

ORDINANCE NO. 458 - 2010

AN ORDINANCE REPEALING RESOLUTION NO. 60-1961; RECOGNIZING THE KITSAP COUNTY PLANNING AGENCY AND RE-ESTABLISHING THE KITSAP COUNTY PLANNING COMMISSION

WHEREAS, in 1961, pursuant to the Planning Enabling Act, Ch. 36.70 RCW, the Kitsap County Board of County Commissioners adopted a resolution creating a County Planning Department and an Advisory Planning Commission through Resolution No. 60-1961; and

WHEREAS, since 1961, there have been significant changes to state land use laws, including the enactment of the state Growth Management Act (GMA), 36.70A RCW; and

WHEREAS, the Kitsap County Board of Commissioners finds it necessary to codify duties and responsibilities of the county planning department to support the Kitsap County Planning Commission, update and codify duties of the Kitsap County Planning Commission, and reconstitute the Kitsap County Planning Commission.

NOW, THEREFORE, BE IT ORDAINED BY THE KITSAP COUNTY BOARD OF COMMISSIONERS:

Section 1. Kitsap County Code Section 2.56.010, "Department of Community Development - Created," adopted by Motion 3-14-1977, is amended as follows:

2.56.010

(1) The Department of Community Development (DCD) was established in 1977. The Department of Community Development shall serve as the county land use planning agency, the land use permit and building code administrative agency and the land use planning, permit and code compliance agency.

(2) The Department of Community Development shall serve the function of the planning department within the meaning of RCW 36.70.040 and shall include a Planning Commission.

NEW SECTION. Section 2. A new section is added to Chapter 2.56, Kitsap County Code, "Department of Community Development," to read as follows:

2.56.020. Purpose.

The purpose of this chapter shall be to formally recognize and reconstitute the advisory Kitsap County Planning Commission. This chapter also shall

provide for eligibility, appointment and standards of conduct for Planning Commission members; define the duties and responsibilities of the planning department and Planning Commission; and effect the promulgation and adoption of rules of procedure under which the Planning Commission shall conduct its business.

NEW SECTION. Section 3. A new section is added to Chapter 2.56 Kitsap County Code, "Department of Community Development" as follows:

2.56.030. Definitions.

- (1) "Board" means the Kitsap County Board of Commissioners.
- (2) "Chair" means the chairperson of the Planning Commission, elected pursuant to the procedures set forth in this chapter.
- (3) "Comprehensive land use plan" or "comprehensive plan" means a generalized coordinated land use policy statement of the county's governing body that is adopted pursuant to chapter 36.70A RCW.
- (4) "Development regulations" means the controls placed on development or land use activities by a jurisdiction, including, but not limited to, zoning ordinances, critical areas ordinances, shoreline master programs, official controls, planned unit development ordinances, subdivision ordinances, and binding site plan ordinances together with any amendments thereto. A development regulation does not include a decision to approve a project permit application, as defined in RCW 36.70B.020, even though the decision may be expressed in a resolution or ordinance of the legislative body of the county. For the purposes of this chapter, a development regulation does not include ordinances or regulations that address procedural issues related to land use planning or interim, emergency ordinances, moratorium ordinances or remand actions from state administrative Boards and/or courts of law.
- (5) "Planning department" means a planning department organized and functioning as any other department in any county pursuant to RCW 36.70.030(3), and for purposes of this chapter means the Department of Community Development.
- (6) "Planning Commission" or "commission" means the advisory Kitsap County Planning Commission established pursuant to this chapter and Chapter 36.70 RCW.

NEW SECTION. Section 4. A new section is added to Chapter 2.56 Kitsap County Code, "Department of Community Development" as follows:

2.56.030 Planning Commission

(1) Created. Pursuant to RCW 36.70.040, the Kitsap County Planning Commission is hereby reconstituted and created.

