

**Title 11  
ROADS, HIGHWAYS AND BRIDGES**

**Chapter 11.04  
ROAD DISTRICT**

**11.04.010 Designated**

All territory in Kitsap County outside incorporated cities and towns is designated as the Kitsap County road district.

(Res. 125-1968 (part), 1968)

**Chapter 11.08  
PRIMARY ROAD SYSTEM**

**11.08.010 Map adopted**

**Section 1. Section 11.08.010 Kitsap County Code, adopted by Resolution 149-1971 is repealed**

~~In accordance with the provisions of RCW [36.86.070](#), the certain map on file in office of the county engineer entitled "Primary Road System, Kitsap County, Washington," adopted by the board of commissioners on July 2, 1968, and bearing signatures of the chairman and clerk of the board, respectively, together with the supporting detailed list (consisting of five sheets showing names of roads and mileages thereof) is adopted and made a part of this chapter the same as if each road were delineated, described at length and set forth in this chapter.~~

~~(Res. 149-1971 (part), 1971)~~

**11.08.020 Revisions**

**Section 1. Section 11.08.020 Kitsap County Code, adopted by Resolution 149-1971 is repealed**

~~The board reserves the right to make further revisions in such classification and designations of county roads from time to time as may be determined necessary by a unanimous vote of the board.~~

~~(Res. 149-1971 (part), 1971)~~

## **Chapter 11.12 COUNTYWIDE ROAD SYSTEM**

**Section 1. Section 11.12.010 Kitsap County Code, adopted by Resolution 150-1971 is amended as follows:**

### **11.12.010 Designated – Maps**

~~All of the roads (with exception of state highways and those within incorporated towns and cities), as indicated on that certain set of maps on file in the office of the county engineer, being the latest, current and revised edition entitled “General Highway Map—Kitsap County, Washington” prepared by the Department of Highways, Highway Planning Division in cooperation with the U.S. Department of Transportation, Federal Highway Administration, Bureau of Public Roads, consisting of Sheet A of 1 map sheet and 12 supplemental sheets, are established as county roads for the purpose of allocating funds from the Motor Vehicle Fund of the state of Washington as set forth and prescribed under RCW [46.68.120](#) and the set of maps shall be considered part of this chapter, the same as if set forth in this section at length.~~

All of the roads (with exception of state highways and those within incorporated towns and cities), as indicated on that certain set of maps on file in the office of the county engineer, being the latest, current and revised edition entitled “Kitsap County Road Log”, together with the supporting database showing names of roads, mileages and classifications is adopted and made a part of this chapter

(Res. 150-1971, 1971)

**Section 1. A new section is added to Chapter 11.12 Kitsap County Code as follows:**

### **11.12.020 County Road Classifications**

The board reserves the right to revise the classification and designations of county roads as may be determined necessary by a majority vote of the board.

**Chapter 11.16**  
**MAINTENANCE OF COUNTY ROADS\***

**11.16.010 Generally**

The following statements on management policy, consistent with county road administration board Standards of Good Practice, are adopted.

(Res. 185-1970 (part), 1970)

**11.16.020 Work for other public agencies with public works department forces.**

**Section 1. Section 11.16.020 Kitsap County Code, adopted by Ordinance 378 (2007) is amended as follows:**

The board of county commissioners will accept requests to perform reimbursable work with public works department forces for, or rent equipment to, other public agencies or other county departments as follows:

- (a) Work requested by other public agencies will be governed by an interlocal agreement approved by the board of commissioners.
- (b) The board of county commissioners shall be the sole authority to approve all interlocal agreements with other public agencies.
- (c) Reimbursable work for other public agencies, related to an approved interlocal agreement, is authorized by the board subject to a work request being submitted to and approved by the ~~county administrator~~ public works director or his/her designee.
- (d) Reimbursable work for other county departments is authorized by the board subject to a work request being submitted to and approved by the public works director or his/her designee.
- (e) The public works department is responsible for processing interlocal agreements and work requests under this section and for undertaking the approved work.

(Ord. 378 (2007) § 11, 2007: Res. 185-1970 § 1, 1970)

**11.16.030 Use of county road funds and personnel for naming intersecting private ways.**

**Section 1 Section 11.16.030 Kitsap County Code, adopted by Resolution 33-1977 is repealed in its entirety**

~~The County engineer is authorized and empowered to utilize county road funds and road department personnel and equipment in order to designate upon the several county rights-of-way the names of intersecting private ways serving residences or businesses.~~

~~(Res. 33-1977 § 1, 1977)~~

**11.16.040 Designating private ways – Limitation  
Section 1, Section 11.16.040 Kitsap County Code, adopted by Resolution 33-1977 is repealed in its entirety**

~~The Kitsap County engineer shall not designate, as mentioned in Section [11.16.030](#), any intersection serving less than three separate residences or businesses.~~

~~(Res. 33-1977 § 2, 1977)~~

**11.16.050 Designating private ways – Performed when.  
Section 1, Section 11.16.050 Kitsap County Code, adopted by Resolution 33-1977 is repealed in its entirety**

~~The Kitsap County engineer shall accomplish the signing authorized in Section [11.16.030](#) as time and resources permit and the signing authorized in Section [11.16.030](#) shall not take precedence over other duties of the engineer.~~

~~(Res. 33-1977 § 3, 1977)~~

**Chapter 11.20  
STANDARD ROAD AND BRIDGE SPECIFICATIONS**

**11.20.010 Designated.**

**Section 1 Section 11.20.010 Kitsap County Code, adopted by Resolution 144-1971 is amended as follows:**

It is the intention of the board to adopt the latest edition of the state of Washington Standard Specifications for Road, Bridge and Municipal Construction, with subsequent amendments or revisions thereto, as issued by the Washington State Department of Transportation and the Washington Chapter of the American Public Works Association Highway Commission, together with such changes in definitions in same as are necessary to designate Kitsap County and county officials in place of the state of Washington and state officials.

(Res. 144-1971 (part), 1971)

## **Chapter 11.22 KITSAP COUNTY ROAD STANDARDS**

### **11.22.010 Declaration of title.**

The ordinance codified in this chapter shall be entitled the “Kitsap County Road Standards Ordinance.”

(Ord. 293 (2003) § 1, 2003)

### **11.22.020 Authority and intent.**

**Section 1 Section 11.22.020 Kitsap County Code, adopted by Resolution 404 (2007) is amended as follows:**

Chapter 36.75 RCW requires that county roads be established, laid out, constructed, altered, repaired, improved, and maintained by the county or by private individuals or entities authorized to perform such work under an agreement with the county legislative authority. Such work and improvements shall be done in accordance with adopted county standards ~~under the supervision and direction, or approval of the county engineer~~ (hereafter the “road standards”).

This chapter is adopted for use on all public roads, shared access facilities, bridges and other new construction public roads, including the widening or expansion of existing roadways in Kitsap County and as far as is practical and feasible to the reconstruction, resurfacing, restoration and rehabilitation of existing public roads.

It is the purpose of this chapter to provide for the safety, welfare and convenience of the traveling public within Kitsap County. In adopting this chapter, the county has sought to

encourage standardization of road design elements where necessary for consistency and to assure, so far as practical, that motoring, bicycling, and pedestrian public safety needs are met. Considerations include safety, convenience, pleasant appearance, storm water management, and economical maintenance. The road standards also provide requirements for the location and installation of utilities within the right-of-way

The road standards are not intended to discourage innovative approaches for design and construction of county roads and associated infrastructure. The application of low-impact development methods providing equal levels of safety, workmanship and environmental protection as the adopted standards is encouraged.

