, after review and recommendation by the planning commission. The board has the ultimately authority to adopt, reject or modify proposed amendments.

J. Any Comprehensive Plan amendment that requires a transfer of development right credit may be approved if all other review criteria are met, but shall not take effect until transfer of development right credit(s) is purchased and certified, by the review authority.

(Ord. 490 (2012) § 3 (Att. 1), 2012)

21.08.060 Application requirements for amendments.

A. Text Amendments. An application for a text amendment shall include, at a minimum, the following:

1. An application form which includes the signatures, addresses, telephone numbers and agent information for the applicant and for all owners of record of the property included within the application;
2. A description of the proposed amendment, including text changes and a map of the area(s) impacted, if applicable;
3. An explanation of the reasons the amendment is being proposed;
4. A description of the proposed amendment's anticipated impacts;
5. An environmental checklist, if required;

6. A summary of any prior public review of the recommended change;
7. The processing fee established by the board of commissioners; and
8. Written narrative answering/explaining all review criteria pertaining to text amendments in Section 21.08.070.

This section does not apply to amendments proposed by the county itself.

B. Area-Wide Amendments. An area-wide application for an amendment of the Comprehensive Plan land use map or zoning map shall include, at a minimum, the following:

1. An application form which includes the signatures, addresses, telephone numbers and agent information for the applicant(s) and owner(s) of record, and a legal description of the property covered by the amendment;
2. A written narrative including:
 - a. A description of the proposed amendment;
 - b. An explanation of the reasons the amendment is being proposed;
 - c. An explanation of the proposed amendment's anticipated impacts;
 - d. An explanation of how the proposed amendment is consistent with the GMA and the Kitsap County-wide Planning Policy;
 - e. A discussion of whether the area-wide amendment is associated with a pending or existing sub-area plan;
3. An environmental checklist, if required;
4. The processing fee established by the board;
5. A calculation describing the number of residential units allowable under the existing density and the number of units allowable under the proposed density, if applicable;
6. Written narrative answering/explaining all review criteria pertaining to area-wide amendments in Section 21.08.070.

This section does not apply to amendments proposed by the county itself.

C. Site-Specific Amendments. An application for a site-specific amendment of the Comprehensive Plan land use map or zoning map shall include, at a minimum, the following:

1. An application form which includes the signatures, addresses, telephone numbers and agent information for the applicant;
2. A written narrative including:
 - a. A description of the proposed amendment;
 - b. An explanation of the reasons the amendment is being proposed;
 - c. An explanation of the proposed amendment's anticipated impacts;
 - d. An explanation of how the subject parcel(s) is suitable for the requested land use designation based upon, but not limited to, access, provision of utilities, consistency with existing and planned uses, environmental constraints and compatibility with the neighborhood;

3. An assessor's map showing the location of the property covered by the proposed amendment;
4. An application form with the signatures, addresses, and telephone numbers for the owner(s) of record; and a legal description of the property covered by the amendment, including the notarized signature of one or more owners;
5. An environmental checklist, if required;
6. The processing fee established by the board;
7. A calculation describing the number of residential units allowable under the existing density and the number of units allowable under the proposed density, if applicable;
8. Written narrative answering/explaining all review criteria pertaining to site-specific amendments in Section 21.08.070.

This section does not apply to amendments proposed by the county itself.

(Ord. 490 (2012) § 3 (Att. 1), 2012)

21.08.070 Criteria for recommendation or decision – General.

A. General. For each proposed amendment to the Comprehensive Plan the review authority, the planning commission in reaching its recommendation, and the board of commissioners in making its decision, shall develop findings and conclusions, which demonstrate:

1. How circumstances related to the proposed amendment and/or the area in which the property affected by the proposed amendment is located have substantially changed since the adoption of the Comprehensive Plan or applicable development regulations;
2. How the assumptions upon which the Comprehensive Plan is based 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 or development regulations; and
3. How the requested redesignation is in the public interest and the proposal is consistent with the Kitsap County Comprehensive Plan.

B. Text Amendments. In addition to the findings and conclusions in subsection (A) of this section, for each proposed text amendment, the planning commission in reaching its recommendation, and the board of commissioners in making its decision, shall develop findings and conclusions which consider:

1. 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;
2. Whether the proposed amendment to the plan and/or regulation(s) will more closely reflect the goals, objectives and policies of the Comprehensive Plan and reflect the local circumstances of the county;
3. Whether the proposed amendment is consistent with the Kitsap County-wide Planning Policy;
4. Whether the proposed amendment complies with the requirements of GMA, state and local laws and other applicable inter-jurisdictional policies or agreements; and
5. An explanation of why language should be added to the Comprehensive Plan or why existing language should be modified or deleted.

