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ORDINANCE NO. 183-1996

ADOPTING AN INTERIM ZONING MAP

BE IT ORDAINED:

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 and zoning map, on or before April 3, 1996.
3. The zoning code which was invalidated by the Decision included a zoning map by reference. As a result of the Decision, the county was left without a valid zoning map. Such a map is necessary for the county to issue building permits on existing building lots, since the zoning map visually depicts the zoning designations, identified in the zoning ordinance, on the parcel base map of the county.
4. The county's inability to issue building permits on existing lots as a result of the Hearings Board's 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 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 Decision.
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.

7. On October 23, 1995, following a report from the Planning Commission, the Commissioners adopted by Emergency Ordinance 179-1995, an Interim Zoning Map which provides the key to the appropriate zoning 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 Map. On November 30, they recommended to the Commissioners that the Interim Zoning Map be adopted without change.

9. On December 18, 1995, the Commissioners held a public hearing on the Planning Commission's recommendation. The Commissioners heard public testimony on the proposed Interim Zoning Map and continued the hearing to January 8, 1996 for further testimony.

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

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

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 179-1995; and
2. Adopts the attached Interim Zoning Map.

This ordinance shall take effect on January 8, 1995.

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

ORDINANCE NO. 183-A-1996

RENEWING FOR A PERIOD OF SIX MONTHS ORDINANCE 183-1996
"ADOPTING AN INTERIM ZONING MAP", IN PART,
AND REZONING THE PORT GAMBLE AREA

BE IT ORDAINED:

The Board of County Commissioners makes the following findings:

1. In January of 1996, the Board of County Commissioners adopted Ordinance 183-1995, "Adopting An Interim Zoning Map". The findings in Ordinance 183-1995 are adopted and incorporated herein by reference.
2. Ordinance 183-1995 has provided a development regulation which has given effect to the county's Interim Urban Growth Area boundary lines and provided the key to the appropriate zoning 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, with the exception of the Interim Urban Growth Area for Port Gamble, 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 183-1995 pursuant to RCW 36.70.795 or 36.70A.390, the ordinance would expire in July. Consequently, there is a need to renew Ordinance 183-1995 for a six-month period to assure that the Interim Urban Growth Areas within the county continue to be given effect, and that a key to the appropriate zoning standards for issuing permits on existing building lots remains in effect, during the time the county is completing the revision process for its comprehensive plan and implementing development regulations.

NOW, THEREFORE, pursuant to 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 183-1995 for a six-month period of time, with the following exception:

The area known as Port Gamble, as depicted on the map attached to Ordinance 186-1996, which is attached hereto and incorporated herein by reference only with respect to its depiction of the Port Gamble area, shall be zoned as Rural Medium Density Residential (RM). The RM zoning designation shall apply to those areas within the Port Gamble area, as shown on the attached map, which under Ordinance 183-1995 were zoned Urban Low Density Residential (UR-6), Tourist Commercial (CT), and Waterfront Industrial (IW).

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 July 8, 1996.

DATED this 8th day of July, 1996.

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

VOTED "NO"

MATT RYAN, Chairman



PHIL BEST, Commissioner



WIN GRANLUND, Commissioner

ATTEST:



HOLLY ANDERSON
Clerk of the Board

ATTACHMENT "A"

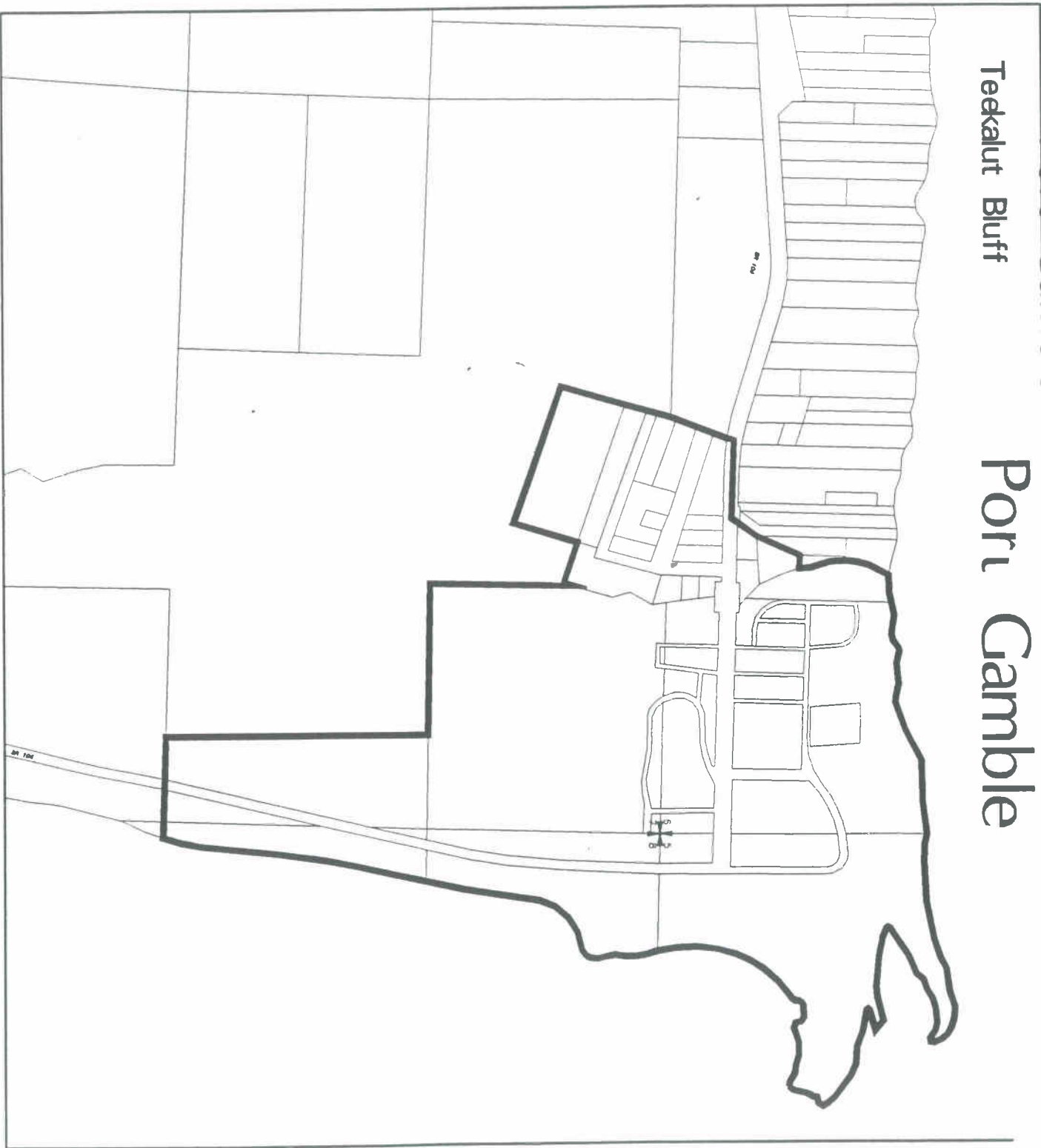
County Actions Taken Toward Required Revisions of Comprehensive Plan Following Adoption of Interim Land Use Ordinances in January of 1996

