



Phase II Code Development Staff Report

Kitsap County Special Projects
June 3, 2008



I. Introduction

The purpose of this staff report is to provide a summary of information regarding the proposed amendments to Kitsap County Code Titles 17 (Zoning) and 18 (SEPA-Environment). Additionally and further illustrated in Section 10, the proposed amendments are also evaluated against the policies set forth in the Kitsap County Comprehensive Plan. Attached to this staff report are also the following exhibits:

- Exhibit A – Kitsap County Comprehensive Plan & Zoning Maps
- Exhibit B – Kitsap County Building Limitations Map
- Exhibit C – Housing Types Figure
- Exhibit D – Lot Dimensions, Setbacks & Achieved Density Figure

II. Applicant

Kitsap County

III. Project Representative

Kitsap County Special Projects

IV. Project Summary

The proposal is to adopt amendments to Titles 17 (Zoning), and 18 (SEPA-Environment). The proposed amendments primarily focus on topics related to single-family subdivision standards/platting, performance-based development (PBD) standards, recreational vehicle camping grounds, guest houses, mixed-use zone regulations, master planning, mineral resource overlay, consolidated use table modifications, regional commercial sign district, landscaping, and other amendments to improve clarity, consistency and functionality of Kitsap County development code.

V. Application Type

Pursuant to Kitsap County Code Title 21, amendments to these Titles are a Type IV legislative decision. A notice of application was published on May 17, 2008. Additionally, a notice of intent to adopt was submitted to the Washington State Department of Community, Trade and Economic Development (CTED) on May 17, 2008 as well. The publication of the notice of application and submittal of the notice of intent to adopt initiated a 60-day agency and public comment period. The 60-day comment period closes on July 17, 2008.

VI. Project Location

The proposal encompasses all of unincorporated Kitsap County, including rural, resource and urban areas as noted in Exhibit A.

VII. SEPA

Kitsap County is the lead agency and has adopted existing environmental documents and Determination of Non-Significance (DNS), as authorized under the State Environmental Policy Act (SEPA). Specifically, Kitsap County adopted the Comprehensive Plan Draft and Final Environmental Impact Statement, dated August and December 2006 for the DNS. These prior environmental documents have not been challenged under WAC 197-11-630 and there were no substantial changes to the range and magnitude of alternatives analyzed, and no new information indicating the proposal's probable significant adverse environmental impacts.

The DNS was issued on May 17, 2008. The comment and appeal period closed on June 2, 2008. No SEPA-related comments or appeals were filed.

VIII. Physical Characteristics

Generally and shown in Exhibit B, the location of the various zones include flat, rolling, hilly, moderate to steep slopes and mountainous terrain. All types of wetlands, critical aquifer recharge, streams and shorelines are applicable and outlined under the Kitsap County Critical Areas Ordinance and Shoreline Master Plan.

Areas impacted by the proposed amendments are rural, suburban and urban in nature, with varying degrees of level of services. Site-specific information on the physical characteristics would be determined at the time of application submittal.

IX. Comprehensive Plan Designation & Zoning

As shown on Exhibit A, the following are comprehensive plan designations and zoning classifications related to the proposed amendments.

A. Comprehensive Plan Designations

- Urban Low-Density Residential
- Urban High-Density Residential
- Rural Residential
- Rural Protection
- Forest Resource Lands
- Mineral Resource
- Urban & Rural Industrial
- Urban High-Intensity Commercial/Mixed Use
- Urban Low-Intensity Commercial/Mixed Use
- LAMIRD
- Urban Reserve
- Rural & Urban Commercial

B. Zoning Classifications

- Urban Restricted (UR)
- Urban Low Residential (UL)
- Urban Cluster Residential (UCR)
- Urban Medium Residential (UM)
- Urban High Residential (UH)
- Neighborhood Commercial (NC)
- Highway Tourist Commercial (HTC)
- Regional Commercial (RC)
- Mixed Use (MU)
- Airport (A)
- Business Park (BP)
- Business Center (BC)
- Industrial (IND)
- Manchester Village Commercial (MVC)
- Manchester Village Low Residential (MVLR)
- Manchester Village Residential (MVR)
- Port Gamble Rural Historic Town Commercial (RHTC)
- Port Gamble Rural Historic Town Residential (RHTR)
- Port Gamble Rural Historic Town Waterfront (RHTW)
- Suquamish Village Commercial (SVC)
- Suquamish Village Low Residential (SVLR)
- Suquamish Village Residential (SVR)
- Parks (P)
- Forest Resource Lands (FRL)
- Mineral Resource (MR)
- Rural Protection (RP)
- Rural Residential (RR)
- Urban Reserve (URS)