C. Area-Wide Amendments. In addition to the findings and conclusions in subsection (A) of this section, a proposed area-wide amendment may be recommended for approval by the planning commission, and may be approved by the board of commissioners if the following findings are made:

1. The proposed amendment meets concurrency requirements for transportation, sewer and water, and will not result in significant adverse impacts on adopted level of service standards for other public facilities and services, such as police, fire and emergency medical services, park services, and general government services;
2. The proposed amendment is consistent with the goals, policies and objectives of development regulations, sub-area plan and the Comprehensive Plan and reflects the local circumstances of the county;
3. The subject parcel(s) is suitable for the requested land use designation based upon, but not limited to, access, provision of utilities, consistency with existing and planned uses, environmental constraints and compatibility with the neighborhood;
4. The proposed amendment does not materially affect the land uses and growth projections which are the basis for the Comprehensive Plan;
5. The proposed amendment does not materially affect the adequacy or availability of urban facilities and services to the immediate area or the overall area of the urban growth area;
6. The proposed amendment is consistent with the GMA, Kitsap County-wide Planning Policy, state and local laws and other applicable inter-jurisdictional policies or agreements;
7. 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;
8. Any proposed amendments to rural areas and natural resource lands shall be supported by and dependent on population forecasts and the balance of nonurban population distributions, existing rural area and natural resource land densities and infill opportunities; and
9. Any proposed changes to lands designated as natural resource lands shall recognize that natural resource designations are intended to be long-term designations and shall further be dependent on one or more of the following:
 - a. A substantial change in circumstances pertaining to the Comprehensive Plan or public policy;
 - b. A substantial change in circumstances beyond the control of the landowner pertaining to the subject property;
 - c. An error in initial designation; and/or
 - d. New information on natural resource land or critical area status.

D. Site-Specific Amendments. In addition to the findings and conclusions in subsection (A) of this section, a proposed site-specific map amendment may be recommended for approval by the planning commission and may be approved by the board of commissioners if the following findings are made:

1. All Site-Specific Amendment Requests. Each of the following requirements must be satisfied for a recommendation for approval.
 - a. The proposed amendment meets concurrency requirements for transportation, sewer and water, and will not result in significant adverse impacts on adopted level of service standards for other public facilities and services, such as police, fire and emergency medical services, park services, and general government services;
 - b. The proposed amendment is consistent with the balance of the goals, policies and objectives of the Kitsap County Comprehensive Plan and reflects the local circumstances of the county;

- c. The subject parcel(s) is suitable for the requested land use designation based upon, but not limited to, access, provision of utilities, consistency with existing and planned uses, environmental constraints and compatibility with the neighborhood;
 - d. The proposed amendment does not materially affect the land uses and growth projections which are the basis for the Comprehensive Plan, and reflects local circumstances in the county;
 - e. The proposed amendment does not materially affect the adequacy or availability of urban facilities and services to the immediate area or the overall area of the urban growth area; and
 - f. The proposed amendment is consistent with the GMA, Kitsap County-wide Planning Policy, state and local laws and other applicable inter-jurisdictional policies or agreements.
2. All Site-Specific Amendment Requests Regarding Parcels Located Within an Associated Urban Growth Area (Including UGA Expansions of Associated Urban Growth Areas). Each of the following requirements must be satisfied for a recommendation for approval:
 - a. Demonstration from the jurisdiction affiliated with the UGA that the proposal has the capability and capacity to provide urban level services to the area.
 - b. Demonstration that the proposal is consistent with the associated urban growth area jurisdiction's comprehensive plan.
 - c. Demonstration that the proposal meets the affiliated jurisdiction's transportation standards.
3. Rural Commercial/Industrial and Type III LAMIRD Site-Specific Amendment Requests. Each of the following requirements must be satisfied for a recommendation for approval.
 - a. Demonstration of an unmet need for the proposed land use designation in the rural area.
 - b. Demonstration that Kitsap County's rural character will be preserved or unaffected by the change of designation.
 - c. Demonstration that the proposed designation will principally serve the rural area.
 - d. Demonstration that appropriate rural services are available (i.e., water, sewerage, etc.) and that urban services will not be required for the proposed designation.
 - e. Demonstration that the proposal is contiguous to existing industrial or commercial zoning. (Exceptions to this policy must demonstrate a unique or exceptional need for the proposed land use designation.)
 - f. Demonstration that the property is sized appropriately for the proposed land use designation.
 - g. Demonstration that there is a lack of appropriately designated and available sites within the vicinity.
4. Requests Within the Rural Area Not Pertaining to Commercial or Industrial Requests. If applicable, each of the following requirements must be satisfied for a recommendation of approval:
 - a. Any proposed amendments to rural and natural resource areas shall not substantially affect the rural/urban population balance;
 - b. Any proposed change to land designated as natural resource land shall recognize that natural resource designations are intended to be long-term designations and shall further be dependent on one or more of the following:
 - i. A substantial change in circumstances pertaining to the Comprehensive Plan or public policy;

