

ORDINANCE NO. ____ -2016

**AN ORDINANCE AMENDING KITSAP COUNTY CODE CONCERNING
REASONABLE MEASURES**

WHEREAS, the state Growth Management Act (GMA), Chapter 36.70A RCW, requires that certain jurisdictions, including Kitsap County, periodically review development that has occurred to evaluate the consistency of actual development to the County’s adopted countywide planning policies (CPPs), comprehensive plan goals and policies, and development regulations through a Buildable Lands Report (BLR); and

WHEREAS, GMA requires that if the BLR shows inconsistencies between actual growth and adopted plans, policies and regulations, the jurisdiction is required to take action by “reasonable measures” designed to reduce such inconsistencies, RCW 36.70A.215(4); and

WHEREAS, the Central Puget Sound Growth Management Hearings Board recently noted that the Kitsap County BLR still demonstrated certain inconsistencies that should be addressed through the comprehensive plan update process; and

WHEREAS, while Kitsap County adopted some reasonable measures during the comprehensive plan process through Ordinance No. 534-2016, the Board of Commissioners committed to evaluating additional reasonable measures through the summer of 2016; and

WHEREAS, Kitsap County proposes these updates to the development regulations to effectively address requirements set forth in the Growth Management Act (GMA) and to reduce inconsistencies between actual development and the CPPs, comprehensive plan and development regulations; and

WHEREAS, the Washington Constitution, Article XI, Section 11, confers upon county legislative authorities the police power to adopt regulations necessary to protect the health, safety and well-being of its residents; and

WHEREAS, RCW 36.32.120(7) provides that the county legislative authorities shall make and enforce, by appropriate resolutions or ordinances, all such police and sanitary regulations as are not in conflict with state law; and

WHEREAS, the state Growth Management Act (GMA), Chapter 36.70A RCW, requires that Kitsap County adopt development regulations that are consistent with and implement the comprehensive plan; and

WHEREAS, the Board of County Commissioners finds that the following amendments meet GMA requirements and are reasonably likely to increase consistency between the CPPs, comprehensive plan and development regulations.

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BE IT ORDAINED:

Section 1. Findings of fact were made by the Planning Commission regarding recommendations to amend the Kitsap County Code Title 17 ‘Zoning’.

Section 2. Section 17.410.040 ‘Zoning use tables, adopted by Ordinance 534-2016, is amended as indicated in Appendix A: Chapter 17.410 ‘Allowed Uses’.

Section 3. Section 17.410.050 ‘Footnotes for zoning use tables,’ adopted by Ordinance 534-2016, is amended as indicated in Appendix A: Chapter 17.410 ‘Allowed Uses.’

Section 4. Section 17.420.050 ‘Tables,’ adopted by Ordinance 534-2016, is amended as indicated in Appendix B: Chapter 17.410 ‘Density, Dimensions, and Design.’

Section 5. Section 17.420.060 ‘Footnotes for tables,’ adopted by Ordinance 534-2016, is amended as indicated in Appendix B: Chapter 17.410 ‘Density, Dimensions, and Design.’

Section 6. Section 17.460.020 ‘Public sewer connections in UGAs,’ adopted by Ordinance 534-2016, is amended as indicated in Appendix C: Chapter 17.460 ‘Development regulations for public sewer systems, community sewage disposal systems and large on-site sewage systems.’

Section 7. Severability. If any provision of this ordinance or its application to any person or circumstance is held invalid or unconstitutional, the remainder of the ordinance or its application to other persons or circumstances shall not be affected.

Section 8. Recitals. The recitals herein shall be findings of fact and are incorporated herein by reference.

Section 9. Typographical/Clerical Errors. Should any amendment made to this Ordinance that was passed by the Board during its deliberations be inadvertently left out of the final printed version of the plan, maps, or code, the explicit action of the Board as discussed and passed shall prevail upon subsequent review and verification by the Board, and shall be corrected.

Section 10. Effective Date. This Ordinance shall take effect immediately.

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ADOPTED this ___ day of _____, 2016.

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

EDWARD E. WOLFE, Commissioner (Chair)

CHARLOTTE GARRIDO, Commissioner

ROBERT GELDER, Commissioner

ATTEST:

Dana Daniels, Clerk of the Board

APPROVED AS TO FORM:

Deputy Prosecuting Attorney

Attachment: Code Update: Reasonable Measures APPENDIX.