(Ord. 404 (2007) § 1, 2007: Ord. 293 (2003) § 2, 2003)

#### **11.22.030 County engineer's authority.**

**Section 1 Section 11.22.030 Kitsap County Code, adopted by Resolution 293 (2003) is amended as follows:**

The county engineer shall have the authority to develop and adopt road standards as the Kitsap County standards for road design and construction. The road standards and any amendments thereto shall be subject to thirty-days public review prior to adoption, and once adopted, shall be filed with the clerk of the board of county commissioners, and copies shall be made available through the Kitsap County department of public works and the Kitsap County department of community development. This chapter and the road standards shall be administered by the county engineer, or a designee. The county engineer shall have the authority to develop and implement procedures to administer and enforce this chapter and the road standards. The county engineer is authorized to make such inspections and take such actions as may be required to enforce the provisions of this chapter.

(Ord. 293 (2003) § 3, 2003)

**NEW SECTION, A new chapter is added to Chapter 11.22 Kitsap County Code, "Kitsap County Road Standards", as follows:**

#### **11.22.035 Kitsap County Road Standards Manual**

The latest edition of the Kitsap County Road Standards, with subsequent amendments or revisions thereto, is hereby adopted by reference.

#### **11.22.040 Definitions.**

**Section 1 Section 11.22.040 Kitsap County Code, adopted by Resolution 404 (2007) is amended as follows:**

“Approach” shall mean a connection providing private vehicular access to or from the County road system.

“Bond” means a financial guarantee, in the form of a surety bond or assignment of funds, that shall guarantee compliance with this chapter.

“County” means Kitsap County.

“County engineer” means the Kitsap County road engineer, having the authority specified in this chapter and under RCW [36.75.050](#) and Chapter [36.80](#) RCW, or his/her assigned designee.

“Department” means the Kitsap County department of public works.

“Improvements” include, but are not limited to, the design and construction of roads, storm water management facilities (i.e., storm drains, detention/retention ponds, bioswales, ditches, etc.), sidewalks, pedestrian trails, street lighting systems, signals and other traffic control devices, utilities and bridges.

“Reviewing agency” means the Kitsap County department of public works.

“Right of way” means all property in which the county has any form of ownership, interest or title, and which is held for the purpose of public roads and associated features such as, medians, sidewalks, bicycle facilities and public utilities. This definition applies regardless of whether ~~or not~~ any road exists thereon or whether or not it is open for use, ~~used~~, improved, or maintained for public travel.

(Ord. 404 (2007) § 2, 2007: Ord. 293 (2003) § 4, 2003)

#### **11.22.050 Application of standards.**

**Section 1 Section 11.22.050 Kitsap County Code, adopted by Resolution 404 (2007) is amended as follows:**

The road standards shall apply to all designed and newly constructed or reconstructed public roads within a Kitsap County right of way or on private property to be dedicated to Kitsap County ~~as for~~ right of way by any person, firm, corporation or other entity. Any work performed in the construction or improvement of county roads, ~~whether by or for a private developer,~~ shall be done in accordance with the road standards and plans and specifications approved by the county engineer. This chapter and the road standards are not intended to apply to general maintenance activities performed on roads in existence prior to January 13, 2003, the original date of adoption, as long as the maintenance activities do not significantly alter the dimensions or function of the road.

Land development activity that will impact the level of service, safety, or operational efficiency of existing roads, or that is required by other county code or ordinance to improve such roads, may be required to provide improvements in accordance with the road standards. The need for ~~off-site~~ improvements to existing county roads shall be based on an assessment of the potential impacts of the land development proposal.

Storm water management requirements associated with road improvements shall comply with the requirements of Kitsap County storm water management standards, codified under Title 12 of the Kitsap County Code, as they now exist or are hereafter amended.

Road improvements required under the road standards shall be designed by a licensed professional engineer registered to practice in the state of Washington.

(Ord. 404 (2007) § 3, 2007: Ord. 293 (2003) § 5, 2003)

**11.22.060 Public maintenance.**

The board of county commissioners may, by resolution, accept a road for maintenance at the cost of and by Kitsap County if the road has been designed, constructed and the right of way conveyed in accordance with this chapter and the road standards.

(Ord. 293 (2003) § 6, 2003)

**11.22.070 Permits.**

**Section 1 Section 11.22.070 Kitsap County Code, adopted by Resolution 404 (2007) is amended as follows:**

(a) No person, firm, partnership, association, joint venture, corporation, or other public or private legal entity shall construct or alter a permanent or temporary vehicular access to a county road without first obtaining a road approach permit from Kitsap County. A copy of the permit shall be available for inspection at the site during construction. Any change in land use or any improvement to an existing site that increases traffic volumes, or impacts site distance, using an existing approach will require a new road approach permit.

(b) No person, firm, partnership, association, joint venture, corporation, or other public or private legal entity shall conduct any construction activity within a county right of way unless the work is in accordance with a valid permit to perform work in county right of way issued by the Kitsap County department of public works. A permit is not required for routine maintenance activities, general maintenance activities performed on roads in existence prior to January 13, 2013, or repairs to aboveground utilities. Utility relocation work ~~completed in conjunction associated~~ with a county road improvement project ~~does not require~~ a permit, but the fee may be waived. The applicant for construction work within county right of way is required to be a qualified licensed and insured contractor in the state of Washington. Plans, drawings or other details that will enable the county to determine the location, size, length, time period and purpose of the permit being sought shall be furnished by the applicant. All permits that extend or alter existing and new waterline installations require review and approval by the fire marshal prior to application; provided, however,

(1) A permit need not be obtained before performing emergency repairs upon existing underground utilities where the public health, safety and welfare is threatened if immediate repairs are not made; provided further,

(2) That as soon as practicable after the need for the emergency work is discovered or after the emergency repairs have been made, the person, firm, partnership, association, joint venture, corporation, or other public or private legal entity intending to make or having made the emergency repairs shall notify the department of public works regarding the location, extent and nature of the repairs; and provided further,

(3) On the next working day immediately following the date of the emergency repair, the public or private entity having made such repairs shall submit an application for a permit to the department of public works and shall comply with the road standards insofar as possible practical as determined by the department of public works.

(Ord. 404 (2007) § 4, 2007: Ord. 293 (2003) § 7, 2003)

#### **11.22.080 Technical deviation.**

The county engineer may grant minor technical deviations from requirements contained in the road standards; provided, that all of the following criteria are met:

- (1) The technical deviation will not otherwise result in noncompliance with the road standards or any other applicable code; and
- (2) The granting of the technical deviation will not result in noncompliance with development conditions imposed upon a project by the department of community development, the hearing examiner and/or board of commissioners; and
- (3) The granting of the technical deviation will produce a compensating or comparable result that is in the public interest; and
- (4) The granting of the technical deviation will meet the objectives of safety, function, appearance, environmental protection and maintainability based on sound engineering judgment.

(Ord. 404 (2007) § 5, 2007: Ord. 293 (2003) § 8, 2003)

#### **11.22.090 (Repealed)**

\* **Editor's Note:** Former Section [11.22.090](#), "Variance." was repealed by Ordinance 404 (2007). Section 9 of Ordinance 293 was formerly codified in this section.