(2) General Duties. The Kitsap County Planning Commission shall assist the planning department in carrying out its duties, including assistance in the preparation and execution of the comprehensive plan and the adoption of development regulations, as defined in this chapter, for Kitsap County, Washington, and shall hold public hearings and shall make findings and conclusions which shall be transmitted to the planning department for transmittal to the Board, together with such comments and recommendations as the planning department deems necessary. For purposes of transmittal to the Board, the recommendation of the Planning Commission in its entirety shall be provided for the Board's consideration; DCD may transmit its comments and recommendations on the Planning Commission's recommendation concurrently to the Board in a separate document from the Planning Commission's recommendation.

(3) Composition of the Planning Commission. The Kitsap County Planning Commission shall be composed of nine (9) members.

(4) Appointment. Each member of the Kitsap County Planning Commission shall be appointed and confirmed by the Board of Commissioners, consistent with RCW 36.70.080, which reads in its entirety: "The members of a commission shall be appointed by the chair of the Board with the approval of a majority of the Board: PROVIDED, That each member of the Board shall submit to the chair a list of nominees residing in his or her commissioner district, and the chair shall make his or her appointments from such lists so that as nearly as mathematically possible, each commissioner district shall be equally represented on the commission." Appointments to the Planning Commission shall be staggered as set forth in KCC 2.56.030. Each four-year term shall commence on the 1st day of January of the year when the term created herein shall expire and the four-year anniversary thereof. The current appointments to and membership of the Planning Commission shall remain in effect at passage of this ordinance.

(5) Eligibility of Appointed Members. The Board of County Commissioners shall nominate and select Planning Commission members to independently and responsibly serve their fellow citizens. The Board shall appoint Planning Commission members:

- (a) Who represent varying geographic, demographic, and socioeconomic perspectives;

(b) Who, collectively, represent a broad range of local opinion, experience, and expertise, and are entrusted to make recommendations reflecting the broad interests of the community; and

(c) Who are free of incompatibility, conflict of interests, and association with other municipal organizations, agencies, and entities within Kitsap County.

(6) Terms. Terms of office shall be four years; provided, that the staggering of terms shall be so arranged that the expiration of terms shall not coincide for all commission members from any county commissioner's district.

(7) Vacancies. Each vacancy resulting from the expiration of a term of office shall be filled by appointment by the Board of Commissioners from a list of not less than one nominee residing in the respective district by the respective district county commissioner of the vacating member, for a period of four years. Vacancies occurring for any reason other than expiration of a term of office shall be by appointment as set forth hereinabove for the period of the unexpired term of the office being filled.

(8) Organization. The current positions of Planning Commission Chair and Vice-Chair of the Planning Commission shall remain in effect at passage of this ordinance. The Planning Commission shall, at its first regular meeting in January of each year, organize itself by electing a chair and vice-chair to serve until the expiration of the calendar year, and shall hold not less than one regular meeting per month; provided, that if no matter requiring Planning Commission consideration is pending in any given month, the meeting may be canceled in advance by the chair or vice-chair of the commission. The Planning Commission may appoint standing or special committees to which may be assigned specific responsibilities and authority, which shall make no recommendations except to the Planning Commission. Consistent with RCW 36.70.120, the commission shall appoint a secretary who need not be a member of the commission. If such appointment is not made within the commission membership, then such appointment shall not be subject to term limits. The planning department will make available a nominee from within the department for secretary of the commission.

(9) Meetings and Quorum. Five (5) members of the Planning Commission shall constitute a quorum. All actions of the Planning Commission shall be determined by a majority vote at a meeting at which a quorum is present. In accordance with Ch. 36.70 RCW, as it now exists or is hereafter amended, the Planning Commission's recommendation regarding the Comprehensive Plan, Comprehensive Plan amendments or

development regulations shall be by affirmative vote of not less than a majority of the total members of the Planning Commission.

(10) Powers and Specific Duties - Conduct of Hearings. The powers and duties of the Planning Commission shall be such as are prescribed by Chapter 36.70 RCW, as amended, and other applicable laws of the state; and the Planning Commission shall also perform such other duties as are not inconsistent with the laws of the state, at the direction of the Board of Commissioners.

