

ORDINANCE NO. 495-2012

ORDINANCE REGARDING 2012 UGA REMAND COMPREHENSIVE PLAN UPDATE TO KITSAP COUNTY CODE TITLE 17 (ZONING)

BE IT ORDAINED:

Section 1. **General Findings.** The Kitsap County Board of Commissioners makes the following findings:

1. On May 7, 1998, the Board of County Commissioners (Board) adopted the 1998 Kitsap County Comprehensive Plan. Adoption of the 1998 plan satisfied the requirements set forth in the Growth Management Act (GMA).
2. On December 11, 2006, the Board adopted amendments to the Comprehensive Plan and associated development code in accordance with the requirements for a 10-Year Update. This Comprehensive Plan was appealed to the Central Puget Sound Growth Management Hearings Board (CPSGMHB), case No. 07-3-0019c. This CPSGMHB found the updated Comprehensive Plan, other than wastewater planning and Rural Wooded Incentive Program, to be compliant with GMA. On June 5, 2008, the CPSGMHB found the entire Comprehensive Plan to be GMA compliant. The petitioners challenged this ruling to Thurston County Superior Court, where the Court upheld the Board's ruling in January, 2009 and found the Plan in compliance. Subsequently, the petitioners appealed to the Washington State Court of Appeals, Division II.
3. On July 7, 2010, the Washington State Court of Appeals, reversed in part the original CPSGMHB compliant order and remanded the decision back to the CPSGMHB for review and decision.
4. On August 31, 2011, the CPSGMHB issued a final decision and order on remand to Kitsap County. *Suquamish Tribe et al. v. Kitsap County*; CPSGMHB No. 07-3-0019c. The decision focused on three issues and includes:
 - **Urban Density/Minimum Densities.** The CPSGMHB found local circumstances did not support the County's reduction of minimum densities in its UGAs from five to four dwelling units per acre in the Urban Low and Urban Cluster Residential designations. The Board concluded the reduction and resultant UGA expansion created inconsistencies with the comprehensive plan, did not comply with RCW 36.70A.110, and was not guided by GMA Goals 1 and 2 on Urban Growth and Reducing Sprawl, respectively.
 - **Land Capacity Analysis - Accounting for Environmentally Critical Areas Twice.** The CPSGMHB determined the County "double-dipped" and that it discounted twice for constrained lands in its Urban Restricted designation. Specifically, the County's use of a lower zoning that accounts for critical areas after critical areas were already discounted understates the actual capacity for development of Urban Restricted designated lands.
 - **Land Capacity Analysis - Minimum Density.** The CPSGMHB found four dwelling units per acre was not an appropriate capacity multiplier in the County's Urban Low

and Urban Cluster designations; it is not a supportable measure of capacity based on local circumstances; and is not consistent with the GMA Goals, the Buildable Lands Report (BLR) and the County's Comprehensive Plan.

5. In response to the CPSGMHB decision County began review of eight out of ten Urban Growth Areas (UGAs) that had been challenged and addressed in the Remand Order. These UGAs consist of:
- Kingston
 - Silverdale
 - Central Kitsap
 - East Bremerton
 - West Bremerton
 - Gorst
 - McCormick Woods/ULID#6, and
 - Port Orchard/South Kitsap

Section 2. General Procedural Findings. The Kitsap County Board of Commissioners makes the following findings regarding the public participation process of the 2012 Comprehensive Plan Remand:

1. Over the course of November 2011 through May 2012, Kitsap County staff met with local community groups, councils, chambers of commerce, appellants and capital service providers to discuss the Hearings Board Remand Order, associated schedule, as well as draft documents for public review and comment.
2. On November 7 and 10, 2010, following timely and effective public notice, Kitsap County held two public open houses and workshops to discuss the Hearings Board Remand Order, associated schedule, as well as visioning of Urban Growth Areas and associated capital facilities service.
3. On January 25 and 26, 2012, following timely and effective public notice, Kitsap County held two public open houses to review and comment on the preliminary draft land use alternatives and the associated land capacity analysis assumptions.
4. On February 6, 2012, following timely and effective public notice, the Board held a special public hearing to consider testimony on the range of alternatives to be analyzed in the Draft Supplemental Environmental Impact Statement (SEIS) Capital Facilities Plan, proposed Development Regulations and Comprehensive Plan amendments.
5. On February 13, 2012, following a timely and effective notice, the Board held a work-study session to select the range of alternatives and policy concepts to be analyzed in the draft documents.
6. On May 7, 2012, Kitsap County issued a notice of availability and application for the Draft SEIS, Capital Facilities Plan, Proposed Development Regulations and Comprehensive Plan

amendments for a 30-day public, tribe and agency review and comment period. The comment period closed on June 6, 2012.

7. On May 7, 2012, Kitsap County mailed postcards to 4,913 property owners notifying them of proposed zoning changes on their property.
8. On May 15 and 17, 2012, following timely and effective public notice, Kitsap County held two open houses on the Draft SEIS, Capital Facilities Plan, Proposed Development Regulations and Comprehensive Plan amendments.
9. On May 21, 2012, following timely and effective public notice, the Board and Planning Commission held a joint administration briefing to discuss contents of the Draft SEIS, Capital Facilities Plan, proposed Development Regulations and Comprehensive Plan amendments.
10. On June 4, 2012, following timely and effective public notice, the Board held a public hearing to consider public testimony and written comment on the proposed draft documents.
11. On June 6, 2012, the 30-day comment period closed on the Draft SEIS, Capital Facilities Plan, proposed Development Regulations and Comprehensive Plan amendments.
12. On June 11 and 18, 2012, following timely and effective public notice, the Board began deliberations and approved a preferred land use alternative, plan policy document, and associated development regulations.
13. On August 10, 2012, Kitsap County issued a notice of Final SEIS availability and notice of intent to adopt in the newspaper of record.
14. On August 27, 2012, following a timely and effective notice, the Board held a public hearing to consider testimony on the Final SEIS, Preferred Alternative, Capital Facilities Plan, as well as proposed Development Regulations and Comprehensive Plan amendments. The Board closed the hearing for public testimony and continued the hearing for decision only.
15. On August 29, 2012, the Board continued its public hearing from August 27, 2011 to deliberate on the proposed comprehensive plan amendments, map amendments and capital facilities plan amendments.
16. On August 29, 2012, Kitsap County issued a SEPA addendum pursuant to WAC 197-11-560(5) and 197-11-625.

Section 3. Substantive Findings. The Board of County Commissioners makes the following findings with respect to the amendments to Title 17 of the Kitsap County Code:

1. These amendments were developed in consideration of the goals of the GMA for the development of local comprehensive plans, as codified at RCW 36.70A.020, and reflect a careful balancing these goals within the local conditions of Kitsap County.
2. These amendments were developed according to and are found to comply with the requirements of the GMA, RCW 36.70A.

3. The amendments adopted by this ordinance are within the range of the alternatives analyzed in the Draft SEIS and Final SEIS.
4. There has been early and continuous public participation in the review of the proposed amendments, as required by the GMA, and consistent with KCC 21.08 and the State Environmental Policy Act.
5. The Board bases its findings and conclusions on the entire record and all of the testimony, oral or written, and exhibits submitted to the Board. Any finding that should be deemed a conclusion, and any conclusion that should be deemed a finding, is hereby adopted as such.
6. The Board has considered the following criteria consistent with Kitsap County Code Sections 21.08.160 and 21.08.170, and makes the following findings:
 - a. Circumstances in Kitsap County have substantially changed since the adoption of the 1998 Comprehensive Plan and/or subsequent amendments;
 - b. New information is available that was not considered in the adoption of the 1998 Comprehensive Plan and/or subsequent amendments;
 - c. The proposed amendments are consistent with or support other plan elements and/or development regulations;
 - d. The proposed amendments reflect the goals, objectives and policies of the Comprehensive Plan;
 - e. The proposed amendments are consistent with the Countywide Planning Policies; and
 - f. The proposed amendments are compliant with the requirements of the Growth Management Act.
7. The Board has reviewed the Central Puget Sound Growth Management Hearings Board Decision in *Suquamish Tribe et al. v. Kitsap County*; CPSGMHB No. 07-3-0019c. Final Decision & Order on Remand (8/31/2011). The Board finds that the remand issue has been addressed and resolved.

NEW SECTION Section 4. A new section is added to Chapter 17.110 Kitsap County Code, Definitions," as follows:

17.110.169 Community sewage disposal systems

"Community sewage disposal system" means any system of piping, treatment devices and/or other facilities which:

- A. Conveys, stores, treats and/or provides subsurface soil treatment and disposal on-site or on adjacent or nearby property under the control of the users; and
- B. The system is not connected to a public sewer system; and
- C. Is designed to serve more than one single-family dwelling or one multifamily dwelling but the design capacity does not exceed three thousand, five hundred gallons of sewage volume per day.

NEW SECTION Section 5. A new section is added to Chapter 17.110 Kitsap County Code, "Definitions," as follows

17.110.392 Large on-site septic systems (LOSS)

"Large on-site sewage system (LOSS)" means an on-site sewage system (OSS) that consists of an integrated system of components, located on or nearby the property it serves, that conveys, stores, treats, and provides subsurface soil treatment and disposal of domestic sewage with design flows of at least three thousand five hundred gallons of sewage volume per day up to and including one hundred thousand gallons of sewage volume per day.

NEW SECTION Section 6. A new section is added to Chapter 17.110 Kitsap County Code, "Definitions," as follows:

17.110.660 Residential care facility.

"Residential care facility" means a facility that provides daily care, adult day health and/or primary residences for is the primary residence of a functionally disabled person(s) or persons who are in need of providing personal care, room and board, and medical care. Such a facility serves for at least five, but not more than twenty-five people. fifteen., functionally disabled persons.

NEW SECTION Section 7. A new section is added to Chapter 17.110 Kitsap County Code, "Definitions," as follows:

17.110.641 Public sewer system

"Public sewer system" means a sewerage system which is:

- A. Owned, operated and maintained by a city, town, county, or other municipal corporation such as a water, sewer, or water-sewer district; public utility district; port district; or federal, state, local agency or department thereof, or a person regulated by the Utilities and Transportation Commission; and
- B. Consisting of a collection system and necessary trunks, pumping facilities and a means of final treatment and disposal of sewage located on public property, dedicated easements, or within rights-of-way; and
- C. Approved by or under permit from the Department of Ecology, the Department of Health or the local health officer; and
- D. Located within a JGA or LAMIRD, or otherwise approved pursuant to RCW 36.70A.110(4).

NEW SECTION Section 8 A new section is added to Chapter 17.110 Kitsap County Code, "Definitions", as follows:

17.110.669 Senior living development

"Senior living development" means a new planned development greater than 100 gross acres in size that provides a range of housing types and services predominantly for senior residents over fifty-five

(55) years of age. Senior residents are defined as persons fifty-five years of age or over, and/or families where the head of household or his or her spouse is fifty-five years of age or over. This development may include single-family, cottage and multi-family dwelling units as well as congregate care and incidental commercial uses catering to the developments needs. Specific uses allowed within a senior living development are shown in 17.381.040(A). Projects within this zone shall include large integrated open space amenities.