#### **11.22.100 Appeals.**

An aggrieved party may appeal any administrative interpretation or departmental ruling related to this chapter and/or the County road standards by following the process set forth in Chapter 21.04 of the Kitsap County Code, Land Use and Development Procedures Ordinance, as it now exists or is hereafter amended.

(Ord. 293 (2003) § 10, 2003)

**NEW SECTION. Section 1. A new section is added to Chapter 11.22 Kitsap County Code, “Kitsap County Road Standards”, as follows:**

**11.22.105 Civil Enforcement**

Procedures for the investigation and enforcement of suspected violations of this chapter shall be in accordance with Chapter 2.116, as it exists now or is hereafter amended.

**11.22.110 Penalties – Enforcement.**

**Section 1 Section 11.22.110 Kitsap County Code, adopted by Resolution 404 (2007) is amended as follows:**

(a) General. In addition to all other enforcement actions authorized under the code, the county may withhold or withdraw plan or development permit approval, revoke approval, forfeit the submitted financial guarantee, and/or refuse to accept work performed, if a permittee fails to comply with any requirement set forth in this chapter or the road standards. Further, Kitsap County may bring civil suit to enforce any requirement, enjoin violation or seek any other remedy available at law or equity.

(b) Road Approaches – Failure to Construct Properly. In addition to all other enforcement actions authorized under the code, any person, firm, partnership, association, joint venture, corporation or other legal entity who fails to construct an approach properly ~~may~~ will be required to compensate the county for the improvement or removal of the approach. Compensation shall include administration time as well as equipment and materials to remove or improve the approach. Reimbursement shall be made to the Kitsap County Department of Public Works, Road Fund.

(c) Failure to Notify. In addition to all other enforcement actions authorized under the code, if a permittee fails to notify the county as required by the road standards then the county may require sampling and/or testing post-construction, either by the ~~project engineer~~ ~~permittee~~ or the county. Costs for such testing and/or sampling shall be borne by the permittee. When such testing and/or sampling is required, the county may prohibit or limit further work until all such tests and/or sampling have been completed and corrections made to the satisfaction of the county. In addition to this provision, the

county reserves its right to bring any or all other enforcement action for the failure to notify.

(Ord. 404 (2007) § 7, 2007: Ord. 293 (2003) § 11, 2003)

**11.22.120 Bonding – Insurance – Indemnification.**

(a) A permittee shall post a financial guarantee in the form of a surety bond or assignment of funds from a corporation authorized to do the business of surety in the state of Washington. The bond is required to ensure compliance with all permit conditions and shall be kept in full force and effect for a minimum of two years following acceptance of the work as complete by the county. The bond shall be in favor of the department of public works and is required prior to permit approval. The amount of the bond shall be as determined by the county.

(b) If a person, firm, partnership, association, joint venture, corporation, or other public or private entity locates, installs, adjusts, repairs or relocates underground utility lines on a regular basis, the county may allow such entity to post a blanket bond in an amount no less than \$5,000.00. If an entity that has posted a blanket bond thereafter makes application for a permit, on a project of such magnitude that the county determines that the amount of the blanket bond is inadequate, the county may require a separate, additional bond.

(c) Commercial Liability Insurance. Prior to beginning any work, and through the term of the maintenance bond, the permittee shall maintain commercial general liability insurance in the amount of not less than \$1,000,000.00 combined single limit bodily injury and property damage, with a \$2,000,000.00 aggregate. Prior to issuing a permit to work in the right of way, a permit applicant must provide the county with a certificate of insurance, signed by the insurance agent and the permit applicant. The policy shall be endorsed and the certificate shall name Kitsap County as an additional insured on the policy with respect to activities performed under this permit and through the term covered by the maintenance bond. The policy shall be endorsed and the certificate shall reflect that the insurance provided shall be primary insurance and any insurance or self-insurance carried by the county shall be excess and not contributory to that provided by the permittee. If, for any reason, a material change occurs in the insurance coverage during the period of time required by this provision, such changes shall not become effective until forty-five days after Kitsap County has received written notice of such changes.

(d) Waiver of Requirements. The bonding and insurance requirements described in subsections (a) through (c) of this section may be waived at the discretion of the county engineer.

**Section 11.22.120 (e) Kitsap County Code, adopted by Ordinance 404 (2007) is repealed in its entirety**

~~(e) Indemnification. The holder of any right of way permit shall have no recourse whatsoever against Kitsap County or its officials, boards, commissions, agents, or employees for any loss, costs, expenses, or damages arising out of any provision or requirement of the permit or road standards, or because of Kitsap County enforcement activities. Granting of a franchise or permit shall not imply or be construed to mean the county shall be responsible for the design, construction, or operation of the facility or for public safety during the facility's installation, operation, or maintenance.~~

~~(Ord. 404 (2007) § 8, 2007; Ord. 293 (2003) § 12, 2003)~~

**11.22.130 Fees.**

Fees required under this chapter and/or the road standards are as specified in the Kitsap County Development Permit Fee Schedule, Kitsap County Code Section 21.06.100, as it now exists or is hereafter amended.

(Ord. 293 (2003) § 13, 2003)

**Chapter 11.24**

**(Repealed)\***

\* **Editor's Note:** Former Chapter 11.24, Construction of Approaches to County Roads, was repealed by Section 15 of Ord. 293 (2003). This chapter was originally derived from Ord. 5 (1971), as amended by Ord. 147 (1992).

For current provisions pertaining to road construction standards, please refer to Chapter 11.22, Kitsap County Road Standards

**Chapter 11.28  
(Repealed)\***

**Editor's Note:** Former Chapter 11.28, Utility Line Installation, was repealed by Section 15 of Ord. 293 (2003). This chapter was originally derived from Ord. 85 (1981), as amended by Ord. 291 (2002).

For current provisions pertaining to road construction standards, please refer to Chapter 11.22, Kitsap County Road Standards

### **Chapter 11.32 ACCOMMODATION OF UTILITIES ON ROAD RIGHT-OF-WAY**

**Section 11.32 Kitsap County Code, adopted by Resolution 170-1971 is repealed in its entirety**

**~~11.32.010 Model policy adopted.~~**

~~The model utility accommodation policy entitled Chapter 40, as adopted by the county road administration board on July 9, 1971, is adopted, together with any subsequent amendments thereto.~~

~~(Res. 170-1971 (part), 1971)~~

### **Chapter 11.36 PERMITS AND STANDARDS FOR USE AND IMPROVEMENTS TO COUNTY RIGHT OF WAY**

**Chapter 11.36 Kitsap County Code, adopted by Ordinance 245 (2000) is repealed**

**~~11.36.010 Title.~~**

~~The ordinance codified in this chapter shall be entitled "Permits and Standards for Use and Improvements to County Right-of-Way."~~

~~(Ord. 245 (2000) § 1, 2000)~~

**~~11.36.020 Authority and purpose.~~**

~~Chapter [36.75](#) RCW authorizes the county to perform all acts necessary and proper for the administration of the county roads. County roads shall be established, laid out, constructed, altered, repaired, improved, and maintained by the legislative authority of the county or by private individuals or corporations who are allowed to perform such work under an agreement with the county legislative authority. Such work shall be done in accordance with adopted county standards under the supervision and direction of the county engineer.~~

