

ORDINANCE NO. 336 - 2005

**RELATING TO A CORRECTIVE AMENDMENT TO
KITSAP COUNTY CODE REGARDING BUSINESS CENTER (BC) USES**

WHEREAS, the Board of County Commissioners held public hearings on the South Kitsap Industrial Area (SKIA) Sub-Area Plan and associated development regulations in 2003; and

WHEREAS, during these hearings, members of the public requested "race tracks, auto and motorcycle" be classified as a conditional use in the Business Center (BC) zone; and

WHEREAS, at its November 17, 2003 public hearing, the Board verbally approved an amendment to the development regulations to reflect the request regarding "race tracks, auto and motorcycle" uses; and

WHEREAS, the Board adopted the South Kitsap Industrial Area Sub-Area Plan and associated development regulations on December 8, 2003 in Ordinance No. 311-2003; and

WHEREAS, inadvertently, the final adopted development regulations were not amended to reflect the Board's decision on "race tracks, auto and motorcycle" in the Business Center zone; and

WHEREAS, Department of Community Development staff has reviewed the video tapes from that hearing and has verified that the Board's intent was to make this change in the proposed Ordinance.

BE IT ORDAINED:

Section 1. Kitsap County Code Section 17.370.020, adopted by Ordinance No. 311-2003, shall be amended as follows:

17.370.020 Uses.

The following Business Center, Business Park and Industrial Use Table 17.370.020 is a list of examples of allowable uses in the Business Center (BC), Business Park (BP) and Industrial (IND) zones.

Any use allowed in the airport (A) zone is also an allowable use in the IND or BP zones utilizing the same review process as identifier in the airport zone. The appropriate review, as listed, is mandatory.

Business Center, Business Park and Industrial Use Table 17.370.020

"P" -Permitted uses

"C" -Conditional uses, Chapter 17.420

"SPR" -Site Plan Review, Chapter 17.410

"X" -Uses specifically prohibited

USES		BP	BC ¹	IND ²
A. Services, Retail and Amusements				
1.	Laundry for carpets, overalls, rugs, and rug cleaning, using non-explosive and non-flammable cleaning fluids	SPR	P	SPR
2.	Parcel delivery service	SPR	P	SPR
3.	Animal hospital, kennels and animal boarding places	SPR	P	SPR
4.	Ambulance service	SPR	P	SPR
5.	All types of automobile, motorcycle, truck, and equipment service, repair, and rental	SPR	P	SPR
6.	Boat building, and repair	SPR	P	SPR
7.	Fuel oil distributors	X	X	SPR
8.	Service commercial uses such as banks, restaurants, cafes, drinking places, automobile service stations, and other business services located to serve adjacent industrial areas	C	P	SPR
9.	Retail or combination retail/wholesale lumber and building materials yard	X	P ³	SPR
10.	Manufactured home and trailer storage or rental	X	X	SPR
11.	Amusement park	X	X	C
12.	Circus, carnival or other type of transient and outdoor amusement enterprises	X	X	SPR
13.	<i>Race track; auto or motorcycle</i>	<u>C</u>	<u>C</u>	<u>C</u>
14.	Museums, aquariums, historic, or cultural exhibits	SPR	P	SPR
15.	Tourism facilities including outfitters, guides, and seaplane and tour-boat terminals	SPR	P	SPR
B. Manufacturing				
1.	Assembly and fabrication of sheet metal products	SPR	P	SPR
2.	Assembly, manufacture, compounding, packaging or treatment of articles or merchandise (Non-Hazardous)	SPR	P	SPR
3.	Assembly, manufacture, compounding, packaging or treatment of articles or merchandise (Hazardous)	X	X	C
4.	Ship building, dry dock, ship repair, dismantling	X	P	SPR
4a.	Aircraft manufacturing, assembly, repair, dismantling			
5.	Manufacture of paper and by-products of paper	X	X	SPR

6a	Manufacture of roofing paper or shingles, asphalt in facilities less than 10,000 square feet	SPR	P	SPR
6b	Manufacture of roofing paper or shingles, asphalt in facilities 10,000 square feet or greater	C	P	C
7.	Manufacture of mobile and manufactured homes	X	P	SPR
8a	Forest products manufacturing or shipping facilities which are not located on the waterfront such as assembly of previously milled wood into furniture, cabinetry or decorative items.	X	P	SPR
8b	Forest products manufacturing or shipping facilities which are located on the waterfront such as assembly of previously milled wood into furniture, cabinetry or decorative items.	X	X	C
C. Processing and Storage				
1.	Spinning or knitting of fibrous materials	SPR	P	SPR
2.	Non-marine related wholesale business, and warehouses not including mini-storage facilities	SPR	P	SPR
3.	Non-marine related cold storage plants, including storage and office	SPR	X	SPR
4.	Processing uses such as bottling plants, creameries, laboratories, blue printing, and photocopying, tire retreading, recapping, and rebuilding	SPR	P	SPR
5.	Storage or sale yard for building materials, contractors' equipment, house mover, delivery vehicles, transit storage, trucking terminal, and used equipment in operable condition	X	X	SPR
6.	Brewery, distillery, or winery	SPR	P	SPR
7.	Junkyards or wrecking yards	X	X	C
8.	Grain elevator and flour milling	X	P	SPR
9.	Sawmills, lumber mills, Planing mills, and molding plants	X	P	SPR
10.	Junk, rags, paper, or metal salvage, storage or processing	X	X	C
11.	Rolling, drawing, or alloying ferrous and nonferrous metals	X	X	SPR
12.	Rubber, treatment or reclaiming plant	X	X	SPR
13.	Slaughterhouse or animal processing	X	X	C
14.	Major petroleum storage and/or refining	X	X	C
15.	Recycling centers (excluding junkyards)	SPR	X	SPR
16.	Incinerator or reduction of garbage, offal, dead animals or refuse	X	X	C
17.	Marine-related storage of equipment, supplies, materials, boats, nets, and vehicles	X	X	SPR