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.

Port Gamble Interir Urban Growth Area

Teekalut Bluff

Porri Gamble



December 19, 1995

Matt Ryan

DISTRICT 1

Win Granlund

DISTRICT 2

Phil Best

DISTRICT 3

**Kitsap County
Board of
Commissioners**



614 Division Street MS-04 • Port Orchard, WA 98366-4678
(360) 876-7146

June 21, 1996

FOR LEGAL PUBLICATION:

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Kitsap County Board of Commissioners will hold a public hearing on July 8, 1996, in its Chambers County Administration Building, 614 Division Street, Port Orchard, Washington, to consider amendments to the following described County Ordinances:

1:30pm RENEWING FOR A PERIOD OF SIX MONTHS **ORDINANCE 184-1996**
"ADOPTING AN INTERIM URBAN GROWTH AREA FOR THE PORT OF BREMERTON"

BE IT ORDAINED:

The Kitsap County Board of Commissioners makes the following findings:

1. On January 8, 1996, the Board of County Commissioners adopted Ordinance 184-1996, "Adopting an Interim Urban Growth Area for the Port of Bremerton". The findings in Ordinance 184-1996 are adopted and incorporated herein by reference.
2. 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.
3. RCW 36.70A.390 provides that interim ordinances and official controls adopted pursuant to that statutory section 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.
4. To the extent that the county adopted Ordinance 184-1996 pursuant to RCW 36.70A.390, the ordinance would expire on July 8, 1996. Consequently, there is a need to renew Ordinance 184-1996 for a six-month period to assure that the Interim Urban Growth Area for the Port of Bremerton remains in effect during the time the county is completing the revision process for its comprehensive plan, including final urban growth areas, and implementing development regulations.

NOW, THEREFORE, pursuant to the Growth Management Act, Chapter 36.70A RCW, the Board of County Commissioners renews Ordinance 184-1996 for a six-month period of time.

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.

1:35
pm

RENEWING FOR A PERIOD OF SIX MONTHS ORDINANCE 185-1996 "ADOPTING AN INTERIM URBAN GROWTH AREA FOR THE CITY OF PORT ORCHARD"

BE IT ORDAINED:

The Kitsap County Board of Commissioners makes the following findings:

1. On January 8, 1996, the Board of County Commissioners adopted Ordinance 185-1996, "Adopting an Interim Urban Growth Area for the City of Port Orchard". The findings in Ordinance 185-1996 are adopted and incorporated herein by reference.
2. 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.
3. RCW 36.70A.390 provides that interim ordinances and official controls adopted pursuant to that statutory section 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.
4. To the extent that the county adopted Ordinance 185-1996 pursuant to RCW 36.70A.390, the ordinance would expire on July 8, 1996. Consequently, there is a need to renew Ordinance 185-1996 for a six-month period to assure that the Interim Urban Growth Area for the City of Port Orchard remains in effect during the time the county is completing the revision process for its comprehensive plan, including final urban growth areas, and implementing development regulations.

NOW, THEREFORE, pursuant to the Growth Management Act, Chapter 36.70A RCW, the Board of County Commissioners renews Ordinance 185-1996 for a six-month period of time.

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.

1:40 pm

RENEWING FOR A PERIOD OF SIX MONTHS ORDINANCE 186-1996 "ADOPTING AN INTERIM URBAN GROWTH AREA FOR PORT GAMBLE"

BE IT ORDAINED:

The Kitsap County Board of Commissioners makes the following findings:

1. On January 8, 1996, the Board of County Commissioners adopted Ordinance 186-1996, "Adopting an Interim Urban Growth Area for Port Gamble". The findings in Ordinance 186-1996 are adopted and incorporated herein by reference.