- ii. A substantial change in circumstances beyond the control of the landowner pertaining to the subject property;
- iii. An error in initial designation; and/or
- iv. New information on natural resource land or critical area status.

(Ord. 490 (2012) § 3 (Att. 1), 2012)

21.08.080 Appeals.

Decisions by the board of commissioners on applications subject to this chapter may be appealed by filing a petition for review with the Growth Management Hearings Board as provided in the GMA, the SMA or as otherwise required by law.

(Ord. 490 (2012) § 3 (Att. 1), 2012)

21.08.090 Compliance.

Errors in exact compliance with the requirements of this chapter shall not constitute grounds for invalidation of any amendment to a Comprehensive Plan, development regulation or other legislation.

(Ord. 490 (2012) § 3 (Att. 1), 2012)

21.08.100 Review by planning commission.

A. Where applicable, after completion of any review by a citizen's advisory committee, or technical advisory committee, the department shall prepare a staff report on proposed plans, amendments or development regulations. The staff report shall summarize the comments and recommendations of the advisory committees, county departments, affected agencies and special districts, and evaluate the proposal's consistency with adopted county plans and regulations. The staff report shall include findings, conclusions and proposed recommendations for disposition of the proposed plan, amendments or development regulations. The staff report, together with proposed drafts of the plan, amendment or development regulation, shall be available to the public a minimum of ten calendar days before the first public hearing on the proposed plan, amendment, or development regulation.

B. For those matters that the planning commission reviews under this chapter, the commission shall hold at least one public hearing on a proposed plan, amendment or development regulation prior to making a recommendation to the department. Where appropriate, the planning commission may hold joint public hearings with the board.

C. Notice of the public hearing shall, at a minimum, indicate the time, place and purpose of the public hearing, and shall be published in the official newspaper of the county at least fifteen days prior to the hearing.

D. If, after the planning commission's consideration of the public comments and deliberation on the proposed plan, amendment or development regulation, the commission is considering a change to the proposal that is substantially different from that for which public comment was received, the commission may provide an opportunity for additional public comment (orally, or in writing, or both), and shall consider such comment before making its recommendation to the department; provided, however, if deadlines imposed by orders of the Growth Management Hearings Board or by the board regarding the proposed plan, amendment or development regulation to the commission for review prevent such additional comment period, the public comment period will be revised appropriately. In that case, the commission may forward its recommendation to the department without additional public comment, provided the findings of the commission clearly state that the proposal has changed from that for which public comment was taken and the recommendation includes a suggestion that the board take additional public comment before making its decision. For purposes of this section, an additional opportunity for public comment is not required if:

1. An environmental impact statement (EIS) has been prepared under Chapter 43.21C RCW for the pending resolution or ordinance and the proposed change is within the range of alternatives considered in the environmental impact statement;
2. The proposed change is within the scope of the alternatives available for public comment;

3. The proposed change corrects typographical errors, corrects cross-references, makes address or name changes, or clarifies language of a proposed ordinance or resolution without changing its effect;
4. The proposed change is to a resolution or ordinance making a capital budget decision as provided in RCW 36.70A.120; or
5. The proposed change is to a resolution or ordinance enacting a moratorium or interim control adopted under RCW 36.70A.390.

E. An amendment to all or any part of a plan, development regulation or amendment thereto shall be allowed only if it is consistent with the community vision statements, goals, objectives, and the policy directives of the Comprehensive Plan and the proposal preserves the integrity of the Comprehensive Plan and assures its systematic execution.

F. Any planning commission recommendation on a proposed plan, regulation or amendment thereto shall include a finding regarding whether the proposal is supported by capital facility plan; whether the proposal is consistent with the requirements of the Growth Management Act, the County-wide Planning Policies and other applicable provisions of the Comprehensive Plan; whether the proposal reflects current local circumstances; and whether the proposal bears a substantial relationship to the public general health, safety, morals or welfare. For proposed Comprehensive Plan map changes, the commission recommendation shall also include findings of fact and conclusions on whether the proposal is justified by changed or changing conditions; whether the proposal would create an isolated land use designation (spot zone) unrelated to adjacent designations; and whether the proposal will be compatible with neighboring properties and not adversely affect the value of those properties.