NEW SECTION Section 9. A new section is added to Chapter 17.110 Kitsap County Code, "Definitions", as follows:

17.110.728 Urban level of sanitary sewer service

"Urban level of sanitary sewer service" means those forms of wastewater service provision within urban growth areas that serve urban levels of development, including, but not limited to, connections to public sewer systems, membrane biofiltration reactor systems, large on-site septic systems (LOSS), community sewage disposal systems, and existing properly-functioning on-site septic systems.

Section 10. Kitsap County Code Section 17.200.010, last amended by Ordinance No. 420-2008, is amended as follows:

17.200.010 Classification of zones.

For the purposes of this title, the county is divided into zones classified as follows:

Comprehensive Plan Land Use Designation	Zone Classification	Map Symbol	Density
Forest Resource Lands	Forest Resource Lands	FRL	1 dwelling unit / 40 acres
Rural Wooded	Rural Wooded	RW	1 dwelling unit / 20 acres
Rural Protection	Rural Protection	RP	1 dwelling unit / 10 acres
Rural Residential	Rural Residential	RR	1 dwelling unit / 5 acres
Urban Reserve	Urban Reserve	URS	1 dwelling unit / 10 acres
Urban Low-Density Residential	Urban Restricted	UR	1 – 5 dwelling units / acre
	Ilwaco Greenbelt Zone	IGZ	1 – 4 dwelling units / acre
	Urban Low Residential	UL	4.5 – 9 dwelling units / acre
	Senior Living Homestead Zone	SLH	5-9 dwelling units per acre
	Urban Cluster Residential	UCR	4.5 – 9 dwelling units / acre
Urban Medium/High-Density Residential	Urban Medium Residential	UM	10 – 18 dwelling units / acre
	Urban High Residential	UH	19 – 30 dwelling units / acre

Comprehensive Plan Land Use Designation	Zone Classification	Map Symbol	Density
Urban Low Intensity Commercial, Mixed Use and Rural Commercial ¹	Urban Village Center	UVC	Up to 18 dwelling units / acre
	Neighborhood Commercial	NC	10 – 30 dwelling units / acre
Urban High Intensity Commercial, Mixed Use and Rural Commercial ¹	Urban Town Center	UTC	Reserved
	Highway/Tourist Commercial	HTC	10 – 30 dwelling units / acre
	Regional Commercial	RC	10 – 30 dwelling units / acre
	Mixed Use	MU	10 – 30 dwelling units / acre
Urban and Rural Industrial ²	Business Park	BP	Not applicable
	Industrial	IND	Not applicable
	Business Center	BC	Not applicable
	Airport	A	Not applicable
Public Facilities	Parks	P	Not applicable
Mineral Resource	Mineral Resource Overlay	MR	Not applicable
Limited Area of More Intensive Rural Development (LAMIRD)	Manchester Village Commercial	MVC	0-5-10 – 24 dwelling units / acre
	Manchester Village Low Residential	MVLR	2 dwelling units / acre
	Manchester Village Residential	MVR	4 dwelling units / acre
LAMIRD	Port Gamble Rural Historic Town Commercial	RHTC	2.5 dwelling units / acre
	Port Gamble Rural Historic Town Residential	RHTR	2.5 dwelling units / acre
	Port Gamble Rural Historic Waterfront	RHTW	2.5 dwelling units / acre
LAMIRD	Squamish Village Commercial	SVC	Not applicable

Comprehensive Plan Land Use Designation	Zone Classification	Map Symbol	Density
	Suquamish Village Low Residential	SVLR	2 dwelling units / acre
	Suquamish Village Residential	SVR	2 dwelling units / acre
<u>LAMIRD</u>	<u>Keyport Village Residential</u>	<u>KVR</u>	<u>5 dwelling units / acre</u>
	<u>Keyport Village Low Residential</u>	<u>KVLR</u>	<u>2 dwelling units / acre</u>
	<u>Keyport Village Commercial</u>	<u>KVC</u>	<u>5 dwelling units / acre</u>

- ¹ Includes commercially zoned properties located outside of the urban growth areas.
- ² Includes Industrial and Business Park zoned lands located outside of urban growth areas.

NEW SECTION Section 11. A new Chapter 17.332, "Senior Living Homestead Zone (SLH)" is added to Title 17, Kitsap County Code to read as follows:

17.332 SENIOR LIVING HOMESTEAD ZONE (SLH)

17.332.010 Purpose

The Senior Living Homestead zone is intended to apply large contiguous parcels capable of new development as single, unified projects. This zone shall provide housing for seniors (55 years of age and older) with a focus on the continuum of care. This zone will allow for a range of new housing types for seniors including single-family, multi-family, congregate care and mixed-use residential opportunities. This zone will also allow limited commercial activities designed and sized to serve the senior living community. Projects in this zone shall cluster development to avoid impacts to streams, wetlands and other critical areas, as well as to provide substantial open space. Projects within the zone shall reflect the historic agricultural nature of the zone through site design, architecture, signage and use configuration.

17.332.020 Uses

Uses shall be allowed in accordance with Chapter 17.381 and Table 17.381.040(A) Urban Low Residential Zones Use Table.

17.332.030 Densities

Density shall be in accordance with Chapter 17.382 and Table 17.382.060, Urban Low Residential Density and Dimensions Table.

17.335.040 Lot requirements

Lot requirements shall be in accordance with Chapter 17.382 and Table 17.382.060, Urban Low Residential Density and Dimensions Table.

17.335.050 Height

Height limitations shall be in accordance with Chapter 17.382 and Table 17.382.060, Urban Low Residential Density and Dimensions Table. Height shall be minimized through topography, architecture or other means when possible.

17.335.060 Signs

Signage shall be permitted in accordance with Chapter 17.445. Signage shall be designed to reflect the historic agricultural nature of the area.

17.335.070 Off-street parking

Off-Street parking shall be provided in accordance with Chapter 17.435.

17.335.080 Other provisions

A. Ninety-percent (90%) of all primary residents and/or owners of dwellings or multi-family units must be fifty-five (55) years of age or over. Spouses, caregivers, medical professionals and family members under fifty-five (55) years of age may be secondary residents of the dwellings. This requirement shall be memorialized by a covenant recorded on the properties prior to final plat, condominium, and/or certificate of occupancy.

The owner or management entity of the development must ensure compliance with this requirement. This must include reliable surveys, affidavits or other means of documentation. The owner or management entity must provide annual reports to the Director on or before December 31 of each year. If, upon review of the material, the Director finds that the requirement is not being met, a hold will be placed on all future land use and subdivision approvals until the requirement is met.

B. All projects proposing a residential, commercial, recreational and/or cultural component must include a minimum of 75% of the gross acreage of the zone boundary.

C. All projects must include a large-scale, connected and integrated portion of its gross acreage in open space, of which 20% of such open space must be located outside of critical areas and their buffers. The open space shall be configured as to provide wildlife connectivity through the project site. Passive recreational amenities including regional and local trail systems are encouraged as part of the open space

D. All projects must be designed to be compatible with surrounding rural areas and reflect the agricultural history of the area. A minimum 100-foot landscaping buffer shall be provided along the perimeter of the project where it abuts rurally-zoned properties.

E. All new vehicular access to NE Paulson Road is limited to emergency vehicles only. Any emergency vehicle accesses from NE Paulson Road to new development must be constructed with gates, bollards or other moveable barriers to meet this requirement. Any existing access to existing residential or agricultural uses may continue; limited to the uses' trip generation as of September 4, 2012.

F. Any commercial, recreational and/or cultural uses proposed by a project shall be incidental to the predominant residential use of the site and located in a manner to ensure efficient access by the residents of the development. Such uses shall not exceed 15% of the net acreage of the entire

project. Additionally, such uses are only allowed after 25% of the residential units of the project have received final plat approval and/or a certificate of occupancy, whichever occurs first.

G. All projects shall include sidewalks on both sides of all streets providing internal circulation within the development or other suitable and accessible pedestrian access ways separated from the internal streets.

Section 12. Kitsap County Code Chapter 17.381, last amended by Ordinance No. 484-2012, is amended as follows:

17.381.040 Zoning use tables.

There are five separate tables addressing the following general land use categories and zones:

A. Urban residential zones

1. Urban Restricted (UR)
2. Urban Low Residential (UL)
3. Senior Living Homestead (SLH)
4. Urban Cluster Residential (UCR)
5. Urban Medium Residential (UM)
6. Urban High Residential (UH)
7. Illahee Greenbelt Zone (IGZ)

B. Commercial and Mixed Use Zones.

1. Neighborhood Commercial (NC).
2. Urban Village Center (UVC).
3. Urban Town Center (UTC).
4. Highway Tourist Commercial (HTC).
5. Regional Commercial (RC).
6. Mixed Use (MU).

C. Airport and Industrial Zones.

1. Airport (A).
2. Business Park (BP).
3. Business Center (BC).
4. Industrial (IND).

D. Limited Areas of More Intensive Rural Development (LAMIRD).

1. Manchester Village Commercial (MVC).
2. Manchester Village Low Residential (MVLRL).
3. Manchester Village Residential (MVR).
4. Port Gamble Rural Historic Town Commercial (RHTC).
5. Port Gamble Rural Historic Town Residential (RHTR).
6. Port Gamble Rural Historic Town Waterfront (RHTW).
7. Suquamish Village Commercial (SVC).
8. Suquamish Village Low Residential (SVLR).
9. Suquamish Village Residential (SVR).

E. Parks, Rural and Resource Zones.

1. Parks (P).
2. Forest Resource Lands (FRL).
3. Mineral Resource (MR).
4. Rural Protection (RP).

- 5. Rural Residential (RR).
- 6. Rural Wooded (RW).
- 7. Urban Reserve (URS).

Table 17.381.040(A)
Urban Residential Zones.

Use	Urban Low-Density Residential					Urban Medium/High-Density Residential	
	UCR (48)	IGZ (60)	UR (19)	UL (19)(48)	SLH (48)	UM (30)(47)(48)	UH (19)(47)(48)
RESIDENTIAL USES							
Accessory dwelling units (1)	P	P	P	P	<u>P</u>	P	X
Accessory living quarters (1)	P	P	P	P	<u>P</u>	P	X
Accessory use or structure (1) (17) (18) (51)	P	P	P	P	<u>P</u>	P	P
Adult family home	P (41)	X	ACUP P (41)	ACUP P (41)	<u>P</u> (41)	ACUP P (41)	ACUP P (41)
Bed and breakfast house	P	ACUP C (34)	ACUP C (34)	ACUP C (34)	<u>ACUP</u> (77)	ACUP C (34)	X
Caretaker's dwelling	X	X	X	X	<u>X</u>	ACUP	X
Convalescent home or congregate care facility	ACUP	X	X	C	<u>ACUP</u> (77)	C	ACUP
Cottage housing developments	P	ACUP	ACUP	ACUP	<u>P (77)</u>	ACUP	X
Dwelling, duplex	P	P	P (3)	P (3)	<u>P</u> (77)	P	X
Dwelling, existing	P	P	P	P	<u>P (77)</u>	P	P
Dwelling, multi-family	ACUP	C	C	C	<u>P (77)</u>	P	P
Dwelling, single-family attached	P	P	P	P	<u>P (77)</u>	P	ACUP
Dwelling, single-family detached	P	P	P	P	<u>P (77)</u>	P	ACUP
Guest house (1)	P	P	P	P	<u>ACUP</u>	P	X
Home business (1) (52)	P	P	P	P	<u>X</u>	ACUP	ACUP

Table 17.381.040(A)
Urban Residential Zones.