~~It is the purpose of this chapter to establish a permit process and standards for regulating the use of and improvements to county right-of-way by persons, firms or entities requiring use of and access to the county right-of-way for road and drainage purposes.~~

~~(Ord. 245 (2000) § 2, 2000)~~

#### **11.36.030 Application of chapter.**

~~This chapter applies to improvements and use of all rights-of-way under Kitsap County ownership. This chapter is not intended to apply to general maintenance activities performed on roads in existence prior to the date of this chapter as long as the maintenance activities do not alter the dimensions or nature of the existing road.~~

~~(Ord. 245 (2000) § 3, 2000)~~

#### **11.36.040 Definitions.**

~~(1) “Applicant” means a property owner, or any person, firm or entity designated or authorized in writing by the property owner to be the applicant, making application to access, use and make improvements to a county right-of-way.~~

~~(2) “Bond” means a financial guarantee, in the form of a surety bond, assignment of funds, or irrevocable bank letter of credit, that shall guarantee compliance with this chapter.~~

~~(3) “Building permit” means the permit required for new construction and additions pursuant to Title 14 of this code. As used herein, the term shall not include permits required for remodeling, rehabilitation or other improvements to an existing structure or rebuilding a damaged or destroyed structure, provided there is no increase in the applicable unit of measure (for nonresidential construction) or number of dwelling units (for residential construction) resulting therefrom.~~

~~(4) “Category 1 right-of-way use permit” means a permit, issued pursuant to this chapter, authorizing use of and improvements to an unopened county right-of-way or an unmaintained road within county right-of-way for access to a lot, tract, or parcel of land. Upon the completion of road and drainage improvements required under a Category 1 permit the county will assume maintenance responsibilities of improvements made.~~

~~(5) “Category 2 right-of-way use permit” means a permit issued, pursuant to this chapter, authorizing use of and improvements to an unopened county right-of-way for access to a lot, tract, or parcel of land. Upon the completion of road and drainage improvements required under a Category 2 permit the maintenance responsibilities rest with the applicant and all abutting property owners having access to the road.~~

~~(6) “Category 3 right-of-way use permit” means a permit, issued pursuant to this chapter, authorizing use of and access to an existing unmaintained road in a county right-of-way. The maintenance responsibilities for the road rest with the applicant and all abutting property owners having access to the road.~~

~~(7) “County engineer” means the Kitsap county road engineer or his/her assigned designee.~~

~~(8) “Department” means the department of public works.~~

~~(9) “Development approval” means the granting of a building permit, mobile home on-site permit, short subdivision approval, plat approval or other county land use approval or approvals.~~

~~(10) “Improvements” means the design and construction of, but not limited to, roads, drainage facilities (i.e., storm drains, detention/retention ponds, bioswales, ditches, etc.), sidewalks, pedestrian trails, street lighting systems, utilities, and bridges.~~

~~(11) “Right-of-way” means all property in which the county has any form of ownership or title and which is held for public road purposes, regardless of whether or not any road exists thereon or whether or not it is used, improved, or maintained for public travel.~~

~~(12) “Category 4 right-of-way use permit” means a temporary permit, issued pursuant to this chapter, authorizing temporary access and use of county right-of-way for limited, short duration activities other than residential access (i.e., logging activities, installation of utilities).~~

~~(13) “Unmaintained road,” as used in this chapter, means a road within county right-of-way which is accessible to public travel but is not maintained by the county.~~

~~(14) “Unopened right-of-way” means a county right-of-way that exists by dedication or deed, but for which no vehicular roadway has been constructed by the county or other parties through an approved county permitting procedure.~~

~~(15) “Category 5 right-of-way use permit” means a permit issued, pursuant to this chapter, authorizing use of and improvements to an unopened county right-of-way for the specific purpose of providing bike/pedestrian/equestrian access for trail purposes and specifically disallowing any type of motorized use. The Category 5 permit is limited to non-profit, organized community clubs, groups and organizations. Upon the completion of trail improvements approved under a Category 5 permit the maintenance responsibilities for the trail rest with the applicant(s).~~

~~(Ord. 322 (2004) §§ 1, 2, 2004; Ord. 245 (2000) § 4, 2000)~~

#### **11.36.050 Permit – Required.**

~~No unopened county right-of-way or unmaintained road within a county right-of-way shall be privately improved, altered, expanded upon or used for access or utilities purposes, nor shall development approval necessitating such improvements or use be granted, unless a permit therefore has been issued pursuant to this chapter.~~

~~Right-of-way use approvals issued prior to the effective date of the ordinance codified in this chapter shall remain in effect; however, subsequent additional uses or improvements to said right-of-way shall comply with the provisions of this chapter.~~

~~The county engineer may issue a permit to the applicant upon filing of a complete application, payment of fees, posting of the required financial sureties, recording of covenant and dedication of additional right-of-way, if required. Issuance of the permit authorizes the construction of road and drainage improvements and use of the county right-of-way for the purposes identified in the permit.~~

~~(Ord. 245 (2000) § 5, 2000)~~

#### **11.36.060 Permit – Type and requirements.**

~~An applicant desiring to use a county right-of-way shall be required to submit an application and obtain a right-of-way use permit from the county engineer. The permit type and requirements shall be as specified within one of the following categories:~~

~~(1) Category 1 Right-of-Way Use Permit. A Category 1 permit shall be required for use of and improvements to unopened county right-of-way or unmaintained roads within county right-of-way when the applicant desires the county to assume maintenance responsibilities for the road and drainage improvements to be constructed or when such improvements are required in connection with other development approvals.~~

~~(a) — Required Improvements. A Category 1 permit shall specify the minimum improvements required by the county engineer. The road dimensions and design shall be in accordance with the *Kitsap County Road Standards*, as they now exist or are hereafter amended. The road dimensions will be determined based on the ultimate average daily traffic volume served by the road. The ultimate average daily traffic volume will be computed by the department based on the maximum allowable density (based on zoning or existing platted lots, whichever is greater) in residential units (or equivalent) of all property having access to the road. The road shall be constructed from the point of connection with a county-maintained road to and across the applicant's property frontage. The storm drainage requirements shall be in accordance with the *Kitsap County Storm Water Management Ordinance* (Chapters 12.04 — 12.32 of this code), as it now exists or is hereafter amended. Construction of required improvements shall be to the satisfaction of the county engineer and shall be completed by the applicant prior to issuance of a building permit. Construction work and all restoration work required by the permit shall be completed within one year of the permit's issuance. In addition, conditions may be imposed to assure compliance of the permit with other county adopted plans, policies, standards and regulations. The applicant shall be responsible for proper notice to the county engineer requesting the necessary inspections and final approval. The applicant shall assume sole responsibility for the safe and adequate operation and maintenance of any improvements within or adjacent to the county right-of-way during the period of time the permit is in effect.~~

~~(b) — Survey. When considered necessary by the county engineer to adequately define the limits of the right-of-way, the applicant shall cause the right-of-way to be surveyed by a state-licensed land surveyor. The cost for the survey shall be borne by the applicant.~~

~~(c) — Right-of-Way Dedication. The applicant may be required to deed additional right-of-way across property under his authority when necessary to fulfill the minimum road right-of-way width prescribed by the *Kitsap County Road Standards* for the road functional classification as identified in the permit.~~

