

ORDINANCE NO. 328 - 2004**RELATING TO AN EMERGENCY AMENDMENT OF THE KITSAP COUNTY
COMPREHENSIVE PLAN AND ZONING MAP TO CORRECT A ZONING ERROR
(TAX PARCEL NO. 262702-4-005-2000, KINGSTON)****BE IT ORDAINED:****Section 1: The Kitsap County Board of County Commissioners makes the following
Findings:**

- 1) The adopted 1998 Kitsap County Comprehensive Plan and Zoning Map designated the subject property as Neighborhood Commercial.
- 2) Revisions to the Zoning Map were adopted by the Kitsap Board of Commissioners on December 8, 2003.
- 3) The adopted December 8, 2003 Zoning Map incorrectly shows the subject property as Highway Tourist Commercial due to a mapping error in the County's computerized Geographical Information System.
- 4) No rezone action has been applied to the subject property since adoption of the 1998 Comprehensive Plan and Zoning Map, and therefore the property remains zoned Neighborhood Commercial.
- 5) Title 17.200 Kitsap County Code (KCC) requires Kitsap County to adopt a Zoning Map that accurately reflects established land use zone designations, locations and boundaries.
- 6) Title 21.08.190 KCC provides that the Kitsap County Board of Commissioners may approve a correction to the Zoning Map if the proposed correction reflects the zoning classification which was directed by the Board of Commissioners at the time the 1998 Comprehensive Plan was adopted.
- 7) Emergency amendments to the Comprehensive Plan are provided for in the Growth Management Act, Revised Code of Washington (RCW) 36.70A.130(2)(b), and therefore can be processed outside the annual review and amendment process.
- 8) Representatives of the property owner have contacted the Board of Commissioners to request that this matter be resolved.
- 9) Staff has been requested to provide the necessary supporting information and documentation to process this matter as an emergency amendment to the County Comprehensive Plan and Zoning Map.

10) An emergency exists because without the correction, a zoning classification will be allowed to stand which was not formally adopted by the Board of County Commissioner and which is therefore invalid.

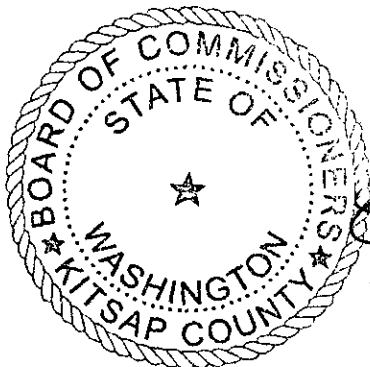
Section 2. Pursuant to RCW 36.70A130(2)(b), the Kitsap County Board of County Commissioners adopts an emergency amendment to the Kitsap County Comprehensive Plan and Zoning Map, to correctly identify the appropriate zoning designation of Neighborhood Commercial for the subject property.

Effective Date. This ordinance shall take effect on 11 / 15 / 04

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.

ENACTED THIS 15th day of NOV, 2004.

KITSAP COUNTY BOARD OF
COMMISSIONERS



ATTEST:

Patty Lent
PATTY LENT, CHAIR

Chris Endresen
CHRIS ENDRESEN, COMMISSIONER

NOT PRESENT

JAN ANGEL, COMMISSIONER








Opal Robertson
Opal Robertson
Clerk of the Board

Approved as to form:

Deputy Prosecuting Attorney

Kingston 2002

Zoning Designations

- 2002 ZONING DESIGNATION**
-  Highway/Tourist Commercial
 -  Industrial
 -  Neighborhood Commercial
 -  Rural Residential
 -  Urban High Residential
 -  Urban Low Residential
 -  Urban Medium Residential