X. Kitsap County Comprehensive Plan

The Kitsap County Comprehensive Plan was adopted on May 7, 1998, with amendments most recently in December 2007. Applicable Kitsap County Code Titles, include, but not limited to: 1) Title 11 (Roads), 2) Title 12 (Stormwater), 3) Title 17 (Zoning), 4) Title 18 (SEPA), 5) Title 21 (Land Use Procedures). Listed below is a table that highlights all substantive proposed amendments. The table also reviews the proposed amendments in light of Comprehensive Plan policies.

Proposed Amendment	Proposal Description	Section No.'s	Consistency with Kitsap County Comprehensive Plan	Staff Review
Single-Family Subdivision/Platting Standards				
Density Calculations	Establishes definitions for minimum and maximum density and net developable acreage.	Section 17.110.212 Density, maximum. Section 17.110.213 Density, minimum. Section 17.110.506 Net developable acreage.	Yes	This proposed amendment is intended for clarity as to the calculation of density for individual projects. The proposed does not change density ranges already established in the Comprehensive Plan and land use map.
Minimum Lot Sizes	Reduces required lot sizes in the Urban Low (UL), Urban Cluster (UCR) and Urban Medium (UM) zones for single-family subdivision/development to encourage higher densities.	Section 17.382.060 Urban Residential Density and Dimensions Table.	Yes	As shown in Exhibit C and D, the proposed amendments to certain minimum lot sizes (UL, UCR, UM) provides greater flexibility and is a reasonable measure. These amendments provide a vehicle to achieve density within the ranges and extend urban services necessary to accommodate projected growth and policies set forth in the Comprehensive Plan.
Minimum Lot Dimensions	Reduces required lot dimensions in the Urban Low (UL), Urban Cluster (UCR) and Urban Medium (UM) zones for single-family subdivision/development to encourage higher densities.	Section 17.382.060 Urban Residential Density and Dimensions Table.	Yes	As shown in Exhibit C and D, the proposed amendments to certain minimum lot dimensions (UL, UCR, UM) provides greater flexibility and is a reasonable measure. These amendments provide a vehicle to achieve density within the ranges and extend urban services necessary to accommodate projected growth and policies set forth in the Comprehensive Plan.

Proposed Amendment	Proposal Description	Section No.'s	Consistency with Kitsap County Comprehensive Plan	Staff Review
Building Setbacks	Allows the reduction of front yard setbacks for the habitable areas (living rooms, bedrooms, etc.) of single-family development. Garages/carports must remain setback a minimum of 20 feet to provide driveway parking.	Section 17.382.060 Urban Residential Density and Dimensions Table.	Yes	As shown in Exhibit C and D, the proposed amendments to building setbacks is consistent with the Comprehensive Plan policies of providing a greater variety of urban housing options that is pedestrian-friendly and encourages development patterns within Urban Growth Areas (UGAs) that are distinct from rural areas.
Active/Passive Recreation Requirements	Establishes active recreation requirements for all single-family subdivision/development 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	Yes	With the reduction of lot sizes, dimensions and setbacks for certain urban zones, the need for neighborhood recreational opportunities increases. The proposed also implements Policy LU-55 by promoting urban amenities in UGAs. The size and number of facility requirements are based upon a calculation of historic front and rear yard areas unavailable with the development of urban densities.
Parking	Increases required parking for single-family and multi-family residential development by .5 spaces each 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	Yes	Similar to recreational requirements, parking needs increase to accommodate residential and guest parking demands created by more densification and intensification of UGAs.

Proposed Amendment	Proposal Description	Section No.'s	Consistency with Kitsap County Comprehensive Plan	Staff Review
Sidewalk Requirements	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.	Section 17.382.037 Single-family subdivision/development standards	Yes	Implements Comprehensive Plan Policies LU-22 and LU-57 by encouraging non-motorized or pedestrian linkages within neighborhoods and communities located within UGAs.
Landscaping	Establishes landscaping requirements for subdivision/development entrances and regulations for street trees.	Section 17.382.037 Single-family subdivision/development standards	Yes	Provides additional urban amenities and ensures high-quality development of neighborhoods that off-set the reduction of natural vegetation.
Performance-Based Development (PBD) Standards				
Density Calculations	Included facilitating density in the purpose statement of the PBD.	Section 17.425.010 Purpose.	Yes	Specifically, Policy LU-45 encourages a system of incentives to make small, vacant and underutilized parcels within UGAs more attractive for development at higher densities. The PBD standards are typically used on small tracts of land with topographical challenges not suitable straight plat/subdivision standards.
Minimum Lot Sizes and Dimensions	Provided flexibility in lot sizes and dimensions to be based upon the site-specific conditions of the property and the proposed development's density and intensity	No minimums established.	Yes	Proposed revision is encouraged by Policy LU-44 by allowing flexible development standards in residential zones.