~~(d) — Notification To Adjacent Property Owners Required. The department shall obtain certification that all owners of the property abutting on each side of that portion of the right-of-way that has been requested for use or improvement have been contacted. At a minimum, all adjacent property owners shall be notified by certified mail with return receipts being collected by the department. Any objections made by abutting property~~

~~owners shall be resolved by the applicant to the satisfaction of the department prior to the issuance of the permit.~~

~~(e) Signs. The applicant shall supply, install and pay for all signs required by the county engineer. After the initial installation all signs will be maintained by the county. The signs shall be posted where authorized or directed by the county engineer.~~

~~(f) Final Approval. Final approval shall be issued by the department upon completion of construction of the required improvements. The county engineer shall make the appropriate notice upon official county right-of-way records.~~

~~(g) Application. The permit application shall include:~~

~~(i) The name, address and phone number of the applicant and representative, if applicable;~~

~~(ii) A legal description of the applicant's property to be served by the permit;~~

~~(iii) A statement regarding the purpose of access to the applicant's property;~~

~~(iv) An assessor's map showing the total land area to be served by the permit with a land use density computation based on zoning of the ultimate number of residential units or equivalents that will access the right-of-way;~~

~~(v) Application fees paid per Section [11.36.100](#);~~

~~(vi) If road name is nonexistent, three choices for a road name shall be submitted to the addressing division in the Kitsap County department of community development for approval at the time of application;~~

~~(vii) Road and drainage plans, prepared by a professional engineer, for planned improvements per *Kitsap County Road Standards* and Storm Water Management Ordinance (Chapters 12.04 – 12.32 of this code), as they now exist or are hereafter amended.~~

~~(h) Maintenance Bond. Prior to the final approval of construction a maintenance bond or other acceptable surety must be posted and maintained by the applicant for a period of two years. The maintenance bond or surety shall guarantee the improvements constructed under the right-of-way use permit against design and material defects and~~

failures in workmanship, and shall guarantee that the facilities constructed under the permit will be regularly and adequately maintained throughout the maintenance period. At the end of this time, the county will inspect the improvements and, when the improvements are determined acceptable the county will take over the maintenance and operations of the improvements. The amount of the maintenance bond or surety shall be ten percent of the estimated construction cost of the improvements requiring maintenance, or five thousand dollars whichever is greater. The construction cost of the facilities requiring maintenance shall be estimated by a professional engineer and is subject to approval of the county engineer.

(i) ~~Other Permits.~~ Approval and issuance of the permits prescribed in this chapter does not constitute approval of other applicable permits or requirements that may be required by other county ordinances, state or federal laws. It shall be the responsibility of the applicant to obtain all other permits and approvals required by other county, state or federal laws. Examples of some additional permits that may be required include hydraulic project approval (“HPA”) by the Washington State Department of Fish and Wildlife, construction and industrial discharge permits administered by the Washington State Department of Ecology under the National Pollutant Discharge Elimination System (NPDES) program, access connection permits issued by the Washington State Department of Transportation, SEPA, Critical Areas, Grading, Building, Forest Practice, Site Development Activity Permit, etc.

(2) ~~Category 2 Right-of-Way Use Permit.~~ A Category 2 permit shall be required for use of and improvements to an unopened county right-of-way when the maintenance responsibilities for the improvements will rest with the applicant and all abutting property owners using the improvements.

(a) ~~Required Improvements.~~ A Category 2 permit shall specify the minimum improvements required by the county engineer. The road dimensions and design shall be in accordance with the *Kitsap County Road Standards* for a Category 2 right-of-way use permit, as set forth in Exhibit “A” which is incorporated herein by reference.<sup>4</sup> The road dimensions will be determined based on the ultimate average daily traffic volume served by the road. The ultimate average daily traffic volume will be computed by the department based on the maximum allowable density (based on zoning or existing platted lots, whichever is greater) in residential units (or equivalent) of all property having access to the road. At a minimum, the applicant will be required to construct half a road on the applicant’s side of the right-of-way to the requirements set forth in the

~~permit. The road will be constructed from the point of connection to a county-maintained road or a road constructed under a previous permit, to and across the applicant's property frontage. Subsequent permits issued for the same right-of-way will require that improvements be made that further improve the road to accommodate the ultimate average daily traffic volume. The storm drainage requirements shall be in accordance with Kitsap County Storm Water Management Ordinance (Chapters 12.04 — 12.32 of this code), as it now exists or is hereafter amended. Construction of required improvements shall be to the satisfaction of the county engineer and shall be completed by the applicant prior to issuance of a building permit. Construction work and all restoration work required by the permit shall be completed within one year of the permit's issuance. In addition, conditions may be imposed to assure compliance of the permit with other county adopted plans, policies, standards and regulations. The applicant shall be responsible for proper notice to the county engineer requesting the necessary inspections and final approval. The applicant shall assume sole responsibility for the safe and adequate operation and maintenance of any improvements within or adjacent to the county right-of-way during the period of time the permit is in effect.~~

Figure 11.36.060

[~~Note: Greater resolution will be attained by printing this image.~~]

~~(b) — Survey. When considered necessary by the county engineer to adequately define the limits of the right-of-way, the applicant shall cause the right-of-way to be surveyed by a state-licensed land surveyor. The cost for the survey shall be borne by the applicant.~~

~~(c) — Right-of-Way Dedication. The applicant may be required to deed additional right-of-way across property under his authority when necessary to fulfill the minimum road right-of-way width prescribed by the *Kitsap County Road Standards* for the road functional classification as identified in the permit.~~

~~(d) — Notification to Adjacent Property Owners Required. The department shall obtain certification that all owners of the property abutting on each side of that portion of the right-of-way that has been requested for use or improvement have been contacted. At a minimum, all adjacent property owners shall be notified by certified mail with return receipts being collected by the department. Any objections made by abutting property owners shall be resolved by the applicant to the satisfaction of the department.~~

~~(e) Signs. The applicant shall supply, maintain, and pay for all required signs identified by the county engineer. The signs shall be posted where authorized or directed by the county engineer. At a minimum the applicant shall install a sign at the beginning of the road which states "Road not maintained by the County."~~

~~(f) Final Approval. The final approval shall be issued by the department upon completion of the construction of the required improvements. The county engineer shall make the appropriate notice upon official county right-of-way records.~~

~~(g) Application. The permit application shall include:~~

~~(i) The name, address and phone number of the applicant and representative, if applicable;~~

~~(ii) A legal description of the applicant's property to be served by the permit;~~

~~(iii) A statement regarding the purpose of access to the applicant's property;~~

~~(iv) An assessor's map showing the total land area to be served by the permit with a land use density computation based on zoning of the ultimate number of residential units or equivalentents that will access the right-of-way;~~

~~(v) The permit application shall include a covenant running with the land and for the benefit of Kitsap County. The covenant does not replace or imply the existence of a formal road maintenance agreement. Permit processing requires the applicant to complete, sign, notarize and record this covenant as part of an approved Category 2 right-of-way use permit. The covenant shall be filed and recorded with the Kitsap County auditor prior to permit issuance and shall contain, at a minimum:~~

~~A. A legal description of the applicant's property to be served by the Category 2 permit;~~

~~B. A statement regarding the purpose of access to the applicant's property;~~

~~C. A statement that the property owner, in consideration of the county's approval to permit use of or improvements to a county right-of-way, agrees to waive their right to protest the formation of a road improvement district pursuant to Chapter [36.88](#) RCW. The road improvement district, if formed, would finance the design and construction of a road meeting the requirements set forth in subsection (1) of this section. This~~