 Tax Parole - May 22, 2002

KITAP COUNTY COMPREHENSIVE PLANNING MAP SERIES

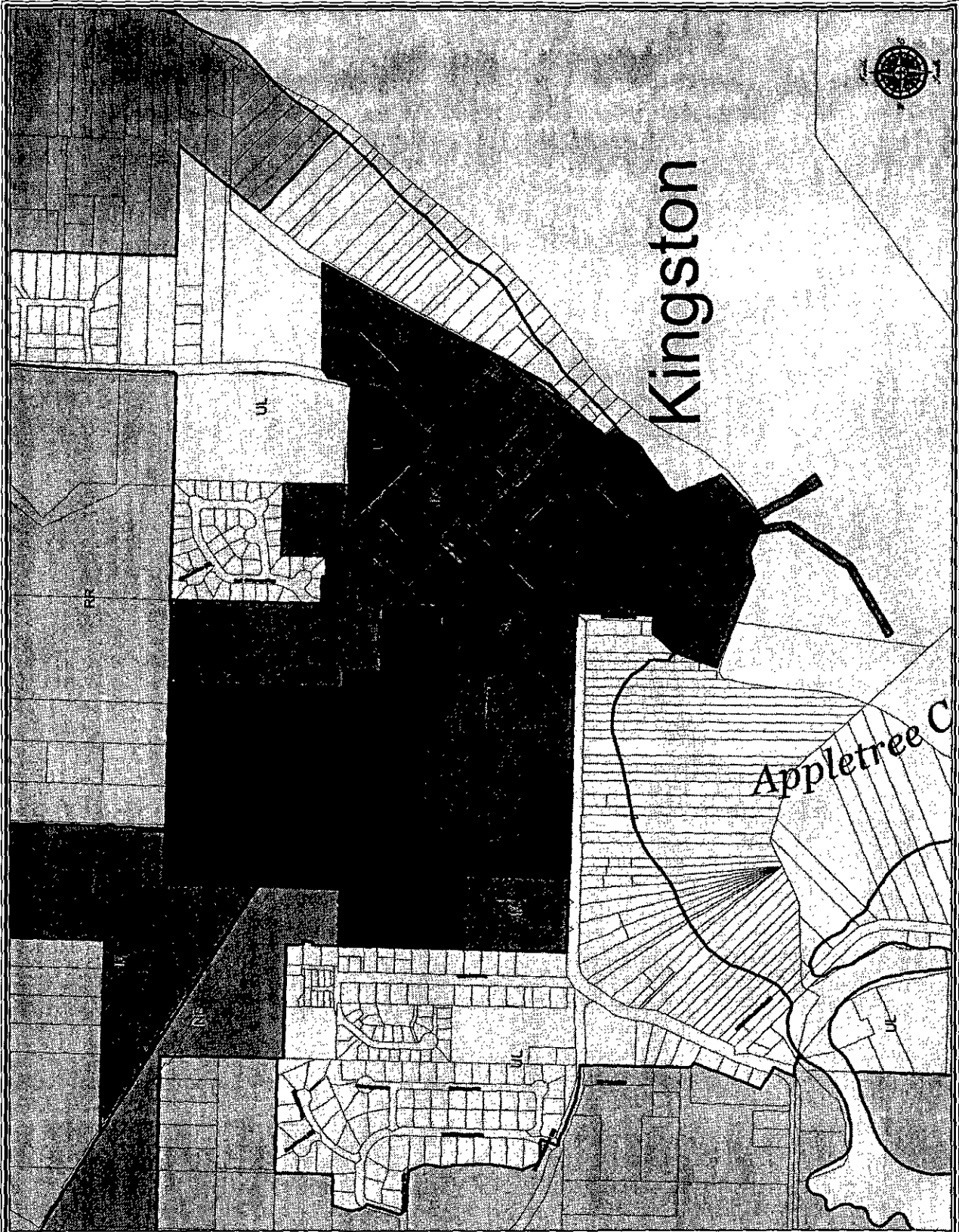
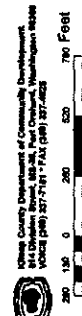
The map represents the zoning plan adopted by the Planning Commission of Kitap County, Oregon, on May 7, 1999, as amended on February 8, 1999, April 19, 1999 and June 10, 2002. The map is effective as of June 10, 2002, regarding previous zoning areas.

The zoning designations set forth in this map of Kitap County, Oregon, are subject to the provisions of the Comprehensive Zoning Ordinance which is available from the Department of Community Development.

NOTES:
This map was developed for general land use planning purposes. The user of this map must assume responsibility for determining its suitability for other purposes.