Use	Urban Low-Density Residential					Urban Medium/High-Density Residential	
	UCR (48)	IGZ (60)	UR (19)	UL (19)(48)	SLH (48)	UM (30)(47)(48)	UH (19)(47)(48)
Hotel/Motel	X	X	X	X	<u>X</u>	X	ACUP
Manufactured homes	P (43)	P (43)	P (43)	P (43)	<u>P</u> (43) (77)	P (43)	X (43)
Mixed use development (44)	X	X	X	X	ACUP (77) (78)	X	ACUP
Mobile homes	C (43)	C (24)(43)	C (24) (43)	C (24) (43)	<u>X</u>	C (24)(43)	X (43)
Residential care facility	P	ACUP	ACUP	ACUP	ACUP (77)	P	P
Senior living development	X	X	X	X	PBD	X	X
COMMERCIAL/BUSINESS USES							
Accessory use or structure (1) (17) (51)	P	P	P	P	<u>P</u>	P	P
Adult entertainment (1)	X	X	X	X	<u>X</u>	X	X
Ambulance service	X	X	X	X	ACUP (78)	X	X
Auction house	X	X	X	X	<u>X</u>	X	X
Auto parts and accessory stores	X	X	X	X	<u>X</u>	X	X
Automobile rentals	X	X	X	X	<u>X</u>	X	X
Automobile repair and car washes	X	X	X	X	<u>X</u>	X	X
Automobile service station (6)	X	X	X	X	<u>X</u>	X	X
Automobile, recreational vehicle or boat sales	X	X	X	X	<u>X</u>	X	X
Boat/marine supply stores	X	X	X	X	<u>X</u>	X	X

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Urban Residential Zones.

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	UCR (48)	IGZ (60)	UR (19)	UL (19)(48)	SLH (48)	UM (30)(47)(48)	UH (19)(47)(48)	
Brew pubs	X	X	X	X	<u>X</u>	X	X	
Clinic, medical	X	X	X	X	ACUP (78)	X	ACUP (37)	
Conference center	X	X	X	P	<u>X</u>	X	X	
Custom art and craft stores	X	X	X	X	ACUP (78)	X	X	
Day-care center (14)	C	C	C	C	<u>X</u>	ACUP	ACUP (37)	
Day-care center, family (14)	P	C	P	P	<u>X</u>	ACUP	ACUP (37)	
Drinking establishments	X	X	X	X	<u>X</u>	X	X	
Engineering and construction offices	X	X	X	X	<u>X</u>	X	X	
Espresso stands (58)	X	X	X	X	<u>X</u>	X	P (37)	
Equipment rentals	X	X	X	X	<u>X</u>	X	X	
Farm and garden equipment and sales	X	X	X	X	<u>X</u>	X	X	
Financial, banking, mortgage and title institutions	X	X	X	X	ACUP (78)	X	X	
General office and management services – less than 4,000 s.f.	C (28)	X	X	X	ACUP (78)	X	ACUP (37)	
General office and management services – 4,000 to 9,999 s.f.	X	X	X	X	<u>X</u>	X	ACUP (37)	
General office and management services – 10,000 s.f. or greater	X	X	X	X	<u>X</u>	X	ACUP (37)	

Table 17.381.040(A)
Urban Residential Zones.

Use	Urban Low-Density Residential					Urban Medium/High-Density Residential		
	UCR (48)	IGZ (60)	UR (19)	UL (19)(48)	SLH (48)	UM (30)(47)(48)	UH (19)(47)(48)	
General retail merchandise stores – less than 4,000 s.f.	C (28)	X	X	X	<u>ACUP</u> (78)	X	ACUP (37)	
General retail merchandise stores – 4,000 to 9,999 s.f.	X	X	X	X	<u>ACUP</u> (78)	X	X	
General retail merchandise stores – 10,000 to 24,999 s.f.	X	X	X	X	<u>X</u>	X	X	
General retail merchandise stores – 25,000 s.f. or greater	X	X	X	X	<u>X</u>	X	X	
Kennels or pet day-cares	X	X	X	X	<u>X</u>	X	X	
Kennels, hobby	P	P	P	P	<u>P</u>	P	X	
Laundromats and laundry services	C (28)	X	X	X	<u>ACUP</u> (78)	X	ACUP (37)	
Lumber and bulky building material sales	X	X	X	X	<u>X</u>	X	X	
Mobile home sales	X	X	X	X	<u>X</u>	X	X	
Nursery, retail	X	X	X	X	<u>X</u>	X	X	
Nursery, wholesale	X	X	X	X	<u>X</u>	X	X	
Off-street private parking facilities	X	X	X	X	<u>X</u>	X	X	
Personal services – skin care, massage, manicures, hairstylist/barber	C	X	X	X	<u>ACUP</u> (78)	X	ACUP (37)	
Pet shop – retail and grooming	X	X	X	X	<u>X</u>	X	ACUP (37)	
Research laboratory	X	X	X	X	<u>X</u>	X	X	
Restaurants	C (28)	X	X	X	<u>C</u> (78)	X	ACUP (37)	
Restaurants, high-turnover	X	X	X	X	<u>X</u>	X	X	

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	UCR (48)	IGZ (60)	UR (19)	UL (19)(48)	<u>SLH</u> (48)	UM (30)(47)(48)	UH (19)(47)(48)
Recreational vehicle rentals	X	X	X	X	<u>X</u>	X	X
Temporary offices and model homes (27)	P	P	P	P	<u>P</u> (78)	ACUP	ACUP (37)
Tourism facilities, including outfitter and guide facilities	X	X	X	X	<u>X</u>	X	X
Tourism terminals, including seaplane and tour-boat terminals	X	X	X	X	<u>X</u>	X	X
Transportation terminals	X	X	X	X	<u>X</u>	X	X
Veterinary clinics/Animal hospitals	X	X	X	X	<u>X</u>	X	C (9) (37)
RECREATIONAL/CULTURAL USES							
Accessory use or structure (1) (17) (51)	P	P	P	P	<u>P</u>	P	P
Amusement centers	X	X	X	X	<u>X</u>	X	X
Carnival or circus	X	X	X	X	<u>X</u>	X	X
Club, civic or social (12)	ACUP	C (12)	C (12)	C	<u>ACUP</u> (78)	ACUP	ACUP
Golf courses	ACUP	C	C	C	<u>X</u>	C	ACUP
Marinas	ACUP	C	C	C	<u>X</u>	C	C
Movie/Performance theaters, indoor	X	X	X	X	<u>X</u>	X	X
Movie/Performance theaters, outdoor	X	X	X	X	<u>X</u>	X	ACUP
Museum, galleries, aquarium, historic or cultural exhibits	X	X	X	X	<u>X</u>	X	ACUP
Parks and open space	P	P	P	P	<u>P</u>	P	P
Race track, major	X	X	X	X	<u>X</u>	X	X

Table 17.381.040(A)
Urban Residential Zones.

Use	Urban Low-Density Residential					Urban Medium/High-Density Residential	
	UCR (48)	IGZ (60)	UR (19)	UL (19)(48)	SLH (48)	UM (30)(47)(48)	UH (19)(47)(48)
Race track, minor	X	X	X	X	<u>X</u>	X	X
Recreational facilities, private	ACUP	C	C	C	<u>ACUP</u> (78)	C	ACUP
Recreational facilities, public	P	P	P	P	<u>ACUP</u> (78)	P	ACUP
Recreational vehicle camping parks	X	C	C	C	<u>ACUP</u> (78)	X	X
Zoo	X	X	X	X	<u>X</u>	X	X
INSTITUTIONAL USES							
Accessory use or structure (1) (17) (51)	P	P	P	P	<u>P</u>	P	P
Government/Public structures	ACUP	ACUP	ACUP	ACUP	<u>ACUP</u> (78)	ACUP	ACUP
Hospital	X	X	X	X	<u>X</u>	X	C
Places of worship (12)	C	C	C	C	<u>X</u>	C	ACUP
Private or public schools (20)	C	C	C	C	<u>X</u>	C	C
Public facilities, transportation and parking facilities, and electric power and natural gas utility facilities, substations, ferry terminals, and commuter park-and-ride lots (16)	ACUP	C	C	C	<u>ACUP</u>	C	ACUP
INDUSTRIAL USES							
Accessory use or structure (1) (17) (51)	P	P	P	P	<u>P</u>	P	P
Air pilot training schools	X	X	X	X	<u>X</u>	X	X

Table 17.381.040(A)
Urban Residential Zones.

Use	Urban Low-Density Residential					Urban Medium/High-Density Residential	
	UCR (48)	IGZ (60)	UR (19)	UL (19)(48)	SLH (48)	UM (30)(47)(48)	UH (19)(47)(48)
Assembly and packaging operations	X	X	X	X	X	X	X
Boat yard	X	X	X	X	X	X	X
Cemeteries, mortuaries, and crematoriums (10)	C	C	C	C	X	C	C
Cold storage facilities	X	X	X	X	X	X	X
Contractor's storage yard	X	X	X	X	X	X	X
Food production, brewery or distillery	X	X	X	X	X	X	X
Fuel distributors	X	X	X	X	X	X	X
Helicopter pads	X	X	X	X	X	X	X
Manufacturing and fabrication, light	X	X	X	X	X	X	X
Manufacturing and fabrication, medium	X	X	X	X	X	X	X
Manufacturing and fabrication, heavy	X	X	X	X	X	X	X
Manufacturing and fabrication, hazardous	X	X	X	X	X	X	X
Recycling centers	X	X	X	X	X	X	X
Rock crushing	X	X	X	X	X	X	X
Slaughterhouse or animal processing	X	X	X	X	X	X	X
Storage, hazardous materials	X	X	X	X	X	X	X
Storage, indoor	X	X	X	X	X	X	X
Storage, outdoor	X	X	X	X	X	X	X

Table 17.381.040(A)
Urban Residential Zones.

