

KITSAP COUNTY PHASE II CODE DEVELOPMENT Planning Commission Recommendation Summary Table

The table below is intended to summarize the Kitsap County Planning Commission's recommendations on the Phase II Code Development process as noted at their June 24th deliberations. The Planning Commission recommended adoption of the Phase II Code Development Second Draft dated May 17, 2008, except as noted below. Language that is red and underlined is considered the Planning Commission's recommended revisions and textual changes.

Proposed Amendment	May 17 th Proposal Description	Section No.'s	Planning Commission Recommendation	Planning Commission Comments
Single-Family Subdivision/Platting Standards				
Building Setbacks	Allows the reduction of front yard setbacks for the habitable areas (living rooms, bedrooms, etc.) of single-family development, BUT garages/carports must remain setback a minimum of 20 feet to provide driveway parking.	Section 17.382.060 Urban Residential Density and Dimensions Table.	Insert and replace for Front, Side and Rear Yard Setback for UL, UM and UCR zones the following: <u>If on an alley, 10 feet for a garage/carport opening directly onto the alley or 5 feet in all other instances.</u>	The proposed recommendation is intended to provide additional encouragement for urban development and design by encouraging the use of alleys.
Active/Passive Recreation Requirements for Straight Plats	Establishes active recreation requirements for all single-family subdivisions/developments more than 30 lots/units. Also, established standards for the size, number and location of these amenities within the subdivision/development.	Section 17.382.037 Single-family subdivision/development standards	Remove and defer to Phase III Code Development Process.	Due to the Washington state Supreme Court rulings in <i>Isla Verde International Holdings v. City of Camas</i> and <i>Trimen Development v. King County</i> , our current record to justify active recreational requirements for standard subdivisions would likely be successfully challenged. The County must be able to show a strong basis for the required set aside that is reasonably necessary as a direct result of the proposed development or plat.
Parking Requirements	Increases required parking for single-family and multi-family residential development by .5 spaces each (total of 2.5 for single and 2 for multi) to meet the existing and future needs of their residents. Clarifies garage parking not included in calculations.	Section 17.382.037 Single-family subdivision/development standards	Maintain 2.0 parking spaces for single-family and exclude the garage as part of the calculation in meeting parking requirements.	Maintaining the required parking spaces and but excluding garages in the calculation meets the comprehensive plan intent of urban areas, where reduction of impervious surfaces and single-occupancy vehicles are encouraged.

Proposed Amendment	May 17 th Proposal Description	Section No.'s	Planning Commission Recommendation	Planning Commission Comments
<p>Sidewalk Requirements for Straight Plats</p>	<p>Establishes sidewalk requirements for single-family subdivision/development. Sidewalk standards are based on the roadway classification as determined by the newly-adopted KC Road Standards.</p>	<p>Section 17.382.037 1-2 Single-family subdivision/development standards</p>	<p><u>Sidewalks shall be required on both sides of all public or private streets meeting the criteria for classification as a principal or minor arterial, local minor road, collector, local sub-collector or minor local road as described by the Kitsap County Road Standards. Sidewalk design shall be developed consistent with the requirements of the Kitsap County Road Standards.</u></p> <p><u>Sidewalks shall be required on a minimum of one side of all public or private streets meeting the criteria for classification as a local minor road, local road cul-de-sac or very low volume local road as designated by the Kitsap County Road Standards or of similar traffic volume. Sidewalk design shall be developed consistent with the requirements of the Kitsap County Road standards. The director may require sidewalks on both sides based upon site-specific conditions.</u></p>	<p>The proposed revisions ensure proper pedestrian access through residential subdivisions.</p>
<p>Street Tree Requirements for Straight Plats</p>	<p>Establishes landscaping requirements for subdivision/development entrances and regulations for street trees.</p>	<p>Section 17.382.037 E.2 Single-family subdivision/development standards</p>	<p><u>E. Landscaping requirements.</u></p> <ol style="list-style-type: none"> <u>1. A landscaped area will be provided at all entrances to the subdivision or development consistent with the landscaping standards of Chapter 17.385.</u> <u>2. Street trees consistent with Chapter 17.385 shall be provided along all streets with the road classification of principal or minor arterial, collector or local sub-collector as determined by the Kitsap County Road Standards or of similar traffic volume. Street trees shall be located in the road right-of-way or the front yards of individual lot or unit. Street trees located on individual lots may be installed before final plat approval or before the certificate of occupancy for individual building permits.</u> 	<p>Due to possible conflicts between street trees and individual home construction, the revision is intended to address public comment requesting clarification on the appropriate time for street tree installation.</p>