APPROVED:
February 8, 1999 *Patricia McLaughlin, Mayor*
April 10, 1999 *Richard J. Johnson, Mayor*
July 21, 1999 *Port Gamble Rural Health, Trust*
June 10, 2002 *Metropolitan Community Plan*

Draft



328-2004

Kingston 1998

Zoning Designations

1998 ZONING DESIGNATION

- Highway/Tourist Commercial
- Industrial
- Neighborhood Commercial
- Rural Residential
- Urban High Residential
- Urban Low Residential
- Urban Medium Residential

Tax Parishes - January 1, 1999

RITZMAP COUNTY COMPREHENSIVE PLANNING MAP SERIES

This map represents the Zoning Map adopted with the Kingston Comprehensive Plan, as approved by the Kingston Planning Board of Commissioners on May 7, 1998. The map is effective as of April 10, 1998 retroactively to the date of the plan's adoption.

The zoning designations are defined in the text of the Kingston Ordinance No. 218-1998 (Zoning Ordinance) which is available from the Department of Community Development.

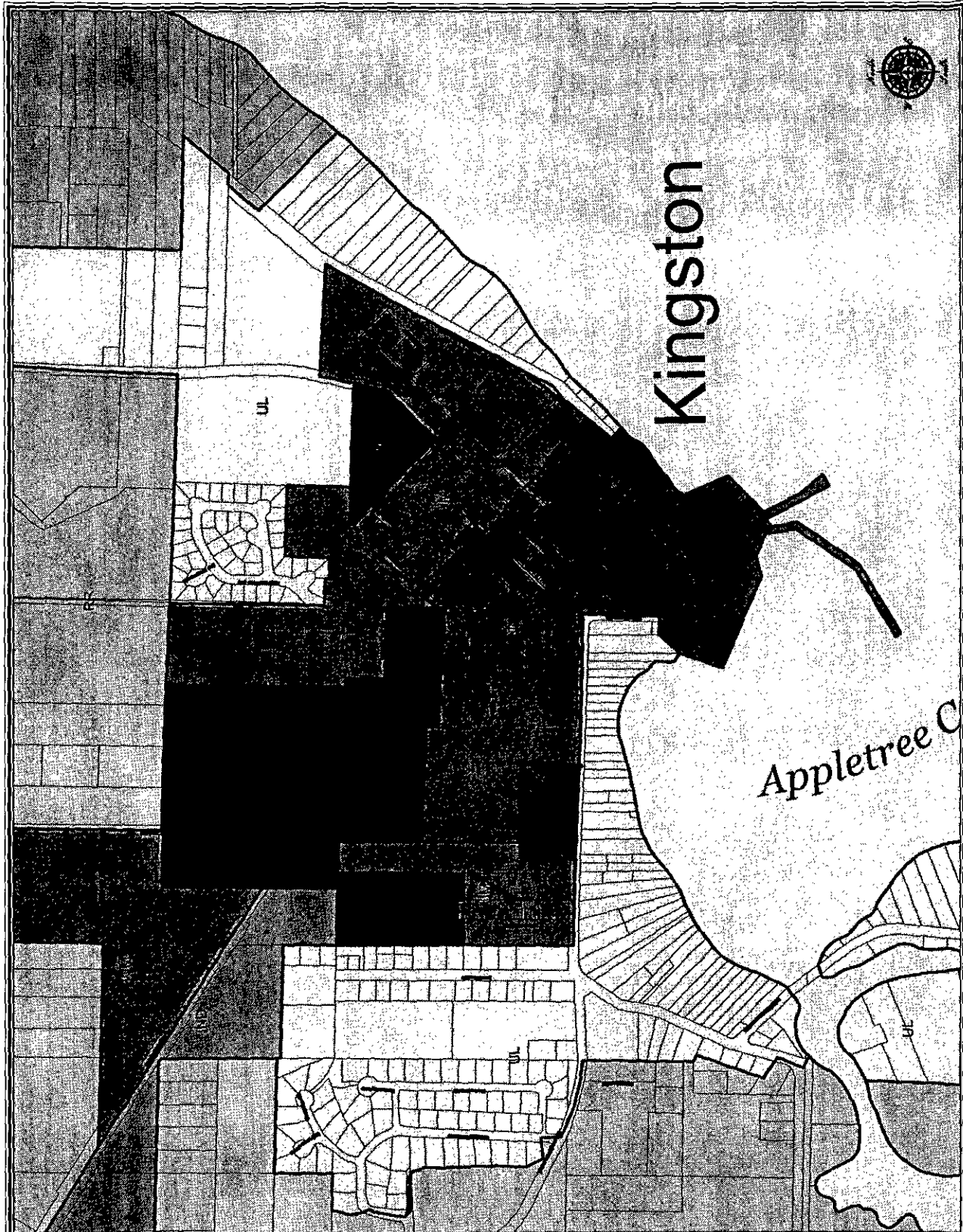
Development within the Macomber Woods (Buckley Woods) LUGA/UGA and Macomber Woods (Buckley Woods) LUGA/UGA areas is subject to the provisions of the 1997-2017 planning period and an additional condition: site work is subject to the provisions of the plan.