Use	Urban Low-Density Residential					Urban Medium/High-Density Residential	
	UCR (48)	IGZ (60)	UR (19)	UL (19)(48)	SLH (48)	UM (30)(47)(48)	UH (19)(47)(48)
Storage, self-service	C (40)	C (40)	C (40)	C (40)	<u>C</u> (40) (78)	C (40)	C
Storage, vehicle and equipment (1)	X (18)	X (18)	X (18)	X (18)	<u>C</u> (78)	X (18)	X (18)
Top soil production and/or stump grinding	X	X	X	X	<u>X</u>	X	X
Transshipment facilities, including docks, wharves, marine rails, cranes, and barge facilities	X	X	X	X	<u>X</u>	X	X
Uses necessary for airport operation such as runways, hangars, fuel storage facilities, control towers, etc. (13)	X	X	X	X	<u>X</u>	X	X
Warehousing and distribution	X	X	X	X	<u>X</u>	X	X
Wrecking yards and junk yards (1)	X	X	X	X	<u>X</u>	X	X
RESOURCE LAND USES							
Accessory use or structure (1) (17) (51)	P	P	P	P	<u>P</u>	P	P
Aggregate extractions sites	X	X	X	X	<u>X</u>	X	X
Agricultural uses (15)	X	P	P	P	<u>P</u>	P	P
Aquaculture practices	C	C	C	C	<u>C</u>	C	C
Forestry	X	P	P	P	<u>P</u>	P	P
Shellfish/fish hatcheries and processing facilities	X	X	X	X	<u>X</u>	X	X

Table 17.381.040(A)
Urban Residential Zones.

Use	Urban Low-Density Residential					Urban Medium/High-Density Residential	
	UCR (48)	IGZ (60)	UR (19)	UL (19)(48)	SLH (48)	UM (30)(47)(48)	UH (19)(47)(48)
Temporary stands not exceeding 200 square feet in area and exclusively for the sale of agricultural products grown on site (27)	X	P (2)	P (2)	P (2)	P (2)	P (2)	P (2)

Section 13. Kitsap County Code Chapter 17.381.050 was last amended by Ordinance No. 467-2010, and is amended as follows:

17.381.050 Footnotes for zoning use table.

A. Where noted on the preceding use tables, the following additional restrictions apply:

1. Where applicable subject to Section 17.381.060, Provisions applying to special uses.
2. Minimum setbacks shall be twenty feet from any abutting right-of-way or property line; provided, however, advertising for sale of products shall be limited to two on-premises signs each not exceeding six square feet.
3. When located within urban growth areas (except UR), duplexes shall require five thousand square feet of minimum lot area. Duplexes located in the UR zone or outside of urban growth areas shall require double the minimum lot area required for the zone.
4. No greater than two acres for the purpose of construction and maintenance of a timber management road system, provided the total parcel is at least twenty acres.
5. Provided public facilities do not inhibit forest practices.
6. Where permitted, automobile service stations shall comply with the following provisions:
 - a. Sale of merchandise shall be conducted within a building, except for items used for the maintenance and servicing of automotive vehicles;
 - b. No automotive repairs other than incidental minor repairs or battery or tire changing shall be allowed;
 - c. The station shall not directly abut a residential zone; and
 - d. All lighting shall be of such illumination, direction, and color as not to create a nuisance on adjoining property or a traffic hazard.
7. In rural wooded (RW), rural protection (RP), or rural residential (RR) zones:
 - a. Animal feed yards and animal sales yards shall be located not less than two hundred feet from any property line; shall provide automobile and truck ingress and egress; and shall also provide parking and loading spaces so designed as to minimize traffic hazards and congestion. Applicants shall show that odor, dust, noise, and drainage shall not constitute a nuisance, hazard, or health problem to adjoining property or uses.

b. All stables and paddocks shall be located not closer than fifty feet to any property line. Odor, dust, noise, flies, or drainage shall not be permitted to create or become a nuisance to surrounding property.

8. A veterinary clinic or animal hospital shall not be located within fifty feet of a lot line in the rural protection (RP) or rural residential (RR) zones. In addition, the applicant may be required to provide additional measures to prevent or mitigate offensive noise, odor, light and other impacts.

9. Veterinary clinics and animal hospitals are allowed, provided a major part of the site fronts on a street and the director finds that the proposed use will not interfere with reasonable use of residences by reason of too close proximity to such residential uses, or by reason of a proposed exterior too different from other structures and character of the neighborhood. All activities shall be conducted inside an enclosed building.

10. A cemetery, crematorium, mausoleum, or columbarium shall have its principal access on a county roadway with ingress and egress so designed as to minimize traffic congestion, and shall provide required off-street parking spaces. No mortuary or crematorium in conjunction with a cemetery is permitted within two hundred feet of a lot in a residential zone.

11. A circus, carnival, animal display, or amusement ride may be allowed through administrative review in all industrial zones and any commercial zones, except neighborhood commercial (NC), for a term not to exceed ninety days, with a written approval of the director. The director may condition such approval as appropriate to the site. The director's decision may be appealed to the hearing examiner.

12. All buildings and activities shall be set back a minimum of fifty feet in FRL, MR, RW, RP, RR, RCO, RI or Parks zones and thirty-five feet in all other zones from a side or rear lot line. All such uses shall access directly to a county right-of-way determined to be adequate by the county engineer, and be able to provide access without causing traffic congestion on local residential streets. Any such use shall not be materially detrimental to any adjacent (existing or future) residential development due to excessive traffic generation, noise, light or other circumstances. The director may increase setback, buffer and landscaping standards or impose other conditions to address potential impacts.

13. Public use airports and heliports are allowed only within the airport (A) zone established by this title. Heliports for the purpose of medical emergency facilities may be permitted in certain zones subject to a conditional use permit. All private landing strips, runways, and heliports shall be so designed and oriented that the incidences of aircraft passing directly over dwellings during their landing or taking off patterns is minimized. They shall be located so that traffic shall not constitute a nuisance to neighboring uses. The proponents shall show that adequate controls or measures will be taken to prevent offensive noise, vibrations, dust, or bright lights.

14. In those zones that prohibit residential uses, family day-care centers are only allowed in existing residential structures. Day-care centers shall have a minimum site size of ten thousand square feet and shall provide and thereafter maintain outdoor play areas with a minimum area of seventy-five square feet per child of total capacity. A sight-obscuring fence of at least four feet in height shall be provided, separating the play area from abutting lots. Adequate off-street parking and loading space shall be provided.

15. The number of animals on a particular property shall not exceed one large livestock, three small livestock, five ratites, six small animals, or twelve poultry:

- a. Per forty thousand square feet of lot area for parcels one acre or smaller or for parcels five acres or smaller located within two hundred feet of a lake or year round stream; provided, that when no dwelling unit or occupied structure exists within three hundred feet of the lot on which the animals are maintained the above specifications may be exceeded by a factor of two;

- b. Per twenty thousand square feet of area for parcels greater than one acre, but less than or equal to five acres, not located within two hundred feet of a lake or year round stream; provided, that when no dwelling unit or occupied structure exists within three hundred feet of the lot on which the animals are maintained the above specifications may be exceeded by a factor of two;
- c. No feeding area or structure or building used to house, confine or feed livestock, small animals, ratites, or poultry shall be located closer than one hundred feet to any residence on adjacent property located within a rural wooded (RW), rural protection (RP), or rural residential (RR) zone, or within two hundred feet of any residence on adjacent property within any other zone; provided, a pasture (greater than twenty thousand square feet) shall not be considered a feed area.
16. The erection, construction, alteration, or maintenance of overhead or underground utilities by a public utility, municipality, governmental agency, or other approved party shall be permitted in any zone; provided, that any permanent above-ground structures not located within a right-of-way or easement shall be subject to the review of the director. Utility transmission and distribution lines and poles may exceed the height limits otherwise provided for in this title. Water towers which exceed thirty-five feet in height, solid waste collection, transfer and/or handling sites in any zone shall be subject to a conditional use permit. These provisions do not apply to wireless communication facilities, which are specifically addressed in Chapter 17.470.
17. For waterfront properties, accessory structures such as docks, piers, and boathouses may be permitted in the rear yards, shorelands or tidelands subject to the following limitations:
- All requirements of the Kitsap County Shoreline Management Master Program must be met;
 - The building height of any boathouse shall not be greater than fourteen feet above the ordinary high water line;
 - Covered structures must abut or be upland of the ordinary high water line; and
 - No covered structure shall have a width greater than twenty-five feet or twenty-five percent of the lot width, whichever is most restrictive.
18. One piece of heavy equipment may be stored in any single-family zone; provided, that it is either enclosed within a permitted structure, or screened to the satisfaction of the director.
19. All development within the Silverdale Design District boundaries must be consistent with the Silverdale Design Standards.
20. Site plans for public schools shall include an area identified and set aside for the future placement of a minimum of four portable classroom units. The area set aside may not be counted towards meeting required landscaping or parking requirements.
21. Outdoor contractor's storage yards accessory to a primary residence shall be limited to not more than ten heavy equipment vehicles or heavy construction equipment. The use shall be contained outside of required setbacks within a contained yard or storage building. The storage yard and/or building shall be screened from adjacent properties with a screening buffer a minimum of twenty-five feet in width and capable of providing functional screening of the use. Minimum lot size shall be one hundred thousand square feet.
22. Stump grinding, soil-combining and composting in rural protection and rural residential zones must meet the following requirements:
- The subject property(ies) must be one hundred thousand square feet or greater in size;
 - The use must take direct access from a county-maintained right-of way;
 - A fifty-foot natural vegetation buffer must be maintained around the perimeter of the property(ies) to provide adequate screening of the use from neighboring properties;

- d. The subject property(ies) must be adjacent to an industrial zone or a complementary public facility such as a sewage treatment plant or solid waste facility;
 - e. The proposed use must mitigate noise, odor, dust and light impacts from the project; and
 - f. The use must meet all other requirements of this title.
23. Home businesses located in the forest resource lands (FRL) must be associated with timber production and/or harvest.
 24. Mobile homes are prohibited, except in approved mobile home parks.
 25. All uses must comply with the town development objectives of Section 17.321B.025.
 26. Within the MVC zone, a new single-family dwelling may be constructed only when replacing an existing single-family dwelling. All replacement single-family dwellings and accessory structures within the MVC zone must meet the height regulations, lot requirements, and impervious surface limits of the MVR zone.
 27. Subject to the temporary permit provisions of Chapter 17.455.
 28. Allowed only within a commercial center limited in size and scale (e.g., an intersection or corner development).
 29. The Bethel Road Corridor Development Plan sets forth policies and regulations for development within the Highway Tourist Commercial Zone located along the Bethel Corridor in South Kitsap from SE Ives Mill Road to the Port Orchard city limits. Development within the Bethel Road Corridor Highway Tourist Commercial Zone shall be conducted in a manner consistent with the policies and regulations of the Land Use Element of the Bethel Road Corridor Development Plan.
 30. The Design Standards for the Community of Kingston set forth policies and regulations for properties within the downtown area of Kingston. All development within this area must be consistent with these standards. A copy of the Design Standards for the Community of Kingston may be referred to on the Kitsap County web page or at the department of community development front counter.
 31. Uses permitted only if consistent with an approved master plan pursuant to Chapter 17.415. Where a master plan is optional and the applicant chooses not to develop one, all uses shown as permitted require an administrative conditional use permit.
 32. For properties with an approved master plan, except as described in Section 17.370.025, all uses requiring a conditional use permit will be considered permitted uses.
 33. Must be located and designed to serve adjacent area.
 34. Bed and breakfast houses with one to four rooms require an administrative conditional use permit; bed and breakfast houses with five or more rooms require a hearing examiner conditional use permit. Bed and breakfast houses serving meals to patrons other than overnight guests require a hearing examiner conditional use permit.
 35. The use shall be accessory and shall not occupy more than twenty-five percent of the project area.
 36. Requires a conditional use permit when abutting SVR or SVLR zone.
 37. Permitted only within a mixed use development or office complex.
 38. Customer service-oriented uses over five thousand square feet are prohibited.
 39. For the purpose of construction and maintenance of a timber management road system.
 40. Self-storage facilities must be accessory to the predominant residential use of the property, sized consistently for the number of lots/units being served and may serve only the residents of the single-family plat or multi-family project.
 41. Adult family homes serving one to six residents (excluding proprietors) are permitted uses. Adult family homes serving more than six applicable residents (excluding proprietors) require an administrative conditional use permit (ACUP).