~~requirement is a condition of permit approval and shall be binding for a period of ten years from the date the covenant is recorded. This condition does not waive the property owner's right to object to their individual assessment or to appeal to the superior court the decision of the county commissioners affirming the final assessment roll;~~

~~D.— A statement that access to the applicant's property is across an unmaintained road, that the county is not responsible for maintenance of the road and the applicant acknowledges a joint responsibility with other property owners accessing the right-of-way for the maintenance of the improvements made thereon. Maintenance responsibilities shall include, but are not limited to, maintenance of road and shoulder surfacing, signs, storm drainage facilities and vegetation control;~~

~~E.— A prohibition against subdividing the property accessing the right-of-way without obtaining either plat or short plat approval or, if exempt from platting, a Category 2 or Category 3 permit (as applicable) for the additional lots being created;~~

~~F.— A statement that the covenant is binding on the successors and assigns of the property owner;~~

~~G.— The acknowledged signatures of the owner(s) of record of subject property;~~

~~(vi) — Application fees paid per Section [11.36.100](#);~~

~~(vii) — If road name is nonexistent, three choices for a road name shall be submitted to the addressing division in the Kitsap County department of community development for approval at the time of application;~~

~~(viii) — Road and drainage plans, prepared by a Professional engineer, for planned improvements per *Kitsap County Road Standards* and Storm Water Management Ordinance (Chapters 12.04 — 12.32 of this code), as they now exists or are hereafter amended.~~

~~(h) — Other Permits. Approval and issuance of the permits prescribed in this chapter does not constitute approval of other applicable permits or requirements that may be required by other county ordinances, state or federal laws. It shall be the responsibility of the applicant to obtain all other permits and approvals required by other county, state or federal laws. Examples of additional permits that may be required include hydraulic~~

~~project approval (“HPA”) by the Washington State Department of Fish and Wildlife, construction and industrial discharge permits administered by the Washington State Department of Ecology under the National Pollutant Discharge Elimination System (NPDES) program, SEPA, Critical Areas, Grading, Building, Forest Practice, Site Development Activity Permit, etc.~~

~~(3) — Category 3 Right-of-Way Use Permit. A Category 3 permit shall be required when permanent use and access to an existing unmaintained road in a county right-of-way is desired. This permit applies to unmaintained roads constructed prior to the effective date of this chapter or unmaintained roads constructed under a Category 2 permit wherein the road abuts the applicant’s property. The maintenance responsibilities for the road rest with the applicant and all abutting property owners having access to the road.~~

~~(a) — Required Improvements. The Category 3 use permit shall incorporate the requirements of a road approach permit issued pursuant to Chapter 11.24 of this code. A Category 3 permit must be obtained by the applicant prior to the issuance of a building permit.~~

~~(b) — Application. The permit application shall be the same as that used for a road approach permit issued pursuant to Chapter 11.24 of this code, and shall also include the covenant required under this chapter.~~

~~(c) — Covenant Required. The permit application shall include a covenant running with the land and for the benefit of Kitsap County. The covenant does not replace or imply the existence of a formal road maintenance agreement. Permit processing requires the applicant to complete, sign, notarize and record this covenant as part of an approved Category 3 right-of-way use permit. The covenant shall be filed and recorded with the Kitsap County auditor prior to permit issuance and shall contain, at a minimum:~~

~~(i) — A legal description of the applicant’s property to be served by the Category 3 permit;~~

~~(ii) — A statement regarding the purpose of access to applicant’s property;~~

~~(iii) — A statement that the property owner, in consideration of the county’s approval to permit use of or improvements to a county right-of-way, agrees to waive their right to protest the formation of a road improvement district pursuant to Chapter [36.88](#) RCW.~~

~~The road improvement district, if formed, would finance the design and construction of a road meeting the requirements set forth in subsection (1) of this section. This requirement is a condition of permit approval and shall be binding for a period of ten years from the date the covenant is recorded. This condition does not waive the property owner's right to object to their individual assessment or to appeal to the superior court the decision of the county commissioners affirming the final assessment roll;~~

~~(iv) A statement that access to the applicant's property is across an unmaintained road, that the county is not responsible for maintenance of the road and the applicant acknowledges a joint responsibility with other property owners accessing the right-of-way for the maintenance of the existing road. Maintenance responsibilities shall include, but are not limited to, maintenance of road and shoulder surfacing, signs, storm drainage facilities and vegetation control;~~

~~(v) A prohibition against subdividing the property accessing the right-of-way without obtaining either plat or short plat approval or, if exempt from platting, a Category 3 permit for the additional lots being created;~~

~~(vi) A statement that the covenant is binding on the successors and assigns of the property owner;~~

~~(vii) The acknowledged signatures of the owner(s) of record of subject property;~~

~~(4) Category 4 Right-of-Way Use Permit. A Category 4 permit shall be required when temporary use of public right-of-way is desired. Temporary use shall include all uses not intended to last longer than one year in duration.~~

~~(a) Required Improvements. A Category 4 permit shall specify minimum improvements required by the county engineer. Permit conditions, at a minimum, will address road construction, safety, erosion control, drainage, and right-of-way restoration requirements. Storm drainage requirements shall comply with the requirements of the Kitsap County Storm Water Management Ordinance (Chapters 12.04—12.32 of this code), as it now exists or is hereafter amended. In addition, conditions may be imposed to assure the compliance of the permit with other county-adopted plans, policies, standards and regulations. Construction of the required improvements shall be completed and approved by the department prior to final approval. The applicant shall be responsible for proper notice to the county engineer or~~

~~designee requesting the necessary inspections and approval. The applicant shall assume sole responsibility for the safe and adequate operation and maintenance of any improvements within or adjacent to the county right-of-way during the period of time the permit is in effect.~~

~~(b) — Survey. When considered necessary by the county engineer to adequately define the limits of the right-of-way, the applicant shall cause the right-of-way to be surveyed by a state-licensed land surveyor. The cost for the survey shall be borne by the applicant.~~

~~(c) — Notification to Adjacent Property Owners Required. The department shall obtain certification that all owners of the property abutting on each side of that portion of the right-of-way that has been requested for use or improvement have been contacted. At a minimum, all adjacent property owners shall be notified by certified mail with return receipts being collected by the department. Any objections made by abutting property owners shall be resolved by the applicant to the satisfaction of the department.~~

~~(d) — Signs. The applicant shall supply, maintain, and pay for all signs required by the county engineer. The signs shall be posted where authorized or directed by the county engineer.~~

~~(e) — Abandonment and Restoration. Upon termination of the use of the right-of-way, the applicant shall be required to abandon and restore the right-of-way as designated under permit conditions. A surety may be required to insure proper abandonment and restoration.~~

~~(f) — Application. The permit application shall include, at a minimum:~~

~~(i) — The name, address and phone number of the applicant and representative, if applicable;~~

~~(ii) — A legal description of the applicant's property to be served by the permit;~~

~~(iii) — A statement regarding the purpose of access to the applicant's property;~~

~~(iv) — An assessor's map showing all parcels to be accessed;~~

~~(v) — Application fees paid per Section [11.36.100](#);~~

~~(vi) Plans prepared by a professional engineer addressing the road construction, safety, erosion control, drainage, and right-of-way restoration requirements of the permit, when required by county engineer.~~

