

file

10/23/95

EMERGENCY ORDINANCE NO. 178-1995

ADOPTING AN INTERIM ZONING ORDINANCE

BE IT ORDAINED:

The Kitsap County Board of Commissioners makes the following findings:

1. On October 6, 1995, the Central Puget Sound Growth Management Hearings Board issued a Final Decision and Order in Bremerton v. Kitsap County, CPSGMHB No. 95-3-0039 (Decision), a case which involved appeals of the county's comprehensive plan, zoning ordinance and critical areas ordinance. Pursuant to Chapter 347, Laws of 1995, Section 110, the Hearings Board determined that the county's comprehensive plan and all implementing development regulations are invalid.
2. The Decision requires the county to adopt an amended comprehensive plan and implementing development regulations, including a zoning ordinance, on or before April 3, 1996.
3. The zoning code which was invalidated by the Decision included standards for building on lots which were created on or before the date of the Decision. Such standards are necessary for the county to issue building permits on existing building lots, since issuance of a building permit depends, in part, upon compliance with the county's zoning regulations.
4. The county's present inability to issue building permits on existing lots as a result of the Decision has led to great uncertainty in the real property transactions of Kitsap County citizens, and to concern about the continued economic health of businesses within the county which are engaged in the financing, design, surveying and building of projects on existing lots.
5. It is unlikely that the zoning for legally created building lots will be changed in the permanent zoning ordinance and map which the county must adopt on remand from the Hearings Board, as doing so could render them useless. Therefore, the Commissioners find no sound reason for continuing to withhold building permits on existing building lots pending adoption of a revised comprehensive plan and implementing regulations in response to the Hearings Board's Decision. The attached Interim Zoning Ordinance provides standards for issuing such permits.
6. RCW 36.70A.110, part of the Growth Management Act (GMA), requires that prior to adopting a comprehensive plan designating UGAs, the county is to adopt development regulations designating interim urban growth areas (IUGAs). In Tacoma v. Pierce County, CPSGMHB No.94-3-0001, the Hearings Board held that IUGAs must be accompanied by development regulations which give meaning to the IUGA boundary lines. The attached Interim Zoning Ordinance meets this requirement, as well as the substantive requirements of the Hearings Board's Decision in Bremerton v. Kitsap County.

NOW, THEREFORE, pursuant to the county's authority under Article 11, Section 11 of the Washington Constitution; the Planning Enabling Act, Chapter 36.70 RCW; the GMA; and WAC 197-11-880; the Board of County Commissioners adopts the attached Interim Zoning Ordinance, with the following amendment:

Height Limitation

In instances where the maximum building height may be increased upon approval of the fire district, fire marshall, and/or Director, any such increases shall be based on criteria which must first be approved by the Board of County Commissioners.

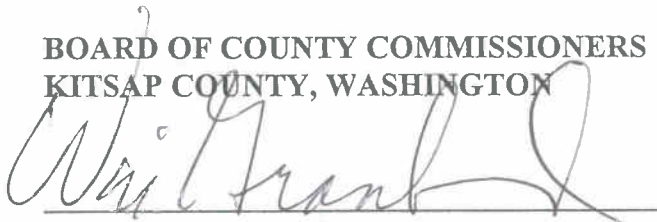
The Board of County Commissioners shall hold at least one public hearing on the Interim Zoning Ordinance, as provided by RCW 36.70.795 and RCW 36.70A.390, no later that December 18, 1995.

The Board of County Commissioners finds that this ordinance is necessary for the immediate preservation of the public health, safety and welfare and to comply with the requirements of the GMA on an interim basis, as the GMA has been interpreted by the Hearings Board in their Decision.. Based on the foregoing, the Board of County Commissioners finds that an emergency exists, and this ordinance shall take effect immediately.

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 23 day of October, 1995.


BOARD OF COUNTY COMMISSIONERS  
KITSAP COUNTY, WASHINGTON



WIN GRANLUND, Chairman

**VOTED "NO"**

ATTEST:

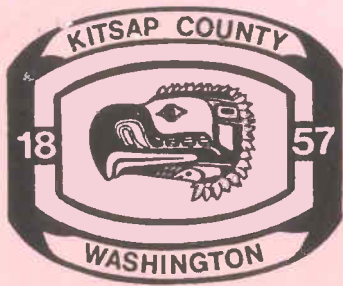


HOLLY ANDERSON  
Clerk of the Board

MATT RYAN, Commissioner



PHIL BEST, Commissioner



# AGENDA SUMMARY

## BOARD OF COMMISSIONERS

<b>SUBJECT:</b>  <b>EMERGENCY ORDINANCE:</b> ADOPTING AN INTERIM ZONING ORDINANCE  <b>CONTRACT NO.:</b>  <b>ATTACHMENTS:</b>	<b>FOR AGENDA OF:</b>  OCTOBER 23, 1995		<b>ITEM NO.</b>  11:50	
	<b>C L E A R A N C E S</b>	<b>CONCERNED DEPTS.</b>	<b>INITIALS</b> 	<b>SPECIAL INSTRUCTIONS</b>  # 1
		<b>DEPT. OF COMMUNITY DEVELOPMNT</b>		
<b>EXPENDITURE REQUIRED: N/A</b>	<b>AMOUNT BUDGETED: N/A</b>	<b>APPROPRIATION REQUIRED: N/A</b>		
<b>CONTACT PERSON: RON PERKEREWICZ</b>		<b>PHONE NO.: 7182</b>	<b>DEPT.: DEPT. OF COMMUNITY DEVELOPMENT</b>	

**SUMMARY STATEMENT:**

THIS IS A REQUEST FOR THE ADOPTION OF AN EMERGENCY ORDINANCE ADOPTING AN INTERIM ZONING ORDINANCE.

**RECOMMENDED ACTION: (Word Like Motion)**

I MOVE THAT THE KITSAP COUNTY BOARD OF COMMISSIONERS APPROVE THE EMERGENCY ORDINANCE ADOPTING THE INTERIM ZONING ORDINANCE.