Proposed Amendment	Proposal Description	Section No.'s	Consistency with Kitsap County Comprehensive Plan	Staff Review
Open Space Requirements	Revises open space requirements to improve clarity regarding common and recreational open space percentages and locations.	Section 17.425.040.B and 17.425.040.C Standards and requirements.	Yes	Policy LU-59 encourages the provision of significant open space, community amenities, transportation-oriented planning and high quality design. Open space is required to address the increase in impervious surface impacts, densities and/or intensities of uses allowed through a PBD.
Active/Passive Recreation Requirements	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.	Section 17.425.040.C.2 Standards and requirements.	Yes	The size and number of facility requirements are based upon a calculation of historic front and rear yard areas unavailable with developments meeting urban densities.
Mixed-Use Zone Regulations				
Mixed-Use Zone versus Mixed Use Development	Improves distinction between mixed use development (commercial and residential in same development allowed in multiple zones) and the mixed use zone (commercial and residential in the same project encouraged but all commercial or all medium/high density residential also allowed).	Section 17.352.010 Purpose	Yes	Consistent with Comprehensive Plan Policy LU-76, the proposal provides flexible development standards that facilitate permitting of higher density housing closely linked with necessary commercial services.

Proposed Amendment	Proposal Description	Section No.'s	Consistency with Kitsap County Comprehensive Plan	Staff Review
Required Commercial and Residential Components	Removed erroneous requirement for all development in the mixed use zone to have both a commercial and residential component (encouraged but not required).	Section 17.382.035 Mixed use development standards. Section 17.382.070 Commercial and Mixed Use Density and Dimensions Table.	Yes	Consistent with Comprehensive Plan Policy LU-76, the proposal provides flexible development standards that facilitate permitting of higher density housing closely linked with necessary commercial services.
Allowed Housing Types	Allowance for single-family, attached housing, meeting a minimum of 10 dwelling units an acre, in the Mixed Use zone.	Section 17.381.040.B Commercial and Mixed Use Zones	Yes	Proposed amendments provide additional opportunity for a mix of housing types in the Mixed Use Zone to meet the Comprehensive Plan minimum density objectives.
Master Planning				
Broadened Application (Countywide)	Broadens the Section 17.415 to apply countywide rather than just to properties within the SKIA UGA. Master plans within the McCormick Urban Village must still follow a separate process outlined in Section 17.428.	Section 17.415.030 Master plan – When required	Yes	Allows other areas in Kitsap County to master plan an area. Master planning sets forth a plan to provide, in phases urban infrastructure (where appropriate) and provides additional up-front environmental analysis of the projects overall impacts.
Decision Criteria	Establishes decision criteria for the approval or denial of a master plan under 17.415. Amendment intended to improve predictability for the applicant and public.	Section 17.415.765 Decision criteria for master plan approval.	Yes	Proposed revisions are intended to improve functionality and clarity of the code. Gives the public, developers and staff a clear set of criteria necessary for permit approval.

Proposed Amendment	Proposal Description	Section No.'s	Consistency with Kitsap County Comprehensive Plan	Staff Review
Consolidated Use Table Modifications				
Suquamish CAC Request	Modifies a series of commercial and residential uses within the Suquamish Rural Village consistent with the recommendations of the Suquamish Citizens Advisory Committee.	Section 17.381.040.D Limited Areas of More Intensive Rural Development (LAMIRD)	Yes	Proposed changes are consistent with vision, goals and policies of the Suquamish Sub-Area Plan as proposed by the Suquamish Citizen's Advisory Committee.
Expansion of Conditional Uses	Attached a footnote regarding minimum buffering and mitigation of other impacts to multiple uses (kennel, places of worship) in the rural and resource zones.	Section 17.381.040.E Parks, Rural and Resource Zones.	Yes	Consistent with Comprehensive Plan Policy RL-26 regarding building and landscape design that respects the aesthetic qualities and character of the rural area, and provides substantial buffering from the adjoining uses and scenic vistas.
Land Use Review Requirements	Modifies the land use review required for several uses such as adult family home, family day care center, etc.	Section 17.381.040 Zoning use tables.	Yes	Proposed revisions are intended to improve functionality and clarity of the code.
Master Sign District – Regional Commercial				
Size of District	To facilitate coordinated signage in large commercial developments, property owners may form master sign districts a minimum of 20 net acres in size.	Section 17.445.095 Master sign district.	Yes	Policy LU-89 notes a need to minimize adverse traffic impacts associated with Regional Commercial centers through siting and development standards. The creation of sign districts ensures a coordinated signage plan for a large area rather than individual parcels.

