



Kitsap County Department of Community Development

Staff Report and Recommendation 2022 Administrative Code Edits

Report Date September 23, 2022

Hearing Date October 18, 2022

Amendment Type Kitsap County Development Regulation Update

Description The Kitsap County Community Development Department proposes to do Administrative, or “housekeeping” edits to the Kitsap County Code (KCC). Edits may be related to KCC Titles 16, 17, 18 and 21.

The scope of this project is limited to edits that are not considered substantial and that will not materially change the intent of any existing code. The objectives of this project include:

- Eliminate or reduce conflicting provisions of code.
- Add clarity to existing sections of code without changing meaning or intent of language.
- Create more predictability and certainty in development standards and the permit review process.
- Create an efficient system to catalog and organize previous and new code edits initiated by County Staff or the public.

Geographic Area Affected Unincorporated Kitsap County

SEPA Determination – in process

Department Adopt as proposed

Recommendation

This report and recommendation are based on information available at the time of publication. If new relevant and material facts are discovered through the public comment process before the Planning Commission and Board of County Commissioners (Board) as outlined in Chapter 21.08, this staff report may be revised, and the department recommendation may be modified.

1. BACKGROUND

The Kitsap County Community Development Department proposes to do Administrative, or “housekeeping” edits to the Kitsap County Code (KCC). Edits may be related to KCC Titles 16, 17, 18 and 21.

The purpose of this project is to make administrative edits, and will not address edits that are considered substantive in nature.

These administrative edits are an important part of maintaining clarity and consistency in the Kitsap County Code. The County intends to repeat this process on an annual basis.

A. Authority

The Growth Management Act (GMA) mandates that Kitsap County’s Comprehensive Plan and development regulations be reviewed and, if needed, revised at least every 10 years [RCW 36.70A.130(5)]. The most recent Kitsap County periodic update concluded with the adoption of the 2016 Kitsap County Comprehensive Plan on June 27, 2016 by Ordinance 534-2016. The GMA also mandates that Kitsap County’s Comprehensive Plan and development regulations be subject to continuing review and evaluation, allowing for annual amendments to the Comprehensive Plan [RCW 36.70A.130(1)] and as-needed updates to development regulations to ensure consistency with desired development outcomes.

B. Proposed Amendment

Various general amendments to Titles 16, 17, 18 and 21.

C. Geographic Description

The amendments do not have a geographic focus and apply to all of Unincorporated Kitsap County.

2. DEPARTMENT RECOMMENDATION

Having analyzed the proposed amendment and other alternatives, if applicable, the Department recommends:

- Adoption of the amendment:
 - as proposed above
 - as described in Alternative ___ below
 - with revisions described below
 - with conditions described below
- Deferral of the amendment to a future docket
- Denial of the amendment

A. Rationale

Substantive Findings:

- The proposed code amendments were developed with multiple opportunities for public participation and comment as required by GMA and the State Environmental Policy Act (SEPA), chapter 43.21C RCW.

- The proposed code amendments were developed according to, and are compliant with, the requirements of GMA, chapter 36.70A RCW, the Countywide Planning Policies, the Kitsap County Comprehensive Plan, Kitsap County Code, and other applicable laws and policies.
- The proposed code amendments are consistent with the Kitsap County Comprehensive Plan by:
 - (a) Eliminating or reducing conflicting provisions of code.
 - (b) Adding clarity to existing sections of code without changing meaning or intent of language.
 - (c) Removing redundancy or regulation that is no longer applicable
 - (d) Creating more predictability and certainty in development standards and the permit review process.
- The proposed code amendments promote the public interest and welfare of the citizens of Kitsap County.

Procedural Findings:

- On July 19, 2022, during a regularly scheduled and properly noticed meeting, DCD presented the Planning Commission with a work plan to discuss the proposed administrative amendments to Kitsap County Code Titles 16, 17, 18, 19, 21 and 22.
- On July 25, 2022, during a regularly scheduled and properly noticed meeting, DCD presented the Board of County Commissioners with a work plan to discuss the proposed administrative amendments to Kitsap County Code Titles 16, 17, 18, 19, 21 and 22. The Board approved the work plan for this project.
- Public outreach regarding the proposed amendments was conducted through a dedicated up-to-date web page, postings in the Kitsap Sun newspaper, direct notification to over 2,200 GovDelivery subscribers, direct email notifications and meetings with various interested parties.
- On August 16, 2022, during a regularly scheduled and properly noticed meeting, the Planning Commission held a work study session to review and discuss the proposed administrative amendments.
- On September 22, 2022, the County published the draft ordinance, staff report, and SEPA checklist to the project website.