(a) The Planning Commission shall conduct such hearings as are required by Kitsap County Code and state statutes, and shall make findings of fact and conclusions, which shall be transmitted to the planning department for transmittal to the Board with such comments and recommendations as the planning department shall deem necessary. At its discretion, the Board may choose to act directly on specific land use matters without the input of the Planning Commission, where an emergency exists, or where the matter concerns an issue that was remanded by a court or a state administrative review body.

(b) In formulating its recommendations to the planning department for transmittal to the Board, the Planning Commission and its advisory committees may be required to conduct public hearings; however, in any event all such meetings of the commission or its advisory committees shall be conducted in a manner consistent with the Code of Ethics for Municipal Officers, Chapter 42.23 RCW, the Open Public Meetings Act, Chapter 42.30 RCW, the Appearance of Fairness Doctrine as applicable, Chapter 42.36, and applicable public participation policies of the county.

(11) Meeting with the Board and Annual Reporting.

(a) The Planning Commission shall meet no less than once annually with the Board to, at minimum, review its roles, expectations and performance. The meeting shall be an opportunity to review the latest Annual Report of the Planning Commission as well as upcoming legislative and work programs.

(b) The Planning Commission shall prepare an Annual Report that reviews the most-recent calendar year's activities. DCD shall assist in scribing the report. The report shall be affirmed by the Planning Commission by majority vote present.

(12) Removal from Office. Any appointed member of the commission may be removed by the Board of County Commissioners for inefficiency, negligence of duty, malfeasance of office, as noted in RCW 36.70.110.

NEW SECTION. Section 5. A new section is added to Chapter 2.56 Kitsap County Code, "Department of Community Development" as follows

2.56.040 Financing and planning.

(1) Financial Obligations and Expenditures.

(a) No financial obligation or expenditure shall be incurred by either the Department of Community Development or the Planning Commission, except as are expressly authorized in advance by the Board of Commissioners as by law provided. Appropriations for the operation of both the department and Planning Commission shall be separately identified, but office accounting and records shall be kept by planning, as a section of the Department of Community Development.

(b) Planning Commission members shall receive a stipend approved by the Board of Commissioners in the Department of Community Development annual budget.

(2) Planning Procedures. The director of the Department of Community Development shall establish such rules of procedures as shall assure thorough and expeditious handling and disposition of such matters as may be of concern to the planning department, within constitutional, statutory and code limitations. The Planning Commission may adopt rules of procedures for the transaction of business and shall keep a record of its transactions, consistent with the requirements adopted by the Board of County Commissioners, and within constitutional, statutory and code limitations.

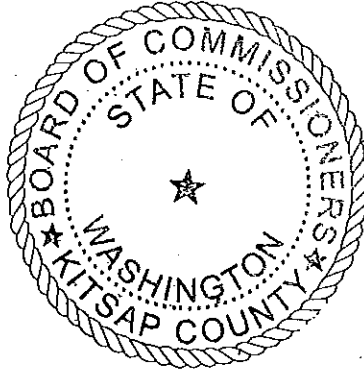
Section 6. Resolution No. 60-1961 is hereby repealed.

Section 7. Severability. If any section, subsection, sentence, clause or phase of this ordinance or mandate thereto, or its application to any person or circumstances, is held invalid, the remainder or application to other persons or circumstances shall not be affected.

Section 8. Effective Date. This ordinance shall be of full force and effect immediately upon passage.

DATED this 14th day of JUNE, 2010.

BOARD OF COUNTY COMMISSIONERS
KITSAP COUNTY, WASHINGTON



ATTEST:

Opal Robertson
Opal Robertson
Clerk of the Board

Josh Brown
JOSH BROWN, Chair

Steve Bauer
STEVE BAUER, Commissioner

Charlotte Garrido
CHARLOTTE GARRIDO, Commissioner

Approved as to form:

Deputy Prosecuting Attorney