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Allowed Signage	A master sign district may include up to two monuments signs of up to 200 square feet per face. No additional monument signs are allowed regardless of additional existing access points.	Section 17.445.095 Master sign district.	Yes	Policy LU-87 encourages the regulation of the number and size of signs associated with commercial uses to maintain a sense of visual order. Policy LU-89 also notes a need to minimize adverse traffic impacts associated with Regional Commercial centers through siting and development standards.
Limitations on Other Allowed Signage	The master sign district shall meet all other sign regulations and any signage above and beyond that allowed by current code must be removed as redevelopment occurs.	Section 17.445.095 Master sign district.	Yes	Same as above.
Race Tracks				
Definitions	Includes definitions of Race Track, Major and Race Track, Minor.	Section 17.110.642 Race track, major. Section 17.110.643 Race track, minor.	Yes	Proposed revisions are intended to improve functionality and clarity of the code.
Zones Allowed	Includes provisions for where such tracks are allowed.	Section 17.381.040 Zoning use tables.	Yes	"Race Track, Major" would be allowed in the Business Center, Industrial or Parks zones while "Race Track, Minor is located within the Industrial, Parks, Forest Resource Lands, Mineral Resource and Rural Wooded zones. Each zone details a specific level of land use review to address site-specific, project-level issues of compatibility (noise, odor, traffic, etc.)

Proposed Amendment	Proposal Description	Section No.'s	Consistency with Kitsap County Comprehensive Plan	Staff Review
Miscellaneous Amendments				
Definitions	Includes definitions such as awning, comprehensive plan, habitable area, immediate vicinity, infill development, interior lot, permitted use, private airfield or helipad, porch and sub-area plan.	Chapter 17.110 Definitions.	Yes	Proposed revisions are intended to improve functionality and clarity of the code.
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.	Yes	Proposed revisions are intended to improve functionality and clarity of the code.
Landscaping/Screening Buffers	Consolidates the many forms of required buffers into two categories based upon their purpose; landscaping or screening.	Section 17.385.027 Buffer types – When required. Throughout the code titles.	Yes	Proposed revisions are intended to improve functionality and clarity of the code.
Permitted Use – Design Review	Improves the clarity regarding permitted uses and their requirement to meet landscaping, parking and other standards of Title 17.	Section 17.382.030.B Design standards.	Yes	Consistent with Growth Management Act goal to process permits in a timely and fair manner while specifying specific development standards.

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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.	Yes	Consistent with Growth Management Act goal to process permits in a timely and fair manner.
Manchester Vegetation Restrictions	Restores restrictions on new row vegetation approved by the Manchester Community Plan but erroneously removed from Title 17.	Section 17.321C.030 Vegetation restrictions	Yes	Proposed revisions are considered housekeeping items. These revisions were included in the original 2002 Manchester Community Plan and are consistent with the goals and policies of the 2007 Manchester Community Plan Update. They were accidentally deleted through various reorganizations of the Code sections.
Shipping/Storage Container Restrictions	Allows the use of storage containers on residential lots for the storage of household items as a temporary use for a limited number of days. Prohibits the use of shipping containers unless approved through an Administrative or hearing examiner Conditional Use Permit.	Section 17.455.090.I Temporary permits. Section 17.381.040 Zoning use tables. Section 17.381.090.A.50 Footnotes for zoning use table.	Yes	Proposed revisions are intended to improve functionality and clarity of the code.
Model Homes	Allows model homes to be constructed in preliminarily approved subdivisions prior to final subdivision and recording.	Section 17.381.060.B.7 Model homes	Yes	Proposed revisions are intended to improve functionality and clarity of the code.