Proposed Amendment	May 17 th Proposal Description	Section No.'s	Planning Commission Recommendation	Planning Commission Comments
Performance-Based Development (PBD) Standards				
Purpose of a Performance Based Development	Included facilitating density in the purpose statement of the PBD and established	Section 17.425.010 Purpose.	<p>To allow flexibility in design and creative site planning, while providing for the orderly development of the county. A performance based development (PBD) is to allow for the use of lot clustering in order to preserve open space, encourage the creation of suitable buffers between <u>differing incompatible</u> types of development, <u>facilitate the residential densities allowed by the zone</u>, provide for increased efficiency in the layout of the streets, utilities and other public improvements and to encourage the use of <u>low-impact development techniques and other creative designs techniques</u> for the development of land. The performance based development is to allow for mixed uses, subject to the density limits of the zone in which the performance based development is located. <u>Standard regulations that may be modified through the use of a PBD include:</u></p> <ol style="list-style-type: none"> 1) <u>Lot size</u> 2) <u>Lot width and depth</u> 3) <u>Structure height</u> 4) <u>Setbacks (Front, Side and Rear Yards).</u> <p><u>Minimum and maximum densities authorized by the zone shall not be subject to modification through the use of a PBD.</u></p>	Revision is intended to clarify which standards may be modified through the use of the voluntary Performance Based Development process.

Proposed Amendment	May 17 th Proposal Description	Section No.'s	Planning Commission Recommendation	Planning Commission Comments
Revisions to an Approved Performance Based Development		<p>Section 17.425.110 Revisions of a performance based development</p>	<p><u>B. Minor and major revisions are defined as follows:</u></p> <ol style="list-style-type: none"> <u>1. A “minor” revision means any proposed change which does not involve substantial alteration of the character of the plan or previous approval; and</u> <u>2. A “major” revision means any expansion of the lot area covered by the permit or approval, or any proposed change that includes any one of the following:</u> <ol style="list-style-type: none"> <u>a. Substantial relocation of buildings, parking or streets;</u> <u>b. A reduction in any perimeter setback;</u> <u>c. An increase in the residential density;</u> <u>d. An increase in the gross floor area of a multi-family, commercial, industrial or commercial component of a project greater than 10%;</u> <u>e. Any relocation of the common open space which makes it less accessible or reduces the area greater than 5%;</u> <u>f. Any change in the landscape buffers resulting in a reduction in width or density of planting between the development and adjoining properties;</u> <u>g. Any substantial change in the points of access;</u> <u>h. Any increase in structure height; or</u> <u>i. An alteration in dwelling unit separation e.g. attached to detached dwelling units.</u> 	<p>Proposed revisions are intended to allow flexibility and reduce unnecessary application cost and process for minor and major revisions to a PBD. Otherwise such minor amendments would require a completely new application.</p>