3. OTHER ALTERNATIVES CONSIDERED

The Department prepared a preliminary draft for initial discussions. No official alternatives are considered as part of this staff report.

4. COMPREHENSIVE PLAN CONSISTENCY

The proposal is supportive of the Kitsap County Mission:

Kitsap County government exists to protect and promote the safety, health and welfare of

our citizens in an efficient, accessible and effective manner.

The proposal incorporates elements of the Kitsap County Vision Statement:

- Effective and Efficient County Services - County government continuously assesses its purpose, promotes and rewards innovation and improvement, fosters employee development and uses effective methods and technologies to produce significant positive results and lasting benefits for citizens.
- Inclusive Government - County government conducts all activities in a manner that encourages citizen involvement, enhances public trust and promotes understanding.

The proposal is also supported by vision elements of the Comprehensive Plan 2016-2036 Vision: County Government.

County government that is accountable and accessible; encourages citizen participation; seeks to operate as efficiently as possible; and works with citizens, governmental entities and tribal governments to meet collective needs fairly while respecting individual and property rights.

5. DEPARTMENT ANALYSIS:

As further explained below, the Department recommends approval of the proposed amendments because they:

1. Eliminate or reduce conflicting provisions of code.
2. Add clarity to existing sections of code without changing meaning or intent of language.
3. Create more predictability and certainty in development standards and the permit review process.

6. STATE ENVIRONMENTAL POLICY ACT (SEPA)

The Kitsap County's SEPA Official has reviewed the SEPA checklist prepared for this amendment and will expect to issue a SEPA threshold determination soon and is in process. Notice of this SEPA threshold determination will be:

- Filed with the Washington State Department of Ecology SEPA Register;
- Published in the Kitsap Sun newspaper.

7. PUBLIC INVOLVEMENT AND OUTREACH

Kitsap County's public involvement and outreach for this amendment meets the requirements of the Growth Management Act (RCW 36.70A) of early and continuous involvement, as well as the procedures outlined in Kitsap County Code (KCC 21.08). The Department conducted early and often public outreach as shown below. The outreach provided preliminary feedback to staff, including suggestions for revisions to an early version of the draft code.

Past outreach:

- Sent email to Subscribers of DCD GovDelivery “Code Update” list.
- Sent email on August 11 to PEP outreach letter mailing list
- Provided project website for administrative code update project with staff contact for public comment. Project website includes information about previous, current, and upcoming phases of the code project continues to be provided:
<https://www.kitsapgov.com/dcd/Pages/Administrative-Code-Edits.aspx>

Future outreach:

- The Department is expecting to issue SEPA DNS in late September of 2022. This will open a public comment period, where the public may learn more about this amendment by:
 - Attending applicable Planning Commission meetings;
 - Contacting the staff listed in Section 8 below to request a consultation for a group or to have a one-on-one conversation.
- To be included in the official record, written comments must be submitted to the Department of Community Development prior to the Board of County Commissioners, which is anticipated to be on November 14. Unless extended, comments must be submitted before 11:59 PM on November 13 by one of the following methods:
 - Entered online via through the project website comment form;
 - Emailed to cpoff@kitsap.gov.
 - Mailed to 614 Division Street - MS36, Port Orchard, WA 98366; or
 - Dropped off at the Permit Center at 619 Division Street, Port Orchard, WA.
- Oral and written testimony may also be made to the Kitsap County Planning Commission at the public hearing scheduled at 5:30 PM on Tuesday, October 18, 2022 in the Commissioner’s Chambers on the 3rd Floor of the Kitsap County Administration Building (619 Division Street, Port Orchard, WA). Due to COVID-19, a zoom meeting may provide the opportunity to provide testimony remotely. The planning commission webpage will provide the necessary information for this meeting.
- Notifications and announcements regarding this comment period and public hearing include the following:
 - Legal notice published in the Kitsap Sun newspaper;
 - Electronic announcements via GovDelivery;
 - Email notification letters sent to Tribes with usual and accustomed area in Kitsap County, other local government and state agencies, and other interested groups.

8. STAFF CONTACT

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