Proposed Amendment	Proposal Description	Section No.'s	Consistency with Kitsap County Comprehensive Plan	Staff Review
Purpose Statements – Specific Zones	Revises purpose statements for several zones to improve consistency with the Comprehensive Plan.	Sections 17.300.010, 17.305.010, 17.310.010, 17.315.010, 17.321A.010, 17.321B.010, 17.321C.010, 17.325.010, 17.330.010, 17.335.010, 17.360.010, 17.365.010, 17.370.010 and 17.380.010.	Yes	Proposed revisions are considered housekeeping items to improve consistency with the Comprehensive Plan.
Poulsbo Urban Transition Area – Poulsbo Zoning Code	Resolves the longstanding issue of County Code not referencing the most recent Poulsbo Zoning Code and the continued allowance of pre-planning within the Poulsbo UGA.	Chapter 17.318 Poulsbo Urban Transition Area	Yes	Proposed revisions are considered housekeeping items and consistent with the County/City Inter-Local Agreement for the Poulsbo Urban Transition Area.
Handicapped Parking	Includes requirements for handicapped parking consistent with the American's with Disabilities Act (ADA).	Section 17.435.060 Handicapped parking.	Yes	Proposed revisions are considered housekeeping items. Clearly specifies the need to meet ADA requirements in project approval.
Clarity, Consistency and Accuracy Changes	Modified code language to improve code language. Examples include changing “zoning ordinance” to “Title 17”, “code” to “title”, “rural sub-area” to “LAMIRD” and similar amendments.	Throughout the code titles.	Yes	Proposed revisions are considered housekeeping items.

Proposed Amendment	Proposal Description	Section No.'s	Consistency with Kitsap County Comprehensive Plan	Staff Review
Criteria for Rezones	Clarifies criteria for rezone application outside of a comprehensive plan amendment process, as long as the proposal is consistent with comprehensive plan and level of programmatic-level of environmental analysis.	Chapter 17.510 Changes to Zones, Rezones, Amendments, Alternations	Yes	Proposed amendments provides clarification on the intent of rezones and overall level of analysis completed in the Comprehensive Plan Environmental Impact Statements.
Recreational Vehicle Camping Grounds	Proposed amendments include revision to the definition of RV camping grounds, as well as zones in which they are allowed and conditions.	Section 17.110.655 Definition Section 17.381.040A-E Use Tables	Yes	Recreational vehicle camping grounds are a common use as associated with large regional parks and recreational facilities (ball fields, swimming pools, riding trails and other facilities). These camping grounds are intended to provide lodging for users of these parks and recreational facilities on a short term basis. A Conditional Use Permit is required to address all site specific compatibility issues with the surrounding properties at the time of project application.

Proposed Amendment	Proposal Description	Section No.'s	Consistency with Kitsap County Comprehensive Plan	Staff Review
Guest Houses	Clarifies the use of guest houses by identifying appropriate land use review process, maximum size, appearance, etc. Guest houses are considered an accessory use to a primary dwelling unit.	Section 17.381.040A-E Use Tables Section 17.381.060.8 Guest House Special Conditions	Yes	<p>Guest houses have been allowed as accessory uses to single-family dwellings in rural and urban areas since the adoption of a valid comprehensive plan in 1998. The 2006 Comprehensive Plan provided a definition of this use but did not include specific development standards (zones allowed, limitations on size, composition or location). The new limitations will limit the size, distance from primary residence, number of habitable rooms and other characteristics. Guest houses do not meet the definition of dwelling unit as it does not contain kitchen facilities and is not calculated towards density.</p>
Amendments to Title 18 (Environment)	Modified code language consistent with Prosecutor comments to improve consistency with state RCW.	Section 18.04.060 Transfer of lead agency status to state agency Section 18.04.120.C Mitigated DNS Section 18.04.130.B Preparation of EIS Section 18.16.030 Definitions	Yes	<p>Proposed revisions are considered housekeeping items, primarily addressing consistency with State RCW requirements.</p>

IX. Findings

Staff concludes the following findings:

1. The proposed amendments are consistent with the Washington state Growth Management Act (GMA), State Environmental Policy Act (SEPA), and Kitsap Countywide Planning Policies.
2. The proposed amendments are consistent with the objectives and policies contained within the Kitsap County Comprehensive Plan.
3. The proposed amendments are consistent with rural character as defined RCW 36.70A.
4. Many of the proposed amendments are considered augmented reasonable measures to ensure consistency with our Comprehensive Plan policies and actual development trends.

II. Staff Recommendation

Staff recommends **approval** of the proposed amendments to the Kitsap County Code Titles 17 and 18.