NOTE:
This map is provided for general use and is not intended for use in any other way. The user assumes responsibility for determining its suitability for other purposes.

Approved:
February 8, 1998 Edward R. Lantz
April 10, 1998 Richard R. Lantz
July 21, 1999 Paul G. Lantz, Mayor

Draft

Kingston County Department of Community Development
614 Division Street, 305-36, Post Office, Washington, WA
VOICE (800) 337-7181 • FAX (800) 337-4825



328-2004

Affidavit of Correction

Emergency Amendment to the Kitsap County
Comprehensive Plan and Zoning Maps
(Amended December 8, 2003)

Date: October 26, 2004

Subject Property: 3.6 acres located in North Kitsap County on the north Side of West Kingston Rd. NE, west of Kingston (see attached).

Assessors Tax ID No: 262702-4-005-2000

Property Owner: U.S. Navy

Current Zoning Map Designation: Highway Tourist Commercial (HTC)
Corrected Zoning Map Designation: Neighborhood Commercial (NC)

Background: The subject property was erroneously shown as Highway Tourist Commercial on the County Zoning Map adopted December 8, 2003. The property has been zoned Neighborhood Commercial since the adoption of the County Comprehensive Plan in 1998, and there have been no amendments or rezones that would have changed the zoning. This mapping error apparently occurred in 2003 when the overlays for the Land Use Map and the Zoning Map were being combined in the County's computerized geographical information system (GIS).

Recommendation: Staff is seeking approval from the chair of the Board of Commissioners to declare an emergency amendment for the Comprehensive Plan and Zoning Map to reflect the appropriate zoning designation for the subject property. This action would correctly identify and return the property to the Neighborhood Commercial zoning designation which existed prior to adoption of the 2003 Zoning Map, and would remove the current, erroneous designation of Highway Tourist Commercial.

Conclusions: After review and analysis, I Cindy Baker hereby conclude that the aforementioned information provided is valid, accurate and meets the statutory requirements and provisions outlined under the Growth Management Act (RCW 36.70A.130(2)(b)). Therefore, I recommend that the Chair of the Board of County Commissioners approve the emergency amendment for the subject property located in Commissioner District #1.

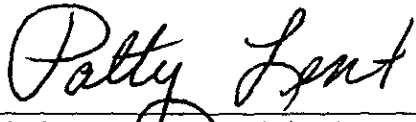
328-2004

Dated this 27 day of October, 2004.



Cindy Baker, Interim Director
Department of Community Development

Board of County Commissioners



Commissioner Patty Lent (Chair)

Attest:

Kingston 2003

Zoning Designations

2003 ZONING DESIGNATION

- Highway/Tourist Commercial
- Industrial
- Neighborhood Commercial
- Rural Residential
- Urban High Residential
- Urban Low Residential
- Urban Medium Residential
- Urban Village Center
- Urban Restricted