42. All business, service repair, processing, storage, or merchandise display on property abutting or across the street from a lot in any residential zone shall be conducted wholly within an enclosed building unless screened from the residential zone by a sight-obscuring fence or wall.

43. Where a family member is in need of special, frequent and routine care and assistance by reason of advanced age or ill health, a manufactured home or mobile home may be placed upon the same lot as a single-family dwelling for occupancy by the individual requiring or providing such special care subject to the following limitations:

- a. Not more than two individuals shall be the recipients of special care;
- b. No rent, fee, payment or charge in lieu thereof may be made for use of the single-family dwelling or manufactured/mobile home as between the recipients or providers of special care;
- c. The manufactured/mobile home must meet the setback requirements of the zone in which it is situated;
- d. A permit must be obtained from the director authorizing such special care manufactured/mobile home. Such permit shall remain in effect for one year and may, upon application, be extended for one-year periods, provided there has been compliance with the requirements of this section;
- e. The manufactured/mobile home must be removed when the need for special care ceases; and
- f. Placement of the manufactured/mobile home is subject to applicable health district standards for water service and sewage disposal.

44. Certain development standards may be modified for mixed use developments, as set forth in Section 17.382.035 and Chapter 17.400.

45. New or expanded commercial developments that will result in less than five thousand gross square feet of total commercial use within a development site or residential developments of fewer than four dwelling units are permitted outright outside of the Silverdale UGA.

46. Allowed only as an accessory use to a park or recreational facility greater than twenty acres in size.

47. As a hearing examiner conditional use, UM and UH zones adjacent to a commercial zone may allow coordinated projects that include commercial uses within their boundaries. Such projects must meet the following conditions:

- a. The project must include a combination of UM and/or UH and commercially zoned land;
- b. The overall project must meet the density required for the net acreage of the UM or UH zoned land included in the project;
- c. All setbacks from other residentially zoned land must be the maximum required by the zones included in the project;
- d. Loading areas, dumpsters and other facilities must be located away from adjacent residential zones; and
- e. The residential and commercial components of the project must be coordinated to maximize pedestrian connectivity and access to public transit.

48. Within urban growth areas, all new residential subdivisions, single-family or multifamily developments are required to provide an urban level of sanitary sewer service for all proposed dwelling units.

49. Mixed use development is prohibited outside of urban growth areas.

50. The 2007 Manchester Community Plan, Appendix A – Manchester Design Standards, sets forth policies and regulations for properties within the Manchester Village Commercial (MVC) district. All development within the MVC district must be consistent with these standards.

51. Storage of shipping containers is prohibited unless allowed as part of a land use permit and/or approval. Placement of storage containers allowed only with an approved temporary permit subject to the provisions of Section 17.455.090(I).
52. Aggregate production and processing only. Allowed only if directly connected to an approved surface mining permit approved by the Washington State Department of Natural Resources (DNR).
53. Commercial or industrial uses otherwise prohibited in the zone may be allowed as a component of a home business subject to the requirements of Section 17.381.060(B).
54. The gross floor area shall not exceed four thousand square feet.
55. Auction house and all items to be auctioned shall be fully enclosed within a structure.
56. There shall be no more than six rental vehicles kept on site.
57. When a component of development located within a commercial zone involves the conversion of previously undeveloped land which abuts a residential zone, it shall be treated as a Type II Administrative Decision.
58. In addition to the other standards set forth in the Kitsap County Code, espresso stands are subject to the following conditions:
- a. Drive aisles/stacking lanes shall be designed to accommodate a minimum of three vehicles per service window/door. Each stacking lane shall be sized measuring eight and one-half feet in width and twenty feet in length, with direct access to the service window. The drive aisles/stacking lanes shall be designed to prevent any vehicles from interfering with public or private roadways, pedestrian circulation, traffic circulation, parking areas or other required development amenities.
 - b. Subject to provisions set forth in Chapter 17.435, drive aisles and parking areas must also be paved in urban growth areas and include, at minimum, hard compacted surfaces in rural areas. Such surfaces must be addressed with required drainage facilities. A joint parking agreement shall be required if parking cannot be accommodated on site.
 - c. All structures must be permanently secured to the ground.
 - d. Restroom facilities must be available for employees. Portable or temporary restroom facilities shall not be used to meet this requirement.
59. Use is permitted in the South Kitsap Industrial Area only.
60. All development in Illahee shall be consistent with the Illahee Community Plan.
61. Use prohibited in the Waaga Way Town Center area (see the Silverdale Design Standards).
62. General retail merchandise stores greater than one hundred twenty-five thousand square feet in size are prohibited in the Waaga Way Town Center area (see the Silverdale Design Standards). Additional square footage may be allowed for projects greater than twenty-five acres in size.
63. Restaurants, high-turnover that provide drive-thru service must be compatible with the pedestrian focus of the Waaga Way Town Center (see the Silverdale Design Standards). Such businesses shall minimize potential conflicts with pedestrian and bicycle traffic and gathering areas by subordinating the drive-thru service to the overall development design.
64. When a component of development is located within the Rural Commercial or Rural Industrial Zone and involves the conversion of previously undeveloped land which abuts a residential zone, it shall be treated as a Type III Administrative Decision.
65. No car washes allowed in RCO or RI.
66. Personal service businesses in the RCO are limited to four chairs and are intended for local use only.
67. No aquariums are allowed in the RCO zone. Galleries, museums, historic and cultural exhibits should be geared toward the character of the rural area, rural history, or a rural lifestyle.

68. In the RI zone, warehousing and distribution should be focused on agricultural, food, or forestry uses only.
69. In the RI zone, cold storage facilities are only allowed for agricultural and food uses.
70. In the RCO and RI zones, slaughterhouses and animal processing may have a retail component not to exceed four thousand square feet.
71. In the RCO zone, custom art and craft stores are limited to studio type and size only.
72. Must be accessory to an immediate primary use.
73. Heavy construction, farming and forestry equipment only.
74. Allowed for existing airports only.
75. All storage must be screened from public view by a twenty-five-foot buffer in order to meet rural compatibility. Applicant must also demonstrate how the storage would serve the immediate population.
- 76.

0 – 4,000 square feet = P
4,001 – 10,000 square feet = ACUP
10,001 – 15,000 square feet = C
15,001 square feet and above = X

77. All dwelling units must be included within a senior living development and consistent with the residency requirements of 17.335.080.A.
78. Allowed only in concentrated commercial/mixed use areas designated at the time of performance based development approval for a senior living development. The use shall be sized and located consistent with the needs of the proposed senior living development.

Section 14. Kitsap County Code Section 17.382.060, was last amended by Ordinance No. 420-2008, is amended as follows:

17-382.060 Urban Residential Density and Dimensions Table.

There are five separate tables addressing the uses allowed in the following general land use categories and zones:

A. Urban residential zones

- 8. Urban Restricted (UR)
 - 9. Urban Low Residential (UL)
 - 10. Senior Living Homestead (SLH)
 - 11. Urban Cluster Residential (UCR)
 - 12. Urban Medium Residential (UM)
 - 13. Urban High Residential (UH)
 - 14. Ilahee Greenbelt Zone (IGZ)
- B. Commercial and Mixed Use Zones.**

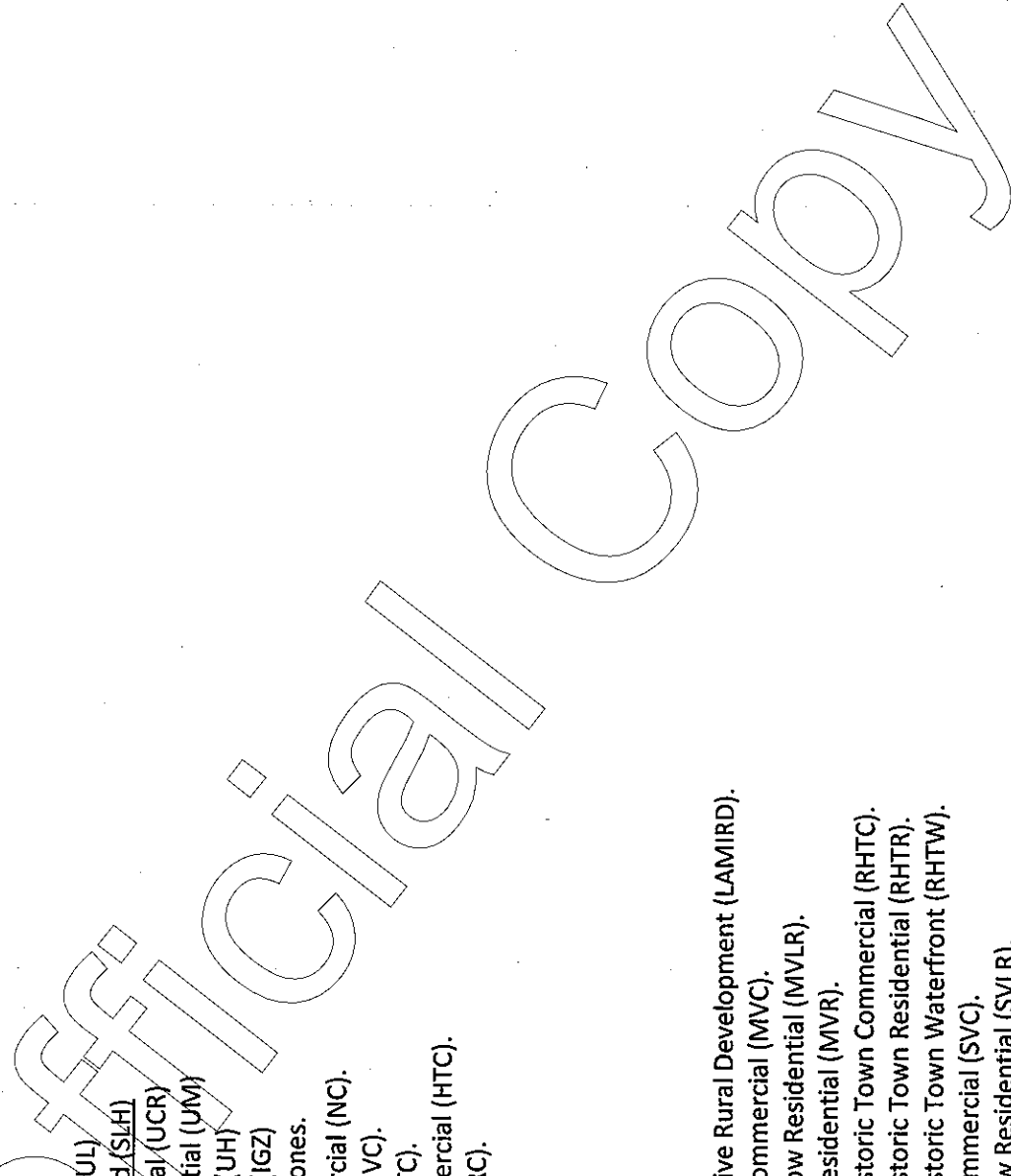
- 1. Neighborhood Commercial (NC).
- 2. Urban Village Center (UVC).
- 3. Urban Town Center (UTC).
- 4. Highway Tourist Commercial (HTC).
- 5. Regional Commercial (RC).
- 6. Mixed Use (MU).

