

ORDINANCE NO. 182-1996

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 inability to issue building permits on existing lots as a result of the Decision led to 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. Therefore, the Commissioners find no sound reason for withholding building permits on existing building lots pending adoption of a revised comprehensive plan and implementing regulations in response to the Hearings Board's Decision.
6. RCW 36.70A.110, part of the Growth Management Act (GMA), requires that prior to adopting a comprehensive plan designating urban growth areas (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.
7. On October 23, following a report from the Planning Commission, the Commissioners adopted by Emergency Ordinance 178-1995, an Interim Zoning Ordinance which provides standards for issuing permits on existing building lots, implements the IUGA boundary lines adopted by

emergency ordinance and meets the substantive requirements of the Hearings Board's Decision in Bremerton v. Kitsap County.

8. On November 28, 1995, the Planning Commission held a public hearing on the Interim Zoning Ordinance. On November 30, they recommended to the Commissioners that the Interim Zoning Ordinance be adopted without change.

9. On December 18, 1995, the Commissioners held a public hearing on the Planning Commission's recommendation. The Commissioners continued the hearing to December 19 and January 8 for further testimony.

10. The need for the Interim Zoning Ordinance, both as a development regulation which gives meaning to the IUGA boundary lines, and as a police power regulation which establishes standards for issuing permits on existing building lots, continues.

11. All requirements of Chapter 43.21C RCW (SEPA) have been satisfied with respect to the Interim Zoning Ordinance.

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; and the GMA; the Board of County Commissioners:

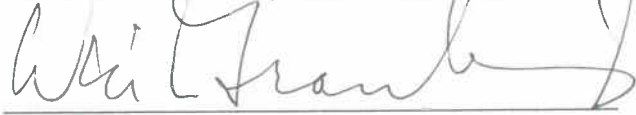
1. Repeals Emergency Ordinance 178-1995; and
2. Adopts the attached "Interim Zoning Ordinance".

This ordinance shall take effect on January 8, 1996.

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 8th day of January, 1996.

BOARD OF COUNTY COMMISSIONERS
KITSAP COUNTY, WASHINGTON



WIN GRANLUND, ~~Chairman~~



MATT RYAN, ~~Commissioner~~ chair

VOTED "NO"

PHIL BEST, Commissioner

ATTEST:



HOLLY ANDERSON
Clerk of the Board

file

ORDINANCE NO. 182-A-1996

- RENEWING FOR A PERIOD OF SIX MONTHS ORDINANCE 182-1995
“ADOPTING AN INTERIM ZONING ORDINANCE”

BE IT ORDAINED:

The Board of County Commissioners makes the following findings:

1. In January of 1996, the Board of County Commissioners adopted Ordinance 182-1995, “Adopting An Interim Zoning Ordinance”. The findings in Ordinance 182-1995 are adopted and incorporated herein by reference.
2. Ordinance 182-1995 has provided a development regulation which has given effect to the county’s Interim Urban Growth Area boundary lines and established standards for issuing permits on existing building lots.
3. The county has adopted Ordinances 184 through 190 -1996, renewing for a period of six months Interim Urban Growth Areas within the county while the county completes the revision process for its comprehensive plan and implementing development regulations.
4. As set forth in Attachment A to this ordinance, the county has been diligent in its efforts to make the required amendments to its comprehensive plan and implementing regulations.
5. RCW 36.70.795 and 36.70A.390 provide that interim ordinances and official controls adopted pursuant to those statutory sections may be effective for no longer than six months, but may be renewed for one or more six month periods with an additional public hearing and findings of fact prior to each renewal.
6. To the extent that the county adopted Ordinance 182-1995 pursuant to RCW 36.70.795 or 36.70A.390, the ordinance would expire in July. Consequently, there is a need to renew Ordinance 182-1995 for a six-month period to assure that the Interim Urban Growth Areas continue to be given effect, and that standards for issuing permits on existing building lots remain in effect during the time the county is completing the revision process for its comprehensive plan and implementing development regulations.

NOW, THEREFORE, pursuant to the Growth Management Act, Chapter 36.70A RCW, and the Planning Enabling Act, Chapter 36.70 RCW, the Board of County Commissioners renews Ordinance 182-1995 for a six-month period of time.