Tax Parcels - September 23, 2004

WISCONSIN COUNTY COMPREHENSIVE PLANNING MAP SERIES

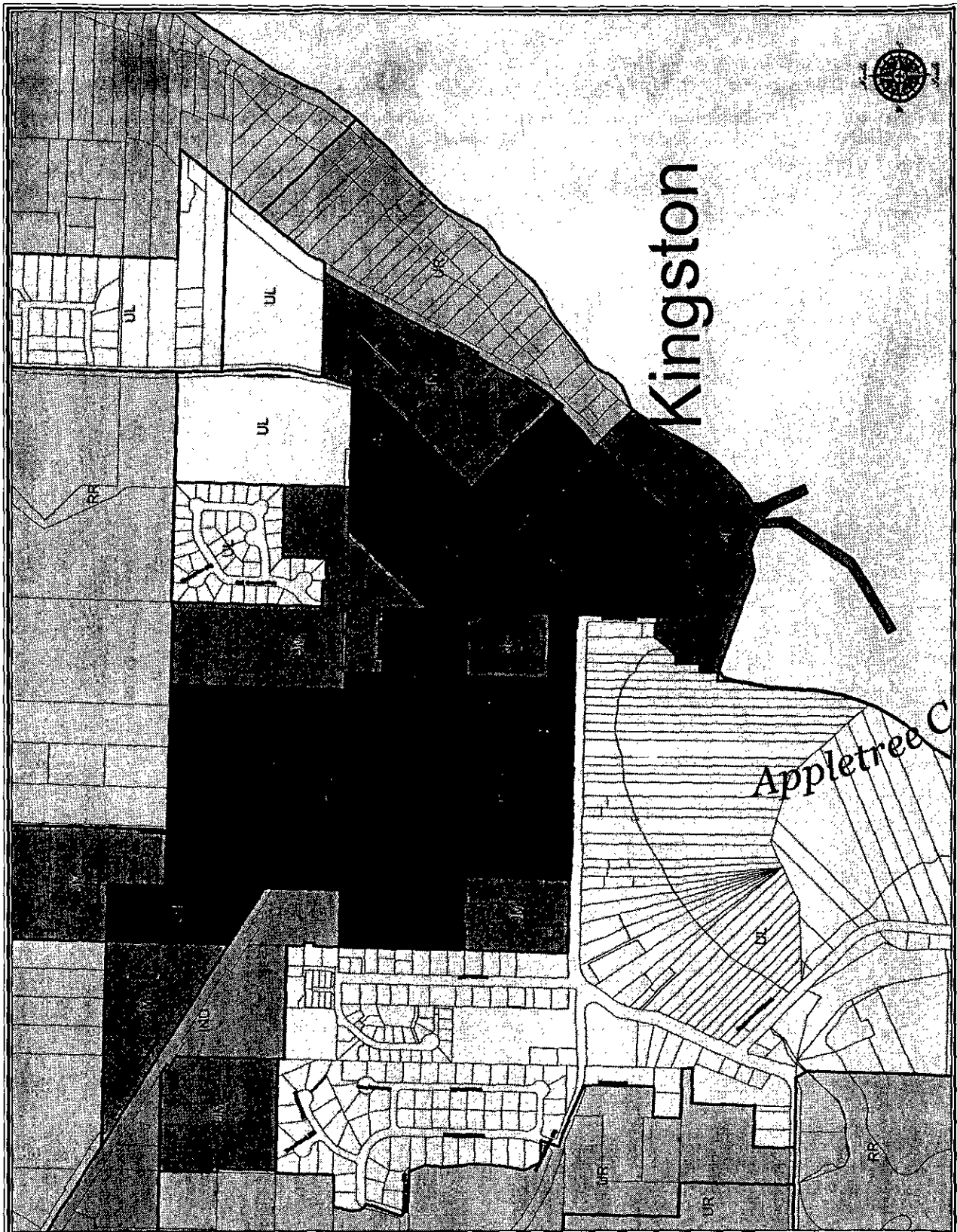
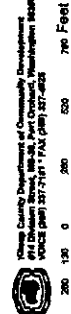
This map is one of the zoning maps prepared by the Wisconsin County Board of Commissioners on May 7, 1988, and amended on February 4, 1990, April 15, 1998 and December 4, 2003, and is available for other purposes.

The zoning designations are subject to the local zoning ordinance of the County of Oneida, Wis., 2003 (2003 Comprehensive Zoning Ordinance).

NOTE: This map was developed for general land use planning purposes. The user of this map must assume responsibility for determining its suitability for other purposes.

Prepared by: 1999 Forest Resources, Inc.
 April 11, 2000 Wisconsin First Stage
 May 10, 2000 Wisconsin Joint Planning Agency
 June 10, 2002 Wisconsin Community Plan
 December 4, 2003 Comprehensive Zoning Ordinance

Draft



Kingston

Appletree C

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Kitsap County Board of Commissioners will hold a public hearing **November 15, 2004**, at the hour of **10:00 AM**, in its Chambers, County Administration Building, 614 Division Street, Port Orchard, Washington, to consider an **Ordinance** relating to an emergency amendment of the Kitsap County Comprehensive Plan and Zoning Map to correct a zoning error on Tax Parcel No. 262702-4-005-2000, located in the Kingston area of North Kitsap County.