18.	Cold storage facilities for marine or agricultural products	SPR	X	SPR
19.	Processing, grinding or mixing of organic material for topsoil or soil amendments	X	X	SPR
D. Aggregate Products				
1.	Manufacture of concrete products and associated uses	X	X	C
2.	Manufacture of concrete products entirely within an enclosed building	SPR	P	SPR
3.	Surface mining and quarries, subject to the provisions of the Mineral Resource Zone	X	X	C
E. Other				
1.	Business and Professional services	P	P	SPR
2.	Welding shop	C	P	SPR
3.	Existing residential use without any increase in density	P	P	P
4.	Residential dwelling for caretaker on the property in conjunction with a permitted use	P	P	P
5.	Administrative, educational, and other related activities and facilities in conjunction with a permitted use	SPR	P	SPR
6.	Research Laboratory	SPR	P	SPR
7.	Aquaculture	X	P	C
8.	Cabinet, electrical, plumbing, sheet metal/welding, electroplating and similar fabrication shops	SPR	P	SPR
9.	Marine manufacturing repairs and services	SPR	P	SPR
10.	Shellfish/fish hatcheries and processing facilities	X	X	C
11.	Marinas	X	X	C
12.	Forestry	P	P	P
13.	Agriculture	P	P	P
14.	Industrial Park	SPR	X	SPR
F. Public Services and Facilities				
1.	Police and fire substations	SPR	P	SPR
2.	Educational institutions	SPR	P	SPR
3.	Publicly-owned land/water transshipment facilities, including docks, wharves, marine rails, cranes, and barge facilities	C	P	C
4.	Recreational Facilities Public/Private	C	P	C

¹ Uses "Permitted" only if consistent with an approved Master Plan pursuant to KCC Chapter 17.415. Where a Master Plan is optional and the applicant chooses not to develop one, these uses require a "Site Plan Review".

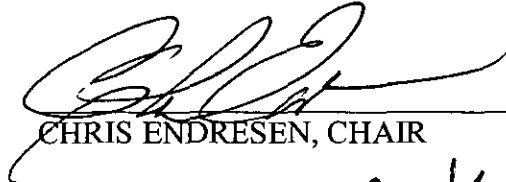
- 2 For properties with an approved Master Plan pursuant to KCC Chapter 17.415, all uses requiring a "Site Plan Review" or "Conditional Use Permit" will be considered "Permitted" uses
- 3 Retail must be associated with a primary permitted use

Section 2. Effective Date. This ordinance is remedial in nature and therefore, is retroactive and shall take effect December 8, 2003.

Section 3. 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 provisions to other persons, entities or circumstances is not affected.

ENACTED THIS 11th day of April, 2005.

**KITSAP COUNTY
BOARD OF COMMISSIONERS**



CHRIS ENDRESEN, CHAIR


PATTY LENE, COMMISSIONER


JAN ANGEL, COMMISSIONER



ATTEST:


Opal Robertson
Clerk of the Board

Approved as to form:

Deputy Prosecuting Attorney

Affidavit of Correction

Corrective Amendment to Kitsap County Code Section 17.370.020

Date: March 10, 2005

Subject: Amendment to KCC Section 17.370.020 regarding language already approved by the Board of Commissioners in 2003

Current KCC Language: "Race tracks, auto and motorcycle" prohibited in the Business Center zone

Corrected KCC Language: "Race tracks, auto and motorcycle" permitted in the Business Center zone

Background: The Board of County Commissioners (Board) held hearings on the South Kitsap Industrial Area (SKIA) Sub-Area Plan and development regulations. The Board received testimony from the public requesting that "race tracks, auto and motorcycle" be a conditional use in the Business Center zone. At its November 17, 2004 public hearing, the Board approved language in the development regulations to reflect this request. DCD staff has reviewed the videotapes from that hearing and has verified that the Board's intent was to approve this language shown in the proposed Ordinance. The Board adopted the SKIA Sub-Area Plan and development regulations on December 8, 2003. Through a ministerial error, the final adopted development regulations were never changed to reflect "race tracks, auto and motorcycle" as a conditional use in the Business Center zone. This is in conflict with the Board's decision.

Recommendation: Staff is seeking approval from the chair of the Board of Commissioners to declare a corrective amendment to the SKIA development regulations and Kitsap County Code to reflect "race tracks, auto and motorcycle" as a conditional use in the Business Center zone consistent with the Board's decision.

Conclusion: After review and analysis, I, Cindy Baker, Director of the Kitsap County Department of Community Development, hereby conclude that the information stated above is valid, accurate and meets the statutory requirements outlined in the Growth Management Act (RCW 36.70A.130(2)(b)). Therefore, I recommend that the Chair of the Board of County Commissioners authorize the corrective amendment.

Dated this 10 of March, 2005.


Cindy Baker, Director
Kitsap County Department of Community Development

Board of County Commissioners

Chris Endresen, Chair