G. A copy of any plan, amendment or development regulation recommendation, together with the recorded motion, shall be transmitted to the department, which shall transmit the same to the board not later than fourteen days following the date the findings and conclusions are signed by the chairperson of the commission, together with the statement of findings and conclusions.

H. Any report or recommendation from the planning commission, whether on a proposal initiated by it, whether on a matter referred back to it by the board for further report, or whether on a matter initiated by the board, shall be advisory to the department only and the final determination shall rest with the board.

(Ord. 490 (2012) § 3 (Att. 1), 2012)

21.08.110 Review and decisions by board.

- A. Upon receipt of a recommendation on all or any part of a plan, amendment or development regulation from the commission or hearing examiner, the board shall set the date for a public meeting where it will consider and take action on the recommendation.
- B. If the board agrees with the recommendation of the commission or hearing examiner, it shall approve the plan, amendment or development regulation by ordinance.
- C. If the board considers a change in the recommendation of the commission or hearing examiner on a proposed plan, amendment or development regulation to be necessary, the board shall proceed as follows:
 1. Changes to Plans or Amendments. The board may approve a proposed plan, amendment or development regulation with changes if the changes are within the scope of alternatives considered by the planning commission; are in response to public testimony; or are consistent with the department's recommendation. The board has discretion to refer the proposed change back to the commission for a report and recommendation before acting on a proposed change to a plan or amendment. If a matter is referred back to the commission, the board may set a deadline for receipt of the commission recommendation. After receipt of the report and recommendation of the commission, or after lapse of the time frame specified by the board, the board may approve the plan, without further reference to the commission, provided:
 - a. That the plan or amendment conforms either to the proposal as initiated by the board or the recommendation by the commission; and/or

b. If the commission has failed to report within a ninety-day period, the board shall hold at least one public hearing on the proposed plan or amendment.

2. Changes to Development Regulations. Before acting on a proposed change to a development regulation recommended by the commission, the board shall either refer the proposed change back to the commission for further public comment and consideration consistent with the procedures for changes to plans or amendments described in subsection (C)(1) of this section, or the board shall conduct its own public hearing, and adopt its own findings of fact and a statement setting forth the factors considered at the hearing and its own analysis of findings considered by it to be controlling.

D. The board shall have the authority to apply a sunset provision on site-specific amendment approvals on a case-by-case basis.

(Ord. 490 (2012) § 3 (Att. 1), 2012)

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Summary Comparison of Comprehensive Plan Amendment Docketing Procedures

The following matrix is a general summary of Comprehensive Plan amendment docketing procedures for cities in Kitsap County and comparable counties in Puget Sound. These procedures apply to many types of Comprehensive Plan amendments, except for the following: emergencies, capital facilities, GMA compliance actions, Shoreline Master Programs, and the initial adoption of a subarea plan. References to years (i.e. Year 2) means that year in the Comprehensive Plan 8-year cycle.

	Kitsap County	Cities in Kitsap County				Other PSRC Counties			Comparably Buildable Lands Counties	
		City of Bainbridge Island	City of Bremerton	City of Poulsbo	City of Port Orchard	Pierce County	Snohomish County	King County	Thurston County	Whatcom County
Code Reference	21.08	2.16.190	20.10	18.210.020 19.40.050	20.04 20.06 20.42	19C.10	30.73 30.74	20.18	2.05	22.10
When/How is the process Initiated?	Annually the Board must (1) review a catalog of all suggested amendments and (2) choose to initiate (or not) an amendment process by adopting an initial docket resolution	Annually & automatic as provided in code	Annually & automatic as provided in code, but Council can suspend the process for 1 year (it cannot be suspended for any 2 consecutive years)	Annually & automatic as provided in code	Annually & automatic as provided in code	Automatic as provided in code on a 2-year cycle that starts in even years and ends in odd years	Automatic as provided in code on the following schedule: Year 1 & 5 includes only minor amendments (12+ month process) Year 2 includes major and minor amendments (24+ month process) Year 6 includes major and minor amendments to be processed concurrent with next 8-year update	Annually & automatic as provided in code (and administrative procedures) Note: A limited midpoint update is allowed in Years 2-4.	Annually the board must review (1) a preliminary docket of suggested amendments and (2) choose to initiate (or not) an amendment process by adopting an official docket	Annually & automatic as provided in code
Is there discretion in setting the final docket of amendments?	Yes, Board can add or remove any amendment when adopting either initial or final docket resolutions	None specified in code	Limited, specific amendments can only be removed upon direction from Planning Commission based on preliminary review criteria	Yes, specific amendments can be removed by Council when establishing the annual docket	Yes, Council can remove any amendment when adopting the final agenda (docket) of amendments	Limited, Council reviews all complete applications and decides which amendments to consider. Applications submitted by the County Executive or a city/town must be considered.	Yes, Council determines which proposals to process as minor or major amendments and which should not be processed. Proposals automatically removed from further consideration if the Council has not placed the proposal on a final docket within 18 months after receiving the departments recommendation.	Yes. Department/Executive completes a preliminary review, classifies amendments for annual or update process, and recommends a final docket. Council may modify the proposed final docket.	Yes, Board can add or remove any amendment when adopting or revising the final docket	Limited, Council can only remove amendments initiated by the Council or County departments
What years are Jurisdiction sponsored Amendments allowed?	Annually per docket resolution	Annually	Annually, by application	Annually, by application	Annually, by application	Even numbered years, except for community plan updates	Annually, subject to schedule above	Annually, to address technical updates and corrections, adopt community service area subarea plans, and amendments that do not require substantive changes to policy language or do not require changes to the UGAs	Annually per official docket decision	Annually