~~(g) Other Permits. Approval and issuance of the permits prescribed in this chapter does not constitute approval of other applicable permits or requirements that may be required by other county ordinances, state or federal laws. It shall be the responsibility of the applicant to obtain all other permits and approvals required by other county, state or federal laws. Examples of additional permits that may be required include hydraulic project approval (“HPA”) by the Washington State Department of Fish and Wildlife, construction and industrial discharge permits administered by the Washington State Department of Ecology under the National Pollutant Discharge Elimination System (NPDES) program, SEPA, Critical Areas, Grading, Building, Forest Practice, Site Development Activity Permit, etc.~~

~~(h) Extension. The applicant may apply in writing for a one-year extension to the Category 4 permit upon written application for an extension. The county engineer may grant an extension upon making the determination that the applicant has fully complied with the conditions and requirements of the original permit. The application for extension may only be made after the first six months of the original permit life.~~

~~(5) Category 5 Right-of-Way Use Permit. A Category 5 right-of-way use permit shall be required for use of and improvements to an unopened county right-of-way for the specific purpose of providing bike/pedestrian/equestrian access for trail purposes. Upon the completion of trail improvements approved under a Category 5 permit the maintenance responsibilities for the trail rest with the applicant(s).~~

~~(a) Required Improvements. Improvements will consist of the construction of soft-surface trail improvements limited generally to the removal of brush and vegetation and generally avoiding tree removal. Removal of trees larger than four inches in diameter will require approval of the department during the permitting process and prior to actual trail construction. In addition, conditions may be imposed to assure compliance of the permit with other county adopted plans, policies, standards and regulations. Construction of the required improvements shall be completed and approved by the department prior to final approval. The applicant shall be responsible for proper notice to the county engineer or designee requesting the necessary inspections and approval.~~

~~The applicant shall assume sole responsibility for the safe and adequate operation and maintenance of any improvements within the county right-of-way.~~

~~(b) — Construction Impacts. Construction of trails shall always be approached from a low impact, multi-use point of view. Trails shall be placed to one side of the right-of-way and always within the framework that would not exceed one-half of the right-of-way with minimal impacts to existing developed adjoining properties.~~

~~(c) — Survey. Prior to construction of the trail, Kitsap County will provide survey centerline markings to ensure proper placement of the trail improvements near or on the edge of the right-of-way.~~

~~(d) — Notification to Adjacent Property Owners Required. The department shall obtain certification that all owners of the property abutting on each side of the portion of the right-of-way that has been requested for use or improvement have been contacted. At a minimum, all adjacent property owners shall be notified by certified mail with return receipts being collected by the department. The applicant, to the satisfaction of the department, shall resolve any objections and/or concerns made by abutting property owners.~~

~~(e) — Future Vehicular Access. At such time that vehicular access may be needed by a landowner, a lane could be added in the unused half of the right-of-way. It would be placed at the right-of-way's extreme edge, preserving a natural barrier between vehicles and pedestrians. Any future vehicular access will require that an additional permit be required of the landowner seeking access and ensuring that further development would always be performed in a low impact manner and compatible with the access trail. Should the county find it necessary to utilize the right-of-way for any future purpose, the applicant shall not be reimbursed for the removal of any improvements or other costs incurred by the applicant.~~

~~(f) — Signs. Kitsap County shall supply, maintain, and pay for all required signs identified by the county engineer. While the county will maintain the signs, it is necessary that a sign be posted which states that "Trail Not Maintained By The County."~~

~~(g) — Preliminary Approval. Prior to making improvements the applicant shall receive a letter from Kitsap County authorizing said improvements.~~

~~(h) Final Approval. Final approval shall be issued by the department upon completion of the construction of the required improvements.~~

~~(i) Application Permit Fees. For the purposes of this Category 5 permit, Kitsap County shall have the discretion to waive fees associated with this application. Partnerships between communities and the county enhance cooperation in the realization of bike/pedestrian/equestrian systems at minimal expense to the community and the general public.~~

~~(Ord. 322 (2004) §§ 3, 4, 2004; Ord. 245 (2000) § 6, 2000)~~

#### **~~11.36.070 Permit – Interpretation.~~**

~~Permits issued pursuant to this chapter do not convey any vested right or ownership interest in any county right-of-way. Each permit shall state on its face that any county right-of-way improved pursuant to this chapter shall be open for use by the general public except in those cases where specific conditions in a temporary use permit restrict the use of the right-of-way for safety reasons.~~

~~(Ord. 245 (2000) § 7, 2000)~~

#### **~~11.36.080 Materials within right-of-way.~~**

~~The permit shall contain a statement regarding the use or disposition of timber, soil, rock, vegetation, or other materials found within the right-of-way. If not utilized in the construction of roadway improvements, such materials shall be disposed of in accordance with the direction of the abutting property owners and/or the county engineer. Any affected fences located within the right-of-way shall be relocated in accordance with the direction of the county engineer.~~

~~(Ord. 245 (2000) § 8, 2000)~~

#### **~~11.36.090 Public maintenance.~~**

~~If any applicant improving a road, at no expense to Kitsap county, meets all the requirements of subsection (1) of Section [11.36.060](#), Category 1 right-of-way use permit, the county engineer shall so certify to the board of county commissioners that such standards have been met. The board may then, by resolution, accept the road for maintenance at the cost of and by Kitsap County.~~

~~(Ord. 245 (2000) § 9, 2000)~~

#### **11.36.100 Application fees.**

Upon applying for a Category 1, Category 2, Category 3, or temporary right-of-way use permit the applicant shall pay to the department an application fee. Such fee is nonrefundable and must accompany each permit application. The application fee charge for each type of permit shall be as specified in the Kitsap County Development Permit Fee Schedule (Section 21.06.100), as it now exists or is hereafter amended.

(Ord. 291 (2002), § 4, 2002; Ord. 245 (2000) § 10, 2000)

#### **11.36.110 Reimbursement by other property owners.**

When an applicant makes road improvements in accordance with subsection (1) of Section [11.36.060](#), Category 1 right-of-way use permit, and adjacent property owners benefit from the improvements, the applicant may enter into a reimbursement agreement with the county to recoup a pro rata share of the costs of the improvements, in accordance with Chapter [35.72](#) RCW, from adjacent property owners subsequently allowed to use the improvements.

(Ord. 245 (2000) § 11, 2000)

#### **11.36.120 County road improvement district.**

County road improvement districts ("CRID") may be initiated to help finance improvements required under a Category 1 right-of-way use permit. A CRID may be initiated by resolution of the board of county commissioners or by petition signed by property owners constituting a majority of the lineal frontage upon the contemplated improvements and of the area within the limits of the CRID. The property ownership shall be verified by the records of the office of the county auditor. Formation of a county road improvement district shall be in accordance with the requirements of Chapter [36.88](#) RCW.