C. Airport and Industrial Zones.

- 1. Airport (A).
- 2. Business Park (BP).
- 3. Business Center (BC).
- 4. Industrial (IND).

D. Limited Areas of More Intensive Rural Development (LAMIRD).

- 1. Manchester Village Commercial (MVC).
- 2. Manchester Village Low Residential (MVLRL).
- 3. Manchester Village Residential (MVR).
- 4. Port Gamble Rural Historic Town Commercial (RHTC).
- 5. Port Gamble Rural Historic Town Residential (RHTR).
- 6. Port Gamble Rural Historic Town Waterfront (RHTW).
- 7. Suquamish Village Commercial (SVC).
- 8. Suquamish Village Low Residential (SVLR).



9. Suquamish Village Residential (SVR).

E. Parks, Rural and Resource Zones.

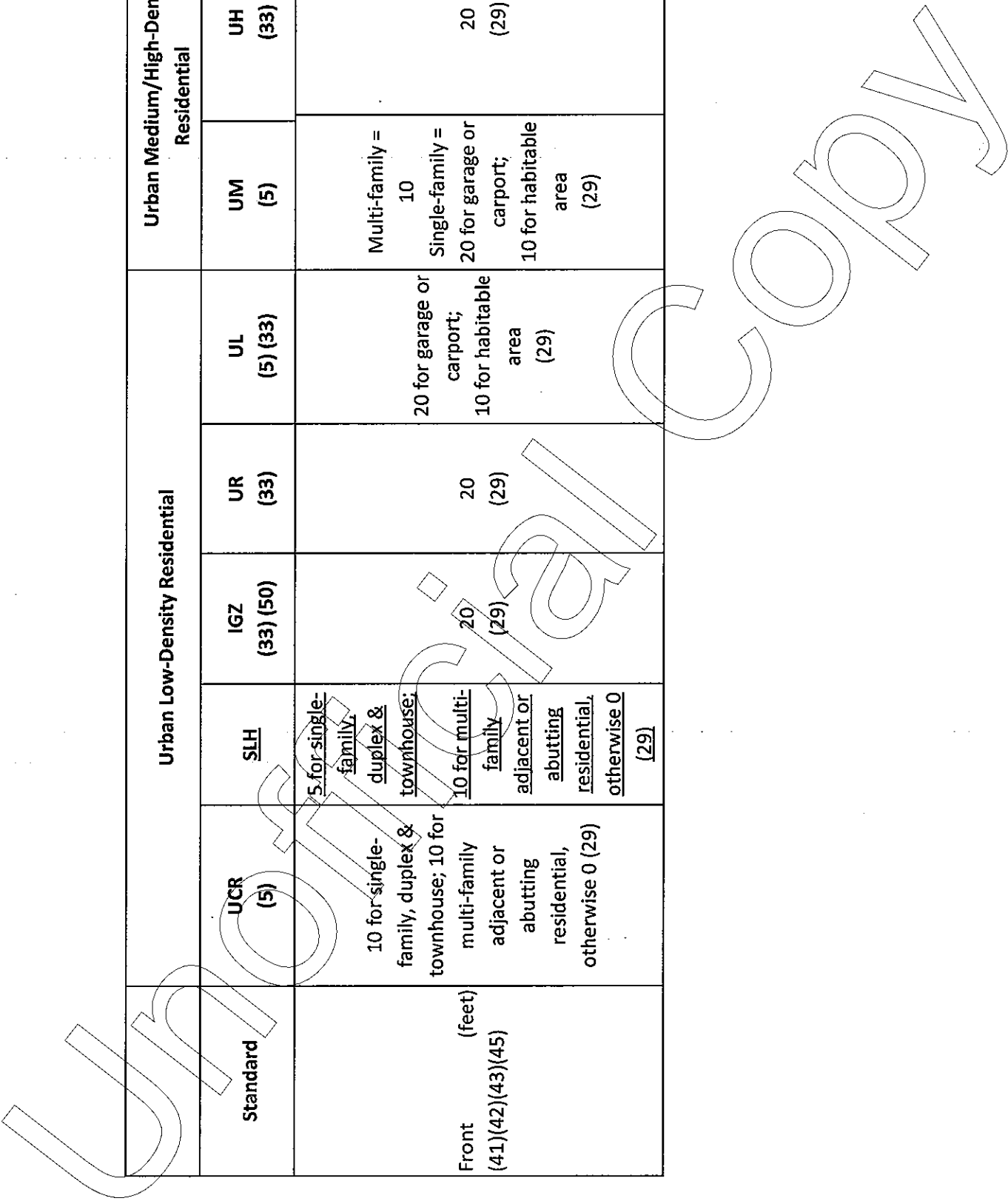
1. Parks (P).
2. Forest Resource Lands (FRL).
3. Mineral Resource (MR).
4. Rural Protection (RP).
5. Rural Residential (RR).
6. Rural Wooded (RW).
7. Urban Reserve (URS).

Standard	Urban Low-Density Residential						Urban Medium/High-Density Residential		
	UCR (5)	SLH (5)	IGZ (33) (50)	UR (33)	UL (5) (33)	UM (5)	UH (33)		
Minimum density (du/acre)	<u>4</u> 5 (19)	<u>5</u> (18)	<u>1</u> (3) (18)	<u>1</u> (3) (18)	<u>4</u> 5 (19)	<u>10</u> (19)	<u>19</u> (19)		
Base/Maximum density (du/acre)	<u>9</u> (19)	<u>9</u> (18)	<u>4</u> (18)	<u>5</u> (18)	<u>9</u> (19)	<u>18</u> (19)	<u>30</u> (19)		
Minimum lot size (39)	2,400 s.f.	<u>2,400 s.f.</u>	5,800 s.f.	5,800 s.f.	2,400 s.f.	None for multi-family; 2,400 s.f. for single-family	None		
Lot width (feet)	40	<u>40</u>	60	60	40 (20)	0 for multi-family; 40 for single-family	60		

Standard	Urban Low-Density Residential						Urban Medium/High-Density Residential	
	UCR (5)	SLH	IGZ (33) (50)	UR (33)	UL (5) (33)	UM (5)	UH (33)	
Lot depth (feet)	60	60	60	60	60	0 for multi-family; 60 for single-family	60	
Maximum height (feet) (40)	35	<u>Single-Family</u> 35 <u>Multi-Family</u> 45	35 (50)	35	35	35 (17)	35 (17)	
Maximum impervious surface coverage	NA	N/A	40%	50%	NA	85%	85%	
Setbacks, Generally (24) (33)								

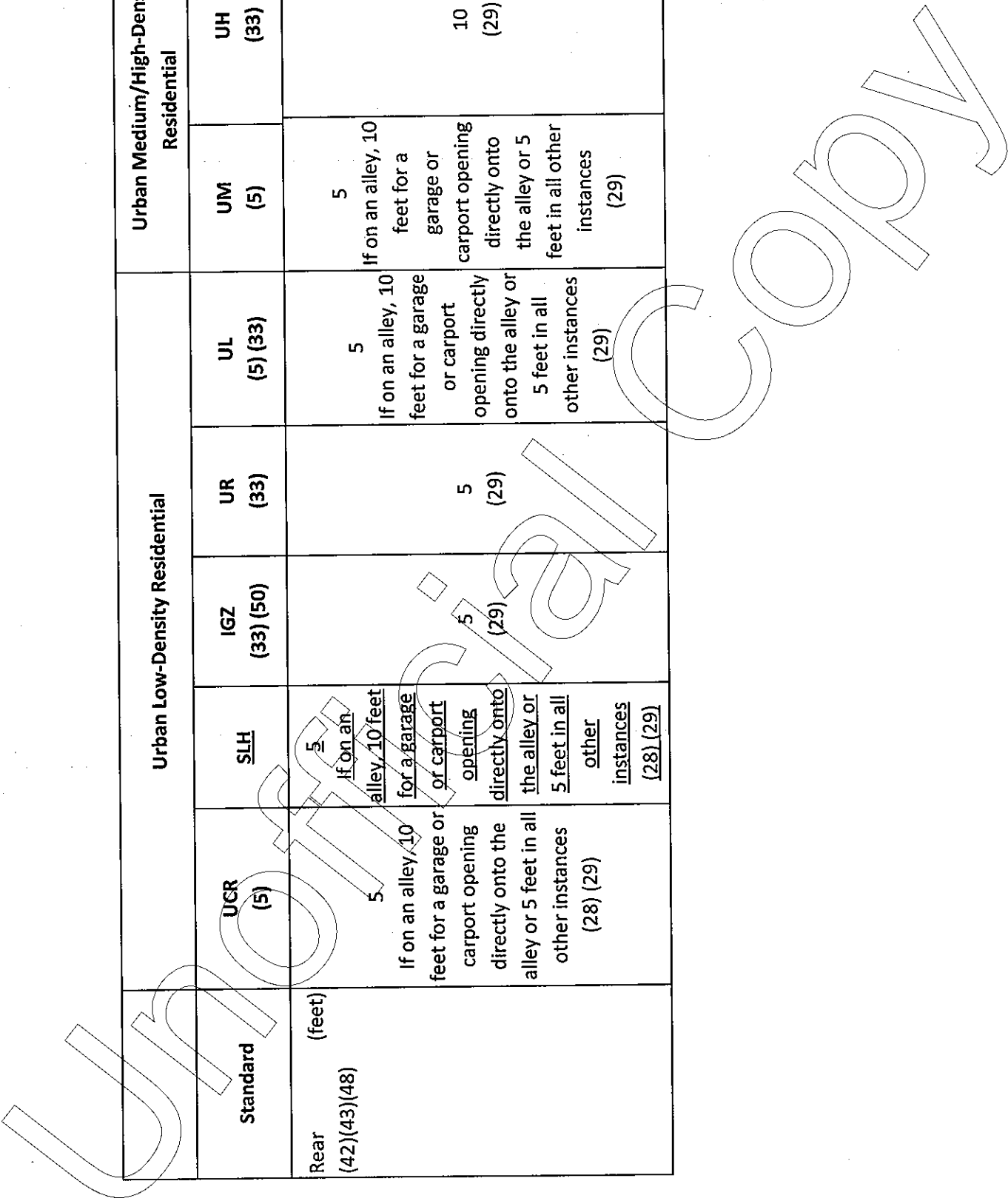
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Standard	Urban Low-Density Residential						Urban Medium/High-Density Residential	
	UCR (5)	SLH	IGZ (33) (50)	UR (33)	UL (5) (33)	UM (5)	UH (33)	
Front (feet) (41)(42)(43)(45)	10 for single-family, duplex & townhouse; 10 for multi-family adjacent or abutting residential, otherwise 0 (29)	5 for single-family, duplex & townhouse; 10 for multi-family adjacent or abutting residential, otherwise 0 (29)	20 (29)	20 (29)	20 for garage or carport; 10 for habitable area (29)	Multi-family = 10 Single-family = 20 for garage or carport; 10 for habitable area (29)	20 (29)	