ATTACHMENT "A"

County Actions Taken Toward Required Revisions of Comprehensive Plan Following Adoption of Interim Land Use Ordinances in January of 1996

1. On January 29, 1996, the Board of County Commissioners adopted Resolution 44-1996, adopting "Framework Principles" to guide the revision of the Plan and implementing regulations;
2. On February 21, 1996, the Planning Commission conducted a study session to discuss the status of the revised plan;
3. On February 22, 1996, the Draft Revised Capital Facilities Plan was released to the public for comment;
4. On February 26, 1996, the Revised Working Draft of the Comprehensive Plan Text was available to the public, the cities, the Tribes, the state, Planning Commission Members and the press;
5. Between February 27 and March 4, 1996, the Board of County Commissioners and the Planning Commission held four joint public hearings on the Revised Working Draft of the Plan;
6. On March 5, 12, 14, 18 and 19 and April 2, 3 and 12, the Planning Commission held study sessions on the Revised Working Draft of the Plan;
7. On April 19, 1996, the Planning Commission proposed revisions to the Revised Working Draft of the Plan;
8. On April 27, 1996, the Planning Commission held a public hearing on their proposed revisions to the Revised Working Draft of the Plan;
9. On May 2, 1996, the Planning Commission held a study session on their proposed revisions to the Revised Working Draft of the Plan;
10. On May 3, 1996, the Planning Commission held a public meeting and made their decision on a recommendation to the Board of County Commissioners on the Revised Working Draft of the Plan;
11. On May 9, 1996, the Central Puget Sound Growth Management Hearings Board held a compliance hearing on Kitsap County's compliance with the Hearings Board's Order of October 6, 1995 in Bremerton v. Kitsap County;
12. On May 13, 1996, the Planning Commission presented its recommendation on the Revised Working Draft of the Plan to the Commissioners;
13. On May 28, 1996, the Hearings Board issued a finding of noncompliance in Bremerton v. Kitsap County and ordered that the county file a compliance status report on or before July 15, 1996;
14. On June 3, 4 and 5, the Board of County Commissioners held public hearings on the Planning Commission's Recommended Plan; and
15. On June 24, 1996, the County Commissioners held a public hearing to identify significant items in the Planning Commission's recommended Plan for remand to the Planning Commission for further consideration.

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.

This ordinance shall take effect on July 8, 1996.

DATED this 8th day of July, 1996.

**BOARD OF COUNTY COMMISSIONERS
KITSAP COUNTY, WASHINGTON**

VOTED "NO"

MATT RYAN, Chairman

Phil Best

PHIL BEST, Commissioner

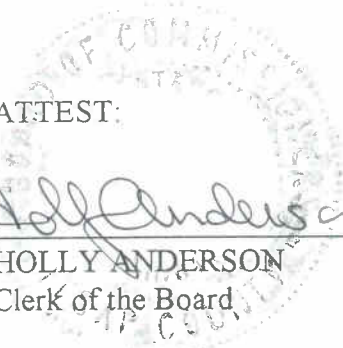
Win Granlund

WIN GRANLUND, Commissioner

ATTEST:

Holly Anderson

HOLLY ANDERSON
Clerk of the Board



ORDINANCE NO 182-B-1997

AMENDMENT TO THE KITSAP COUNTY INTERIM ZONING ORDINANCE

WHEREAS, Ordinance No. 182-1995, the Interim Zoning Ordinance was renewed by the Kitsap County Board of Commissioners by way of Ordinance No. 202-1996; and

WHEREAS, it is necessary to correct Ordinance No. 182-1995 to reflect the proper reference to the Kitsap County Civil Enforcement Ordinance; and

WHEREAS, it is otherwise in the interest of public health, safety, and welfare so to do;

NOW THEREFORE be it ordained by the Kitsap County Board of Commissioners:

Section 1. Amendment. Section 540.020. of Ordinance 182-1995 is amended to read as follows:

The violation of any provision of this Ordinance shall constitute a Class I civil infraction. Each violation shall constitute a separate infraction for each and every day or portion thereof during which the violation is committed, continued, or permitted. Infractions shall be processed in accordance with the provisions of the Kitsap County ~~Interim Enforcement Ordinance 171-1994~~ Civil Enforcement Ordinance No. 209-1997.

Section 2. Effective Date. This Ordinance shall take effect immediately.

DATED this 28th day of July, 1997.

BOARD OF COUNTY COMMISSIONERS
KITSAP COUNTY, WASHINGTON

Phil Best
PHIL BEST, Chairman

Chris Endresen
CHRIS ENDRESEN, Commissioner

Charlotte Garrido
CHARLOTTE GARRIDO, Commissioner

ATTEST:

A handwritten signature in cursive script, appearing to read "Holly Anderson", written over a horizontal line.

HOLLY ANDERSON
Clerk of the Board

file

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NOW, THEREFORE, pursuant to the Growth Management Act, Chapter 36.70A RCW, and the Planning Enabling Act, Chapter 36.70 RCW, the Board of County Commissioners renews Ordinance 182-1995 for a six-month period of time.