Proposed Amendment	May 17 th Proposal Description	Section No.'s	Planning Commission Recommendation	Planning Commission Comments
<p>Active/Passive Recreation Requirements for Performance Based Developments</p>	<p>Establishes active recreation requirements for all single-family subdivision/development more than 20 lots/units. Also, established standards for the size, number and location of these amenities within the subdivision/development.</p>	<p>Section 17.425.040.C.2 Standards and requirements.</p>	<p>2. A developed active recreation amenity(s) facility or facilities commensurate consistent with the number of units/lots contained within the PBD. A "facility" shall be: a paved "sport court"; children's play area; exercise fitness trail; community garden or gathering area with water service; or similar amenity. Facilities Amenities shall be provided as follows:</p> <ul style="list-style-type: none"> a. Developments of 0 to 1942 lots/units are not required to have <u>such an amenity a facility</u>, except for the contiguous area required above; b. <u>For developments with greater than 19 lots/units, one amenity shall be provided for every twenty lots/units within the development. Required amenities shall be sized to accommodate 390 square feet per lot/unit.</u> 13 to 49 lots/units shall provide one facility; c. 50 to 79 lots/units shall provide two facilities, and there shall be an additional facility required for each additional 30 lots/units; <u>c. Amenities shall be centrally-located within the development in clearly visible areas on property suitable for such development. Amenities may be located in other areas of the development if directly linked with a regional trail system or other public park facility.</u> <u>d. Based upon topographical or site design characteristics of the subject property(s), amenities may be combined (while continuing to meet the overall square footage requirements established above) if the combination provides for increased benefit to all residents of the PBD.</u> d. Facilities Amenities may be located within, and be calculated towards, the recreational open space area if contiguous; contiguous recreational area; e. An athletic field with a minimum size of 120 yards long and 60 yards wide or swimming pool shall count as two <u>amenities facilities</u>; f. An equestrian development or similar "theme community" may be provided in lieu of other <u>amenities facilities</u>; g. Owned in common and available for use by all residents of the PBD; and <u>h. The active recreational amenity(s) shall be located on five percent (5%) grade or less, except if a greater grade is necessary for the activities common to the amenity e.g. skate park, trails; and</u> <u>i. Written provisions or agreement for perpetual maintenance by the homeowners' association or a public agency willing to assume ownership and maintenance.</u> 	<p>Further ensures active recreational amenities will be developed in a manner that maximizes potential use while limiting maintenance costs.</p>

Proposed Amendment	May 17 th Proposal Description	Section No.'s	Planning Commission Recommendation	Planning Commission Comments
<p>Use of Performance Based Development Process for Commercial, Industrial and Institutional Uses</p>	<p>New Section</p>	<p>Section 17.425.045 Standards and requirements – commercial, industrial and institutional.</p>	<p><u>A. Access, Parking and Circulation</u></p> <ol style="list-style-type: none"> <u>1. General: The PBD shall have adequate pedestrian and vehicle access and parking commensurate with the location, size, density and intensity of the proposed development. Vehicle access shall not be unduly detrimental to adjacent areas and shall take into consideration the anticipated traffic which the development may generate.</u> <u>2. Streets: Provide adequate road access; connected road network; safe pedestrian access; emergency vehicle access;</u> <u>3. Parking: The number of vehicular parking spaces shall be provided in accordance with Section 17.435.030. Vehicular parking may be provided either on-street or off-street within the PBD, provided the total number of available spaces is at least equal to the parking requirements specific in the parking and loading requirements; and</u> <u>4. Pedestrian Circulation: Adequate pedestrian circulation facilities shall be provided. These facilities shall be durable, serviceable, safe, and convenient to the buildings and separated by curb or other means from the vehicle traffic facilities.</u> <p><u>B. Common open space.</u></p> <ol style="list-style-type: none"> <u>1. Common open space shall be for public use and may include active or passive recreational uses such as trails or pathways, tot lots, plazas, patios or other amenities;</u> <u>2. Common open space shall be located in a manner suitable for the uses proposed;</u> <u>3. Each project shall contain a minimum of fifteen percent (15%) common open space based upon the gross acreage of the site; and</u> <u>4. No area shall be calculated as common open space if less than 500 square feet in size, except if the area provides a reasonable functional or aesthetic benefit to the users of the PBD. Covered or internal open space areas may be used.</u> <p><u>C. Site design.</u></p> <ol style="list-style-type: none"> <u>1. The project design shall provide a more efficient use of land within the urban areas;</u> <u>2. Amenities intended for public use shall be coordinated with regional trail, park or other facility plans;</u> <u>3. Design shall provide innovations to decrease building footprint and other site disturbances; and</u> <u>4. Design shall include architectural features and other aesthetics to address site impacts.</u> <p><u>D. Structure Height</u></p> <ol style="list-style-type: none"> <u>1. The project shall include the use of topography and other site characteristics to minimize the impacts a proposed increase in height; and</u> <u>2. The increase in height shall minimize site disturbance necessary to accommodate the proposed use.</u> 	<p>Addresses public comment regarding the inconsistency between the PBD purpose statement and the required standards. Clearly indicates standards for commercial, industrial and institutional uses to using the PBD process.</p>