Standard	Urban Low-Density Residential						Urban Medium/High-Density Residential	
	UCR (5)	SLH	IGZ (33) (50)	UR (33)	UL (5) (33)	UM (5)	UH (33)	
Side (feet) (42)(43)(45)(48)	5 If on an alley, 10 feet for a garage or carport opening directly onto the alley or 5 feet in all other instances (28) (29)	<u>5</u> <u>if on an alley, 10 feet for a garage or carport opening directly onto the alley or 5 feet in all other instances</u> (28) (29)	5 (29)	5 (29)	5 If on an alley, 10 feet for a garage or carport opening directly onto the alley or 5 feet in all other instances (29)	5 If on an alley, 10 feet for a garage or carport opening directly onto the alley or 5 feet in all other instances (29)	5 (29)	

Standard	Urban Low-Density Residential						Urban Medium/High-Density Residential	
	UCR (5)	SLH	IGZ (33) (50)	UR (33)	UL (5) (33)	UM (5)	UH (33)	
Rear (42)(43)(48) (feet)	5 If on an alley, 10 feet for a garage or carport opening directly onto the alley or 5 feet in all other instances (28) (29)	5 If on an alley, 10 feet for a garage or carport opening directly onto the alley or 5 feet in all other instances (28) (29)	5 (29)	5 (29)	5 If on an alley, 10 feet for a garage or carport opening directly onto the alley or 5 feet in all other instances (29)	5 If on an alley, 10 feet for a garage or carport opening directly onto the alley or 5 feet in all other instances (29)	10 (29)	



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Section 15. Kitsap County Code Section 17.382.110, last amended by Ordinance No. 420-2008, is amended as follows:

17.382.110 Footnotes for tables.

1) A. Where noted on the preceding tables, the following additional provisions apply:

1. Except for those buildings directly associated with timber production and harvest.
2. Except for silos and other uninhabited agricultural buildings.
3. Properties within the urban restricted (UR) zone and Illahee Greenbelt Zone (IGZ) may subdivide at densities below the minimum required for the zone under the following circumstances:
 - a. The reduced density provides a greater protection for critical areas or environmentally sensitive areas; and
 - b. The intent of the short subdivision or subdivision is to keep the property in the ownership of the immediate family members.
4. If a single lot of record, legally created as of April 19, 1999, is smaller in total square footage than that required under this chapter, or if the dimensions of the lot are less than required, said lot may be occupied by any reasonable use allowed within the zone subject to all other requirements of this chapter. If there are contiguous lots of record held in common ownership, each of the lots legally created as of April 19, 1999, and one or more of the lots is smaller in total square footage than required by this chapter, or the dimensions of one or more of them are less than required, said lots shall be combined to meet the minimum lot requirements for size and dimensions.
5. The Design Standards for the Community of Kingston sets forth policies and regulations for properties within the downtown area of Kingston. All development within this area must be consistent with these standards. A copy of the Design Standards for the Community of Kingston may be referred to on the Kitsap County web page or at the department of community development front counter.
6. Building replacements and remodels shall not create in excess of a total of forty percent impervious surface for lot area or more than the total existing impervious surface area, whichever is greater.
7. Excess area from acreage used to support proposed densities but not devoted to residential lots and public improvements such as streets and alleys shall be permanently dedicated and reserved for community open space, park land, and similar uses. For developments proposing densities no greater than one dwelling unit per five acres, the minimum and maximum lot sizes shall not apply, except that existing dwelling units shall be allocated lot area between three thousand five hundred and seven thousand five hundred square feet. New proposals may then proceed using the five-acre lot requirements of Section 17.310.030 for the rural residential (RR) zone.
8. Hotels may be developed with four above-ground floors and up to a height not exceeding fifty feet with approval of the fire marshal and relevant fire district.
9. May be reduced to ten feet for residential uses through the administrative conditional use or PBD process.
10. Uses allowed through the conditional use process shall provide minimum side setbacks of ten feet and minimum rear setbacks of twenty feet.
11. Any newly created lot within the Suquamish Rural Village shall be subject to Chapter 16.48 of this code, Short Subdivisions, and must meet the lot requirements below:
 - a. Lot Requirements.

- (1) Minimum lot size: twenty-one thousand seven hundred eighty square feet.
- (2) Minimum lot width: one hundred feet.
- (3) Minimum lot depth: one hundred feet.

b. Setbacks.

- (1) Front: twenty feet.
- (2) Side: five feet.
- (3) Rear: five feet.

12. Nonconforming Lots.

a. Nonconforming Lots in Single Ownership. If a single lot of record, legally created before the adoption of the Manchester Community Plan, is less than eight thousand seven hundred twelve square feet in size or does not meet the dimensional requirements of its zone, the lot may be occupied by any use allowed within the zone subject to all other requirements of this chapter.

b. Nonconforming Lots in Common Ownership. Contiguous lots of record held in common ownership, each lot legally created before adoption of the Manchester Community Plan, must be combined to meet the minimum lot requirements of its zone if one or more of the lots are less than eight thousand seven hundred twelve square feet in size or does not meet the dimensional requirements of its zone and, at the time of adoption of the Manchester Community Plan (March 18, 2002), either (i) a residential structure encumbered more than one of the contiguous lots or (ii) two or more of the contiguous lots were vacant. If one or more of the lots is sold or otherwise removed from common ownership after the adoption of the Manchester Community Plan, it will not be considered to meet the minimum lot requirements for non-conforming lots in single ownership. Property with two contiguous lots legally created before adoption of the Manchester Community Plan with a residential structure entirely on one lot may develop the second lot consistent with applicable zoning.

13. Residential structures within the MVC zone may not exceed twenty-eight feet.

14. Within the view protection overlay, the maximum height shall be twenty-eight feet. Height shall be measured from the average elevation of the property's buildable area to the structure's highest point. Buildable area is considered all portions of the property except wetlands and/or geologically hazardous areas. Properties within the view protection overlay zone may build as high as thirty-five feet under the following circumstances:

- a. There is no existing view of downtown Seattle, the Cascade Mountains, Mt. Rainier or the Puget Sound from the subject property or any adjacent property; or
- b. The owners of all adjacent properties approve the building height prior to building permit issuance; or
- c. It can be explicitly shown that the structure will not cause the blockage of existing views from any of the adjacent properties.

15. Clustering residential development is encouraged in all development. When clustering development, if a property owner designates forty percent of the gross acreage as naturally vegetated open space, he or she may create one additional lot for every five lots clustered. The additional lot may not reduce the naturally vegetated open space to an amount less than forty percent of the gross acreage of the development.

16. All properties within the Manchester Village must also meet the requirements of the Storm Water Management Ordinance, Chapters 12.04 through 12.32 of this code. The use of pervious materials and other new technologies may be used in the construction of these areas and structures to reduce the impervious surface calculation.

17. A greater height may be allowed as set forth below and in accordance with the procedures in Title 21 of this code. Such approval must be consistent with the recommendations of the fire marshal/fire district and compatible with surrounding uses and zones. Such approval shall result in a decrease in building coverage, an increase in public amenities, and/or a more creative or efficient use of land. The maximum building height approved by the director shall not exceed:

- a. In the UM, NC, and P zones: forty-five feet.
- b. In the UH, HTC, and RC zones: sixty-five feet.
- c. In the BP, BC, and IND zones: fifty feet.
- d. In the mixed use zone:
 - i. Within Silverdale, the maximum height shall be 45 feet;
 - ii. Along the Highway 303 corridor, the maximum height shall be sixty-five feet;
 - iii. Along Perry and National Avenues, the maximum height shall be forty-five feet.

18. The minimum and maximum densities within the range are based upon the on net acreage of the property(s) after the removal of critical areas. In determining a development proposal's actual density within the range, the features of the subject parcel including on-site or adjacent wetlands, streams or steep slopes shall be considered first. Density based on net acreage of the property(s) after the removal of critical area.

19. The maximum number of residential units permitted in the South Kitsap UGA/ULID #6 Sub-Area Plan is four thousand one hundred seventy-two until such time as a further population allocation is made to the sub-area. All residential development within the sub-area is subject to this density limitation. To ensure that the density limit for the sub-area is not exceeded, the director shall use the county's land information system (LIS) to monitor the number of dwelling units remaining and available for development within the sub-area.

20. The minimum lot width within the ULID #6 Sub-Area shall be forty feet.

21. Twenty feet when abutting a residential zone.

22. Maximum height shall be thirty feet when located within the two-hundred-foot shoreline area.

23. The minimum site setback shall be seventy-five feet for any yard abutting a residential zone, unless, based upon a site-specific determination, berming and landscaping approved by the director is provided that will effectively screen and buffer the business park activities from the residential zone that it abuts; in which case, the minimum site setback may be reduced to less than seventy-five feet but no less than twenty-five feet. In all other cases, minimum site setbacks shall be twenty feet.

24. An individual structure intended for future mixed commercial and residential uses may initially be used exclusively for residential use if designed and constructed for eventual conversion to mixed commercial and residential use once the Urban Village Center or Urban Town Center matures.

25. The Bethel Road Corridor Development Plan sets forth policies and regulations for development within the Highway Tourist Commercial Zone located along the Bethel Corridor in South Kitsap from SE Ives Mill Road to the Port Orchard City limits. Development within the Bethel Road Corridor Highway Tourist Commercial Zone shall be conducted in a manner consistent with the policies and regulations of the Land Use Element of the Bethel Road Corridor Development Plan.

26. No service road, spur track, or hard stand shall be permitted within required yard areas that abut a residential zone.

27. As approved by the director, wherever an industrial zone abuts a residential zone, a fifty-foot screening buffer area shall be provided. This screening buffer is intended to reduce

impacts to abutting residential uses such as noise, light, odors, dust and structure bulk. No structures, open storage, or parking shall be allowed within this area. The director shall only approve screening buffers that improve the compatibility between the proposed use and the residential zone. The director may reduce this buffer to a minimum of twenty-five-foot width only when based upon a site-specific determination that topography, berming or other screening features will effectively screen industrial activities from the residential zone. Conversely, based upon a similar site-specific determination, the director may increase the buffer width from fifty feet to ensure adequate buffering and compatibility between uses.

28. Unless part of an approved zero-lot line development.

29. One-hundred-foot setback required for single-family buildings abutting FRL or RW zones.

30. No minimum lot size if property is used only for extraction.

31. Three hundred thirty feet if activity includes any uses in Section 17.380.020.

32. Existing lots developed with existing single-family residences are permitted to be maintained, renovated and structurally altered. Additions to existing residential structures in order to provide commercial uses are also permitted regardless of density.