BE IT ORDAINED:

Section 1: The Kitsap County Board of County Commissioners makes the following Findings:

- 1) The adopted 1998 Kitsap County Comprehensive Plan and Zoning Map designated the subject property as Neighborhood Commercial.
- 2) Revisions to the Zoning Map were adopted by the Kitsap Board of Commissioners on December 8, 2003.
- 3) The adopted December 8, 2003 Zoning Map incorrectly shows the subject property as Highway Tourist Commercial due to a mapping error in the County's computerized Geographical Information System.
- 4) No rezone action has been applied to the subject property since adoption of the 1998 Comprehensive Plan and Zoning Map, and therefore the property remains zoned Neighborhood Commercial.
- 5) Title 17.200 Kitsap County Code (KCC) requires Kitsap County to adopt a Zoning Map that accurately reflects established land use zone designations, locations and boundaries.
- 6) Title 21.08.190 KCC provides that the Kitsap County Board of Commissioners may approve a correction to the Zoning Map if the proposed correction reflects the zoning classification which was directed by the Board of Commissioners at the time the 1998 Comprehensive Plan was adopted.
- 7) Emergency amendments to the Comprehensive Plan are provided for in the Growth Management Act, Revised Code of Washington (RCW) 36.70A.130(2)(b), and therefore can be processed outside the annual review and amendment process.
- 8) Representatives of the property owner have contacted the Board of Commissioners to request that this matter be resolved.

9) Staff has been requested to provide the necessary supporting information and documentation to process this matter as an emergency amendment to the County Comprehensive Plan and Zoning Map.

10) An emergency exists because without the correction, a zoning classification will be allowed to stand which was not formally adopted by the Board of County Commissioner and which is therefore invalid.

Section 2. Pursuant to RCW 36.70A130(2)(b), the Kitsap County Board of County Commissioners adopts an emergency amendment to the Kitsap County Comprehensive Plan and Zoning Map, to correctly identify the appropriate zoning designation of Neighborhood Commercial for the subject property.

Effective Date. This ordinance shall take effect on ___/___/___

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.

ALL THOSE INTERESTED are welcome to attend.

Opal Robertson, Clerk of the Board
Kitsap County Commissioners

NOTE: KITSAP COUNTY DOES NOT DISCRIMINATE ON THE BASIS OF DISABILITY. INDIVIDUALS WHO REQUIRE ACCOMMODATIONS, SHOULD CONTACT THE COMMISSIONERS OFFICE AT (360) 337-4428 OF TDD (360) 337-7275 OR 1-800-816-2782. (PLEASE PROVIDE SEVEN BUSINESS DAYS NOTICE FOR INTERPRETER SERVICES).

Publication Date: **November 3, 2004**

The Kitsap Newspaper Group

FILE

Sub: 11/9/04

Port Orchard Independent
P.O. Box 27, Port Orchard, WA 98366
360-876-4414

Affidavit of Publication

STATE OF WASHINGTON }
COUNTY OF KITSAP } ss

Rich Peterson being first duly sworn, upon oath deposes and says: that (s)he is the publisher of the Port Orchard Independent, a twice-weekly newspaper. The said newspaper is a legal newspaper by order of the superior court in the county in which it is published and is now and has been for more than six months prior to the date of the first publication of the Notice hereinafter referred to, published in the English language continually as a twice weekly newspaper in Port Orchard, Kitsap County, Washington and is and always has been printed in whole or part in the Port Orchard Independent, Central Kitsap Reporter, North Kitsap Herald, Bainbridge Island Review, and the Bremerton Patriot and is of general circulation in said County, and is a legal newspaper, in accordance with the Chapter 99 of the Laws of 1921, as amended by Chapter 213, Laws of 1941, and approved as a legal newspaper by order of the Superior Court of Kitsap County, State of Washington, by order dated June 16, 1941, and that the annexed is a true copy of County Notices - KINGSTON MAP CORR(PC as it was published once a week in the regular and entire issue of said paper and not as a supplement form thereof for a period of 1 issue(s), such publication commencing on 11/03/04 and ending on 11/03/04 and that said newspaper was regularly distributed to its subscribers during all of said period. The amount of the fee for such publication is \$ 61.50 which has been paid in full.