Proposed Amendment	May 17 th Proposal Description	Section No.'s	Planning Commission Recommendation	Planning Commission Comments
Master Planning				
Master Plan Minimum Size	New Section	Section 17.415.020 Master plan – minimum project size	<u>The minimum project size for master plans located outside of the SKIA urban growth area (UGA) is forty (40) gross acres. For projects within the SKIA UGA, the minimum is determined by the size of the sub-basin(s) in which the project is located.</u>	Provides clarification on what is considered “large-scale development as described in the Master Plan definition. Provides a minimum application size for use of a Master Plan.
Definitions				
“Landscaping Buffer “ Definition	<u>“Buffer, landscaping” means a buffer treatment within or along the perimeter of a development which varies in numbers and types of vegetation and/or fencing depending on land uses. Trees, shrubs, ground covers and/or fencing are to be provided as required.</u>	Section 17.110.132 Definitions	<u>“Buffer, landscaping” means a buffer treatment within or along the perimeter of a development which varies in numbers and types of vegetation and/or fencing depending on land uses. Trees, shrubs, ground covers and/or fencing are to be provided as required as prescribed by Chapter 17.385.</u>	Proposed revision increases clarity of the code by cross-referencing other applicable sections.
“Screening Buffer “ Definition	<u>“Buffer, screening” means a buffer of native vegetation and/or site-obscuring fencing intended to provide functional screening between different uses, land use intensities and/or zones.</u>	Section 17.110.133 Definitions	<u>“Buffer, screening” means a buffer of native natural vegetation and/or site-obscuring fencing intended to provide functional screening between different uses, land use intensities and/or zones installed or maintained as prescribed by Chapter 17.385.</u>	Proposed revision increases clarity of the code by cross-referencing other applicable sections.
“Maximum Density” Definition	<u>“Density, maximum” means the largest number of dwelling units that shall be developed on a property(s) within a specific zone based upon the gross acreage of the property(s). In circumstances involving state or federal bald eagle habitat regulations, maximum density may be reduced.</u>	Section 17.110.212 Definitions	<u>“Density, maximum” means the largest number of dwelling units that shall be developed on a property(s) within a specific zone based upon the gross acreage of the property(s). In circumstances involving state or federal bald eagle habitat regulations, the calculation of maximum density may be reduced-affected.</u>	Proposed revision recognizes that the Bald Eagle is no longer listed as an Endangered Species; however, federal regulations may still be applicable and may have an impact on a project’s density.
“Habitable Area” Definition	<u>“Habitable area” means the entire area of a dwelling unit or living quarters used for living, sleeping, eating and/or cooking.</u>	Section 17.110.319 Definitions	<u>“Habitable area” means the entire area of a dwelling unit or living quarters used for living, sleeping, eating and/or cooking. Storage areas and garages are excluded from calculations of habitable area</u>	Provides clarification on the definition of habitable area.