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	Kitsap County	Cities in Kitsap County				Other PSRC Counties			Comparably Buildable Lands Counties	
		City of Bainbridge Island	City of Bremerton	City of Poulsbo	City of Port Orchard	Pierce County	Snohomish County	King County	Thurston County	Whatcom County
What years are non-jurisdiction applications allowed?	Only when allowed per the initial docket resolution. Have not been allowed every year and typically limited to certain subject areas.	Every 3 years (2019) unless the Council considers the amendment an emergency; a special submittal was allowed in 2015 for the 2016 Comp Plan Update	Annually	Annually	Annually	Even numbered years	Annually, subject to schedule above	Same as above, but site-specific amendments must first go through Hearing Examiner by January 15 in order to be considered in that year's batch of amendments.	Annually, but may not be selected for the official docket	Annually, by application
Is a pre-application meeting required?	Only for site-specific amendments	Yes	Yes	Yes	None specified in code	None specified in code	No, it is optional	Yes, called an "initial review conference"	None specified in code	No
When are applications due?	As specified in the initial docket resolution, typically a 4 to 6 week window (Jan-Feb)	January 1 to end of February	Aug 1 to Nov 15 (for the following year)	By Nov 15	By Jan 31	Jurisdiction sponsored applications due prior to July 31 of even numbered years. All others between July 1 to July 31 of even numbered years.	By Oct 31	By June 1 (administrative deadline)	By Nov 15 (for 2020 docket, not sure this is the same each year)	By Dec 31
Is a separate site-specific rezone application required?	No	Yes, reviewed concurrently	Can be concurrent with amendment or follow amendment approval	No	Yes, reviewed concurrently	None specified in code	None specified in code	Yes. Review may be concurrent but a Council decision on the amendment is required before the Hearing Examiner's decision on the rezone.	No	No
Are there size limits for site-specific amendments?	5 contiguous parcels; no acreage limit	None specified in code	None specified in code	None specified in code	"Individual parcels or small groups of parcels" POMC 20.06.025	None specified in code	None specified in code	None specified in code	None specified in code	None specified in code
Do site-specific amendments expire?	Code authorizes the Board to adopt an expiration for site-specific amendments on a case-by-case basis.	None specified in code	None specified in code	None specified in code	Site-specific approvals expire after 3 years if development permits are not submitted and subsequently approved	None specified in code	None specified in code	None specified in code	None specified in code	None specified in code

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	Kitsap County	Cities in Kitsap County				Other PSRC Counties			Comparably Buildable Lands Counties	
		City of Bainbridge Island	City of Bremerton	City of Poulsbo	City of Port Orchard	Pierce County	Snohomish County	King County	Thurston County	Whatcom County
Other notable site-specific amendment requirements					Detailed site plan & description of proposed development required	Considered a "Community Plan Amendment". Only allowed in areas covered by existing Community Plans. Not allowed where the plan is under review or during the 2 years after plan adoption.		Evaluated by Hearing Examiner, who submits a report and recommendation for Council consideration	Detailed site plan required	
Other notes					Other types of amendments define, including UGA, community plan, and capital facility. Additional review may be required by Land Use Advisory Commissions or Regional Council.		Proposed amendments that require an EIS will be shifted to the next final docket following completion of the SEPA process.	Board can waive application fee if the amendment will clearly benefit the community as a whole	Council can waive application fee if the amendment will clearly benefit the community as a whole	