

ORDINANCE NO. 217-1998

Relating to Growth Management Regarding the Kitsap County Interim Critical Areas Ordinance and Adopting Development Regulations to Protect Critical Areas

BE IT ORDAINED:

Section 1. The Kitsap County Board of Commissioners makes the following findings of fact:

A. Pursuant to Ch. 36.70A, RCW, the Washington State Growth Management Act, Kitsap County is required to develop a Comprehensive Land Use Plan ("Comprehensive Plan") and adopt development regulations protecting Critical Areas, which are designated pursuant to RCW 36.70A.170, that implement the Comprehensive Plan. The Critical Area Ordinance ("CAO") is necessary to assure continued protection for wetlands, aquifer recharge areas, fish and wildlife habitat conservation areas, frequently flooded areas and geologically hazardous areas.

B. On January 8, 1996, the Board of County Commissioners adopted an Ordinance containing Interim Development Regulations to Protect Critical Areas (Ordinance 181-1996). The findings contained in that Ordinance are adopted and incorporated herein by reference.

C. On July 8, 1996, the Board of Commissioners adopted Ordinance 181-A-1996, renewing the Interim Development Regulations to Protect Critical Areas pursuant to RCW 36.70.795 and 36.70A.390.

D. On December 23, 1996, the Board of Commissioners adopted Ordinance 202-1996, renewing for a second time the Interim Development Regulations to Protect Critical Areas.

E. On June 30, 1997 the Board of Commissioners adopted Ordinance 208-1997, again renewing the Interim Development Regulations to Protect Critical Areas.

F. On January 5, 1998, the Board of Commissioners adopted Ordinance 212-1998, renewing the Interim Development Regulations to Protect Critical Areas.

G. On February 9, 1998, the Board of Commissioners adopted Ordinance 181-B 1998, amending and revising the Interim CAO.

H. Kitsap County provided an extensive process for public input on the proposed CAO, including public meetings and a public hearing before the Kitsap County Planning Commission held on April 1 and 3, 1998, work sessions held as open meetings with the Board of Commissioners, and a public hearing before the Board of Commissioners held on April 27, and continued to April 28, 1998. Written comments on the proposed CAO were accepted through the close of the Commissioners' hearing on April 28, 1998. The hearing was continued to April 30 to allow the Commissioners a full day in which to read the written materials submitted at the April 28 hearing as well as earlier submitted testimony.

I. Through the implementation of the Interim CAO and the public process, the Board finds that portions of the Interim CAO should be changed to provide more effective implementation of the final Critical Areas Ordinance as well as providing more protection of Critical Areas. The final CAO considered the best available science in developing regulations to protect the functions and values of Critical Areas pursuant to RCW 36.70A.172.

J. All requirements of Chapter 43.21C RCW ("SEPA") have been satisfied with respect to the CAO.

K. Pursuant to RCW 36.70A.060 and RCW 36.70A.170, the CAO designates Critical Areas, which include wetlands, areas with critical recharging effect on aquifers used for potable water, fish and wildlife habitat conservation areas, frequently flooded areas and geologically hazardous areas. The CAO incorporates by reference Critical Areas Maps which delineate those critical areas that are currently mapped.

L. Pursuant to RCW 36.70A.106, Kitsap County notified the state Department of Community Trade and Economic Development ("DCTED") of its intent to adopt a final Critical Areas Ordinance, submitted a copy of the Ordinance to DCTED for review and comment. Comments received from DCTED and other state agencies were considered in developing changes in the CAO.

M. The Commissioners took action by motion on April 30, 1998, to adopt the CAO, as amended by the Commissioners in their hearing, and directed staff to prepare this ordinance for entry by the Board at their public meeting on May 4. That meeting was then continued to May 7 for entry of this ordinance.

Section 2. The Interim Critical Areas Ordinance, Ordinance 181-B-1998, is hereby repealed.

Section 3. Pursuant to the Growth Management Act, Chapter 36.70A RCW, the Planning Enabling Act, Chapter 36.70 RCW, and Article 11, Section 11 of the Washington Constitution, the Board of County Commissioners hereby adopts Development Regulations to Protect Critical Areas as shown in Exhibit 1, attached hereto and incorporated herein by this reference.

Section 4. Kitsap County Department of Community Development is directed to continue to review other comments and suggestions received on the CAO, particularly those concerning shoreline issues, and propose incorporating those deemed appropriate through further amendments to the CAO within six months of the effective date of this Ordinance.

Section 5. This Ordinance shall take effect on May 18, 1998.

Section 6. Severability. 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.

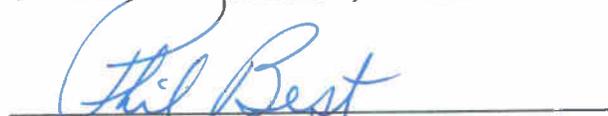
DATED this 7th day of May, 1998.



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


CHRIS ENDRESEN, Chairman


CHARLOTTE GARRIDO, Commissioner


PHIL BEST, Commissioner

ATTEST:


HOLLY ANDERSON
Clerk of the Board

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