Proposed Amendment	May 17 th Proposal Description	Section No.'s	Planning Commission Recommendation	Planning Commission Comments
"Net Developable Acreage" Definition	<u>"Net developable area" means the site area after subtracting all rights-of-way, critical areas and their buffers, stormwater controls, recreational facilities, public facilities, community drainfields or other area-wide sanitary sewer facilities and open space.</u>	Section 17.110.506 Definitions	<u>"Net developable area" means the site area after subtracting all rights-of-way, critical areas and their buffers, stormwater controls, recreational facilities, public facilities, community drainfields or other area-wide sanitary sewer facilities, and open space.</u>	Improves clarity through additional punctuation.
"Nonconforming Lot" Definition	"Nonconforming lot" means a lot which was lawfully created but which does not conform to the lot requirements of the zone in which was located as established by this title or other ordinances or amendments thereto.	Section 17.110.508 Definitions	"Nonconforming lot" means a lot which was lawfully created but which does not conform to the lot requirements of the zone in which it was located as established by this title or other ordinances or amendments thereto.	Typographic/grammatical change.
Relocation of "Parcel" Definition	N/A	Section 17.110.547 Definitions	Parcel definition needs to be relocated before Parabolic Antenna.	Reorganize location of definition based upon alphabetic order.
"Porch" Definition	<u>"Porch" means a covered entrance to a building which may be either open or enclosed up to up-to one-third.</u>	Section 17.110.615 Definitions	<u>"Porch" means a covered attached structure providing a single entrance to a building which may be either open or enclosed up to up-to one-third.</u>	Provides clarification on definition of porch.

Proposed Amendment	May 17 th Proposal Description	Section No.'s	Planning Commission Recommendation	Planning Commission Comments
Landscaping				
Screening Buffer Standards		<p>Sections 17.385.027.B.2 and 17.385.027.B.3.c Buffer Types-when required.</p>	<p><u>B. Screening buffer</u></p> <p><u>2. Required for residential subdivisions or commercial development abutting a rural zone, a buffer of twenty-five (25) to fifty (50) feet of sight-obscuring, native screening vegetation shall be provided. The director may modify this requirement after evaluating the affects of wind-throw or other safety concerns. In the event that the buffer will only contain high-branching trees which allow visibility through the buffer, a row of evergreen trees planted ten feet on center may be required along the highest point of the buffer.</u></p> <p><u>3. Required around the perimeter of storm drainage facilities to provide sight-obscuring screening from adjacent properties and/or roadways, and consist of:</u></p> <p style="margin-left: 20px;"><u>a. A row of large shrubs and ground cover;</u> <u>b. A row of evergreen trees planted ten feet on center and ground cover; and/or</u> <u>c. A natural vegetation buffer sufficient to provide screening.</u></p> <p><u>4. Retention of natural screening vegetation, where feasible.</u></p>	<p>Improves consistency of the code (standards and definition). Landscaping screening can take many different forms including fencing) and does not necessarily need to be natural or native vegetation (fencing).</p>
Landscaping Installation and Bonding	<p>M. All landscaping required by this Ttitle shall be installed prior to the issuance of any final certificate of occupancy permit, unless specifically approved by the director and installation is bonded (or other method), for a period not to exceed six months, in an amount equal to 150% of the cost of material and labor.</p>	<p>Section 17.385.030 M Installation and maintenance.</p>	<p>M. All landscaping required by this Ttitle shall be installed prior to the issuance of any final certificate of occupancy permit, unless specifically approved by the director and installation is bonded (or other method) for a period not to exceed six months, in an amount equal to 150% of the cost of material and labor.</p>	<p>Restores language that allows developers the option of planting vegetation during the appropriate planting season rather than a time when mortality may be significantly increased (May-August).</p>