Rich Peterson

Subscribed and sworn before me on this
3rd day of November
2004

Janis E. French
Notary Public in and for the State of Washington, residing in Port Orchard, EC. 1, 2004
WASHINGTON
BOARD OF COMMISSIONERS.

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Opal Robertson, Clerk of the Board Kitsap County Commissioners

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Date of Publication: 11/03/04 (PC8832)

328-2004

328-2004

Port Orchard Independent
 P.O. Box 27, Port Orchard, WA 98366
 360-876-4414

Affidavit of Publication

STATE OF WASHINGTON }
 COUNTY OF KITSAP } SS

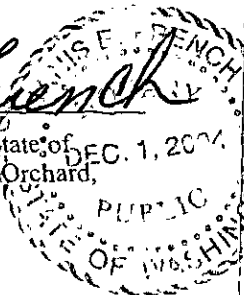
Rich Peterson being first duly sworn, upon oath deposes and says: that (s)he is the publisher of the Port Orchard Independent, a twice-weekly newspaper. The said newspaper is a legal newspaper by order of the superior court in the county in which it is published and is now and has been for more than six months prior to the date of the first publication of the Notice hereinafter referred to, published in the English language continually as a twice weekly newspaper in Port Orchard, Kitsap County, Washington and is and always has been printed in whole or part in the Port Orchard Independent, Central Kitsap Reporter, North Kitsap Herald, Bainbridge Island Review, and the Bremerton Patriot and is of general circulation in said County, and is a legal newspaper, in accordance with the Chapter 99 of the Laws of 1921, as amended by Chapter 213, Laws of 1941, and approved as a legal newspaper by order of the Superior Court of Kitsap County, State of Washington, by order dated June 16, 1941, and that the annexed is a true copy of County Notices - KINGSTON MAP CORR(PC as it was published once a week in the regular and entire issue of said paper and not as a supplement form thereof for a period of 1 issue(s), such publication commencing on 11/03/04 and ending on 11/03/04 and that said newspaper was regularly distributed to its subscribers during all of said period. The amount of the fee for such publication is \$ 61.50 which has been paid in full.

Rich Peterson

Subscribed and sworn before me on this
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Ann E. French

 Notary Public in and for the State of Washington, residing in Port Orchard, Washington.
 BOARD OF COMMISSIONERS.



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 Date of Publication: 11/03/04 (PC8832)



Meeting Date: November 15, 2004

Agenda Item No.

10:00 I

Kitsap County Board of Commissioners

Department: Community Development

Staff Contact: Keri Weaver 337-4579

Title: Ordinance Providing for Emergency Amendment of the Kitsap County Comprehensive Plan and Zoning Map to Correct Zoning Error Regarding Tax Parcel No. 262702-4-005-2000 (Kingston)

Recommended Action: Adopt Ordinance

Summary:

The subject property was erroneously shown as Highway Tourist Commercial on the Zoning Map adopted December 8, 2003. The property has been zoned Neighborhood Commercial since the adoption of the Comprehensive Plan in 1998 and there have been no amendments or rezones that would have changed the zoning. This mapping error apparently occurred in 2003 when the overlays for the Land Use Map and the Zoning Map were being combined in the County's computerized Geographical Information System. Staff is seeking an Emergency Amendment to the Comprehensive Plan and Zoning Map to reflect the appropriate zoning designation of Neighborhood Commercial for the subject property.

Attachments: Draft Ordinance
Affadavit
Maps

Fiscal Impact

Expenditure required for this specific action: Staff time and supplies

Total cost including all related costs: Unknown

Related Revenue: N/A

Cost Savings: None

Total Fiscal Impact: Unknown

Source of Funds : General Fund

Fiscal Impact (DAS) Review:

Departmental Coordination

Department	Representative	Recommendation/Comments
DCD	Cindy Baker <i>CB</i>	
DCD	Laura Ditmer <i>LD</i>	
DCD	Keri Weaver <i>KW</i>	

Contract Information

Contract Number	Date Original Contract or Amendment Approved	Amount of Original Contract or Amendment	Total Amount of Amended Contract
N/A			
N/A			

328-2004