(Ord. 245 (2000) § 12, 2000)

#### **11.36.130 Technical deviation.**

The county engineer may grant minor technical deviations from requirements contained in the *Kitsap County Road Standards*, provided that all of the following criteria are met:

(1) The technical deviation will not otherwise result in noncompliance with this chapter;

~~(2) The granting of the technical deviation will not result in noncompliance with the development conditions imposed upon the project by the board of commissioners;~~

~~(3) The granting of the technical deviation will produce a compensating or comparable result which is in the public interest; and~~

~~(4) The granting of the technical deviation will meet the objectives of safety, function, appearance, environmental protection and maintainability based on sound engineering judgement.~~

~~(Ord. 245 (2000) § 13, 2000)~~

#### **11.36.140 Variance.**

~~Kitsap County may, by following the process set forth in the Land Use and Development Procedures Ordinance (Chapter 21.04 of this code), as it now exists or is hereafter amended, grant a variance from the provisions of this chapter, provided that all the following criteria are met:~~

~~(1) The variance requested arises from a condition that is unique to the property and which is not created by the property owner or applicant;~~

~~(2) Granting a variance will not adversely affect the rights of adjacent property owners or residents;~~

~~(3) Strict application of provisions of this chapter will constitute unnecessary hardship upon the property owner;~~

~~(4) The variance will not adversely affect the public health, safety and general welfare; and~~

~~(5) Granting the variance will not result in impacts that are contrary to basic policies or purpose of this chapter.~~

~~(Ord. 245 (2000) § 14, 2000)~~

#### **11.36.150 Appeals.**

~~An aggrieved party may appeal any administrative interpretation or departmental ruling related to this chapter by following the process set forth in Section [21.04.120](#) of this code, as it now exists or is hereafter amended, for a Type II classification.~~

(Ord. 245 (2000) § 15, 2000)

**11.36.160 Enforcement.**

~~The placement, construction, or installation of any improvements within county rights-of-way which violates the provisions of this chapter shall be and the same hereby is declared to be unlawful and a public nuisance and may be abated as such through the use of the Civil Enforcement Ordinance (Chapter 2.116 of this code), civil penalties, and stop work orders, as well as any other remedies which are set forth in this chapter, including, but not limited to, revocation of any permits. If the department chooses to utilize the Civil Enforcement Ordinance, then a violation of any provision of this chapter shall constitute a Class I civil infraction. Each violation shall constitute a separate infraction for each and every day or portion thereof during which the violation is committed, continued, or permitted. The choice of enforcement action taken and the severity of any penalty shall be based on the nature of the violation, the damage or risk to the public or to public resources.~~

(Ord. 245 (2000) § 16, 2000)

**Chapter 11.40  
STREET LIGHTING**

**11.40.010 Consideration.**

**Section 1, Section 11.40.010 Kitsap County Code, adopted by Resolution 496-1988, is amended as follows:**

Right of way illumination may be conditioned during the land use process to address roadway safety in accordance to the adopted road standards.

~~Street lighting shall be considered in all commercial, light manufacturing, industrial development approvals and be coordinated by the department of community development through the appropriate power provider in order to provide required street lighting as set forth in the Comprehensive Plan.~~

(Res. 496-1988 (part), 1988)

**11.40.020 Costs – Responsibility of landowner.**

**Section 1, Section 11.40.010 Kitsap County Code, adopted by Resolution 496-1988, is amended as follows:**

Street lighting ~~utilities as for other utilities~~ shall be at the expense of a developer of property who shall be required to provide for street lighting as a condition of development including installation of underground wiring and poles which may be by the developer, with acceptance by the power utility and the county engineer of the design; or by the power utility with the developer billed for the installation, as well as the light fixture and head when installed; provided further, that cost of electrical services shall be billed to the landowner in a manner acceptable to the power utility and that Kitsap County shall not be responsible for any lighting poles, wiring, installation, fixtures, light, head, electricity or other lighting utility services or facilities.

(Res. 496-1988 (part), 1988)

#### **11.40.030 Street lighting plan map.**

**Section 1, Section 11.40.030 Kitsap County Code, adopted by Resolution 496-1988, is repealed.**

~~The department of community development will work with the power providers to develop a map of the proposed street lighting plan which shall be available for review at the department.~~

~~(Res. 496-1988 (part), 1988)~~

### **Chapter 11.42 VACATION OF COUNTY ROADS**

#### **11.42.010 Declaration of title**

The ordinance codified in this chapter shall be entitled "Vacation of County Roads."

(Ord. 353 (2006) § 1, 2006)

#### **11.42.020 Road vacation by Kitsap County board of commissioners.**

County road rights of way may be vacated by the board either upon a petition submitted by adjacent property owners, or by its own motion, in accordance with the provisions of Chapter [36.87](#) RCW. After consideration of the county engineer's report and other recommendations (i.e. public testimony, staff response, and other agencies' comments), if the board finds that the right of way is not useful and the public will be benefited, the board may vacate the right of way. Kitsap County shall receive compensation as provided in this chapter.

(Ord. 353 (2006) § 2, 2006)

**11.42.030 Designations of roads.**

Pursuant to the provisions of RCW [36.87.100](#) and [36.87.110](#), all county rights of way are designated as follows:

Type E (Expenditures): Unimproved or improved where credible evidence exists which supports the conclusion that public expenditures have been made in the acquisition, improvement, or maintenance of the right of way, and the county or public has any type of property interest for use as a county road or for the use of the traveling public.

Type NE (No Expenditures): Unimproved or improved where no credible evidence exists which supports the conclusion that public expenditures were made in the acquisition, improvement, or maintenance of the right of way, and the county or public has any type of property interest for use as a county road or for the use of the traveling public. This includes right of way which lies within a dedicated platted subdivision and real property interests originally conveyed to Kitsap County by the present petitioner for the vacation of said road.

(Ord. 353 (2006) § 3 2006)

**11.42.040 Compensation to be based upon designation.**

Compensation to the county for vacation of the right of way shall be as follows:

Type E: The amount of the compensation shall be determined by utilizing present Kitsap County's assessor values for adjacent comparative properties. The minimum compensation suggested for a road vacation will be 50% of assessed value. Any road that was previously improved or maintained by the county will require compensation at 75% of assessed value. Any right of way that was purchased by the county will remand compensation at 100% of assessed value. Administrative costs will also be applied.

Type NE: Administrative costs only.

(Ord. 353 (2006) § 4, 2006)

**11.42.050 Compensation precedent to vacation.**

The amount of compensation as determined by the board according to the designations in Section 11.42.040 must be paid as a condition precedent to the vacation of any county right of way and shall be paid to the Kitsap County department of public works by petitioner within fifteen working days after the Final Order of Road Vacation is approved by the county board of commissioners.

Compensation for assessed value may, when it is in the best interest of the county, include real property of equivalent value to the right of way being considered for vacation.

When a road is vacated for a governmental agency, compensation shall be in accordance with the designation of the road, except that some or all of the compensation may be waived at the discretion of the board.

The board may waive some or all of the compensation for any designation of road, if it determines that it would be in the county's best interest to do so.

(Ord. 353 (2006) § 5, 2006)

#### **11.42.060 Administrative costs.**

A nonrefundable application fee for processing road vacation petitions as established by Kitsap County ordinance current at time of submittal shall be paid by the applicant prior to commencement of the vacation procedure. This fee shall apply to the total administrative costs due. A complete outline of vacation procedures shall be printed and made available to prospective applicants at the Kitsap County department of public works.

(Ord. 353 (2006) § 6, 2006)

#### **11.42.070 Compensation credited to county road fund.**

Compensation consisting of the assessed value of Type E right-of-way and application fees shall be credited to the county road fund.

(Ord. 353 (2006) § 7, 2006)