Proposed Amendment	May 17 th Proposal Description	Section No.'s	Planning Commission Recommendation	Planning Commission Comments
Director Interpretation				
Director's Interpretations	Establishes a process for the Director to formally interpret code with or without a request from the public. These interpretations would be binding.	Section 17.455.010 Director authority to interpret code provisions and issue administrative decisions.	<p>It shall be the responsibility of the director <u>himself/herself</u> to interpret ambiguous and/or conflicting <u>code</u> and apply the provisions of this Title, Kitsap County Countywide Planning Policies, Kitsap County Comprehensive Plan and applicable sub-area plans.</p> <p>A. <u>The director may initiate an administrative code interpretation without an applicant request, at anytime, and the interpretation will be made available pursuant to KC Title 21 by the department with the development code to which it applies.</u></p> <p>B. <u>Any person(s) may submit an application for code interpretations from the director and the interpretation will be made available by the department pursuant to Title 21 with the development code to which it applies.</u></p> <p>C. <u>At the request of the applicant, in writing, the director may also authorize a variation of up to ten (10) percent of any numerical standard, except density, when unusual circumstances cause undue hardship in the strict application of this title; provided, such a variance shall be approved only when all of the following conditions and facts exist:</u></p> <ol style="list-style-type: none"> 1. <u>There are special circumstances applicable to the subject property, including size, shape, topography, location or surroundings, that were not created by the applicant and do not apply to other property in the same vicinity or zone;</u> 2. <u>Such variance is necessary for the preservation and enjoyment of a substantial property right or use of the applicant possessed by the owners of other properties in the same vicinity or zone;</u> 3. <u>The authorization of such variance will not be materially detrimental to the public welfare or injurious to property in the vicinity or zone in which the property is located; and</u> 4. <u>The variance is the minimum necessary to grant relief to the applicant.</u> 5. <u>An approved variance shall become void in three years if a complete application has not been received. The director's response, including findings for granting the variation, shall be in writing and kept in the department files.</u> <p>D. <u>All code interpretations are binding and may be appealed by any party through the process pursuant to KCC Title 21</u></p> <p>E. <u>All code interpretations, hearings examiner decisions on such interpretations and board reviews shall be a permanent record of the department of community development and included in the Kitsap County Department of Community Development Policy Manual. Code interpretations shall be made available to the public and posted on the County website.</u></p>	Proposed recommendation is intended to clarify that the director, and not their assignee that provides directors opinions. Additionally, the recommendation is intended to provide specifics for the public and department of community development on where interpretations need to be located for access by the public.

Proposed Amendment	May 17 th Proposal Description	Section No.'s	Planning Commission Recommendation	Planning Commission Comments
Miscellaneous Amendments				
Third-Party Review	Allows the director to employ third-party review of a development's impacts when the impact is more technical than expertise currently on staff (significant noise, vibration, etc.)	Section 17.420.035 Third-party review. Section 17.421.025 Third-party review. Section 17.425.045 Third-party review.	Delete and defer to Phase III Code Development Process.	Recommend deferral to Phase III as additional review of the responsibility for review costs (borne not just by the applicant, but by County as well). Review the City of Seattle or Pierce County models for possible ideas.
Table of Contents	Lists all chapters located within Title 17.	N/A	17.405 Pre-Application Review	Not included in Table of Contents.
Applicable Codes and Statutes	Provides general guidance on how to use Title 17 and applicable state laws, County Code, etc.	Section 17.100.020 N, U and V	N. RCW 30.70A and 30.70B RCW 36.70A Growth Management Act and 36.70B Local Project Review U. RCW 43.21 State Environmental Policy Act. V. RCW 58.17 Plats - Subdivisions – Dedications.	Clarifies title names and appropriate RCW reference.
Vehicle Storage in Residential Subdivisions	Provides conditions and zone applicable for use of storage facilities (RV, boat parking).	Section 17.381.040 & 17.381.050 A. # 40 Use Table & Footnotes	Revise to allow "Storage, vehicle and equipment" as a conditional use in the UR, UL and UM zones with a Footnote 40 attached to each. A. Where noted on the preceding use tables, the following additional restrictions apply: 40. Self Storage facilities must be enclosed and accessory to the predominant residential use of the property, sized consistently for the number of lots/units being served and may serve only the residents of the single-family plat or multi-family project.	Provides guidance design and allows ability for certain urban zones to allow RV and boat parking facilities with subdivisions.
ULID #6/McCormick Woods Sub-Area Chapter Title	Provides guidance on master planning requirement for the ULID # 6/McCormick Woods Urban Growth Area.	CHAPTER 17. 428 MASTER PLANNING REQUIREMENTS FOR THE SOUTH KITSAP UGA/ULID # 6	MASTER PLANNING REQUIREMENTS FOR THE SOUTH KITSAP UGA /ULID #6/ MCCORMICK WOODS SUB-AREA	Intended for housing keeping and use of common terminology as the Kitsap County Comprehensive Plan refers to this sub-area as ULID # 6/ McCormick Woods Sub-Area.