33. All development within the Silverdale Design District boundaries must be consistent with the Silverdale Design Standards.

34. Development abutting a street for which a standard has been established by the Kitsap County Arterial Plan shall provide a special setback from the centerline of said street or a distance adequate to accommodate one-half of the right-of-way standard established by the arterial plans for the street. The building setback required by the underlying zone shall be in addition to the special setback and shall be measured from the edge of the special setback line. The special setback area shall be treated as additional required yard area and reserved for future street widening purposes.

35. Maximum density, smaller lot sizes and reduced setbacks may be allowed based upon the designation of a portion of the development acreage as "permanent open space" through the Rural Wooded Incentive Program per Section 17.301.080.

36. For standards applicable to master planned industrial developments and approved industrial parks, see Section 17.370.090.

37. When an airport zone abuts a residential zone, there shall be a minimum of five hundred feet from the end of any runway and the residential zone. Adjacent to airports, the director may impose height restrictions and/or other land use controls, as deemed essential to prevent the establishment of air space obstructions in air approaches to protect the public health, safety and welfare consistent with Federal Aviation Regulations (FAR) Part 77.

38. Cornices, canopies, eaves, belt courses, sills or other similar architectural features, or fireplaces may extend up to twenty-four inches into any required yard area. For setbacks along shorelines, see Chapter 17.450.

39. Unless otherwise stated in this title, if a lot of record which was legally created as of May 10, 1999, is smaller in total square footage than that required within the zone, or if the dimensions of the lot are less than that required within the zone, said lot may be occupied by any use allowed within that zone subject to all other requirements of the zone. Unless specifically stated within this title, where two or more contiguous lots which are nonconforming to the lot size or dimensions of the zone and are held in common ownership, said lots shall be considered separate legal nonconforming lots and each may be occupied by any use permitted within the zone subject to all other requirements of the zone. If a lot of record was lawfully occupied by two or more single-family residences (excluding accessory dwellings) as of May 10, 1999, the owner of such a lot may apply for a short plat approval in order to permit the segregated sale of such residences, even though some or all of the resulting

new lots will have lot areas or dimensions less than required for the zone in which they are located. All other provisions of the Short Subdivision Ordinance (Chapter 16.48 of this code) shall apply to the application.

40. Height limitations set forth elsewhere in this title shall not apply to the following: barns, silos, or other farm buildings and structures, provided they are not less than fifty feet from every lot line; chimneys, spires on places of worship, belfries, cupolas, domes, smokestacks, flagpoles, grain elevators, cooling towers, solar energy systems, monuments, fire house towers, masts, aerials, elevator shafts, and other similar projections, and outdoor theater screens, provided said screens contain no advertising matter other than the name of the theater. The proponent seeking exception to the height limitation shall certify that the object being considered under this provision will not shade an existing solar energy system which, by the determination of the director, contributes substantially to the space or water-heating requirements of a building.

41. The following exceptions apply to front yard requirements:

- a. If there are dwellings on both abutting lots with front yards less than the required depth for the zone, the front yard for the lot need not exceed the average front yard of the abutting dwellings.
- b. If there is a dwelling on one abutting lot with a front yard less than the required depth for the zone, the front yard need not exceed a depth of half-way between the depth of the front yard on the abutting lot and the required front yard depth.
- c. If a modification to the front-yard requirement is necessary in order to site dwellings in a manner that maximizes solar access, the director may modify the requirement.
- d. On lots with multiple front yards, the front yard setback(s) in which the lot does not receive access may be modified by the director. Based upon topography, critical areas or other site constraints, the director may reduce these front yard setbacks to a minimum of twenty feet for properties requiring fifty feet and five feet for properties requiring twenty feet. The director may not modify front yard setbacks from county arterials or collectors. Such reductions shall not have an adverse impact to surrounding properties.

42. The following exceptions apply to historic lots:

- a. Building setback lines that do not meet the requirements of this title but were legally established prior to the adoption of this title shall be considered the building line for alterations, remodels, and accessory structures on the lot or parcel; providing, that no structure or portion of such addition may further project beyond the established building line.
- b. Any single-family residential lot of record as defined in Chapter 17.110 that has a smaller width or lot depth than that required by this title, or is less than one acre, may use that residential zoning classification that most closely corresponds to the dimension or dimensions of the lot of record, for the purpose of establishing setbacks from the property lines.

43. Any structure otherwise permitted under this section may be placed on a lot or parcel within a required yard area if the director finds that such a location is necessary because existing sewer systems or roadways make compliance with the yard-area requirements of this title impossible without substantial changes to the site.

44. Outside of the Silverdale Sub-Area, densities required only with mixed use development.

45. Density in the KVL zone may be increased to three units per acre through a performance-based development (PBD) process pursuant to the regulations cited in Section 17.321D.080(B).

46. Front porch must meet following requirements to qualify for five-foot front setback:

- a. Porch shall be forty percent open on each of two sides; no enclosed porches.

b. Minimum porch dimensions shall be four feet by six feet, or twenty-four square feet.

c. Porches shall not be less than four feet in width.

47. The 2007 Manchester Community Plan, Appendix A – Manchester Design Standards sets forth policies and regulations for properties within the Manchester Village commercial district (MVC). All developments within the MVC district must be consistent with these standards.

48. Cornices, canopies, eaves, belt courses, sills, bay windows, fireplaces or other similar cantilevered features may extend up to twenty-four inches into any required yard area. In no case shall a habitable area be considered for encroachment into a required yard through any land use process. Additionally, fire escapes, open-uncovered porches, balconies, landing places or outside stairways may extend up to twenty-four inches into any required side or rear yards, and shall not extend more than six feet into any required front yard. This is not to be construed as prohibiting open porches or stoops not exceeding eighteen inches in height, and not closer than twenty-four inches to any lot line.

49. Minimum project size applies to the initial land use application for the property such as master plan, PBD or other mechanism. Subsequent subdivision through platting or binding site plan consistent with scope and conditions of the land use approval is not required to meet this minimum size.

50. New or remodeled structures within the Illahee View Protection Overlay Zone may not exceed twenty-eight feet.

Section 16. Kitsap County Code Section 17.383.010, last amended by Ordinance No. 457-2010, is amended as follows:

Chapter 17.383

DEVELOPMENT REGULATIONS FOR PUBLIC SEWER SYSTEMS, COMMUNITY SEWAGE DISPOSAL SYSTEMS AND LARGE ON-SITE SEWAGE SYSTEMS IN RURAL AREAS

Sections:

17.383.010 Applicability.

17.383.020 ~~Definitions.~~ Public Sewer Connection in UGAs.

17.383.030 Community sewage disposal system or large on-site sewage disposal system located in rural areas.

17.383.010 ~~Applicability.~~

This chapter applies to both urban and rural development. Additional wastewater requirements located in Kitsap County Code and other applicable local and state regulations shall also apply. These regulations apply to all development proposed after the effective date of the ordinance codified in this chapter and located outside of urban growth areas (UGAs) and limited areas of more intensive rural development (LAMIRDs).

Section 17. Kitsap County Code Section 17.383.020, last amended by Ordinance No. 457-2010, is amended as follows:

17.383.020 ~~Definitions.~~ Public Sewer Connection in UGAs.

In accordance with KCC 13.12.020, Health District Ordinance 2008A-01 and WAC 246-272A-0025, all new development or existing development requiring a replacement on-site septic system that is located within an urban growth area must connect to public sewer if the property is within two hundred (200) feet of an existing public sewer main that has adequate capacity for the development.

A. "Public sewer system" means a sewerage system which is:

1. Owned and operated by a city, town, county, or other municipal corporation such as a water, sewer, or water-sewer district; public utility district; port district; or federal, state, local agency or department thereof, or a person regulated by the Utilities and Transportation Commission; and
2. Consisting of a collection system and necessary trunks, pumping facilities and a means of final treatment and disposal of sewage; and
3. Approved by or under permit from the Department of Ecology, the Department of Health or the local health officer; and
4. Located within a UGA or LAMIRD, or otherwise approved pursuant to RCW 36.70A.110(4).

B. "Community sewage disposal system" means any system of piping, treatment devices and/or other facilities which:

1. Conveys, stores, treats and/or provides subsurface soil treatment and disposal on-site or on adjacent or nearby property under the control of the users; and
2. The system is not connected to a public sewer system; and
3. Is designed to serve more than one single family dwelling or one multifamily dwelling but the design capacity does not exceed three thousand, five hundred gallons of sewage volume per day.

C. "Large on-site sewage system (LOSS)" means an on-site sewage system (OSS) that consists of an integrated system of components, located on or nearby the property it serves, that conveys, stores, treats, and provides subsurface soil treatment and disposal of domestic sewage with design flows of at least three thousand five hundred gallons of sewage volume per day up to and including one hundred thousand gallons of sewage volume per day.

Section 18. Kitsap County Code Section 17.383.030, last amended by Ordinance No. 457-2010, is amended as follows:

17.383.030 Community sewage disposal system or large on-site sewage disposal system located in rural areas.

The provisions in this section apply to all development located outside of urban growth areas (UGAs) and limited areas of more intensive rural development (LAMIRDs).

A. New construction of a community sewage disposal system or large on-site sewage disposal system and subsequent connection(s) to such systems for existing or new development shall be allowed only:

1. Where it is a necessary response to a documented public health or environmental hazard by the Kitsap County health district or the Kitsap County health district recommends that new development be connected to such systems; or
2. If the system is providing service to an essential public facility; or
3. If the system is providing service for an approved rural clustering program; or
4. The property is zoned as a rural commercial or rural industrial site.

B. All such connections to a community sewage disposal system or large on-site sewage disposal system shall also meet the following criteria, in addition to the criteria set forth in subsection (A) of this section:

1. Such connection does not allow for further development on the property that would not conform to current comprehensive plan land use and zoning designations; and
2. For new development, the development shall be at a total gross density equal to or less than that permitted by the zone(s) in which it occupies and meets all other zoning requirements such as setbacks, dimensions, et cetera.

Section 19. Effective Date: This Ordinance shall take effect on **August 31, 2012.**

Section 20. Severability: If any sentence, section, provision, or clause of this ordinance or its application to any person, entity or circumstance is for any reason held invalid or unconstitutional, the remainder of the ordinance, or the application of the provision to other persons, entities, or circumstances is not affected.

Section 21. Scrivener's Error: Should any amendment to Kitsap County Code Title 17 that was passed by the Board during its deliberations be inadvertently left out upon publication, the explicit action of the Board as discussed and passed shall prevail upon subsequent review and verification by the Board.

DATED this 24th day of August, 2012.

KITSAP COUNTY BOARD OF COMMISSIONERS



Robert Gelder

ROBERT GELDER, Chair

Josh Brown

JOSH BROWN, Commissioner

Charlotte Garrido

CHARLOTTE GARRIDO, Commissioner

ATTEST:

Dana Daniels

Dana Daniels
Clerk of the Board

Approved as to Form:

Shelley Kneip

Shelley Kneip
Deputy Prosecuting Attorney