

ORDINANCE NO. 540 -2016

Updating Kitsap County's stormwater management Ordinance, Title 12 KCC, "Stormwater Drainage;" related amendments to Title 16 KCC, "Land Division and Development" and Title 17 KCC, "Zoning;" and adopting a new Kitsap County Stormwater Design Manual

BE IT ORDAINED:

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

1. On August 1, 2012, the Washington State Department of Ecology issued the National Pollutant Discharge Elimination System (NPDES) Phase II Permit for Western Washington (Permit) that became effective on August 1, 2013. This Permit was modified on January 16, 2015;
2. The Permit covers at least 80 cities and portions of five counties, including Kitsap County, and regulates discharges from small municipal separate storm sewer systems (MS4) owned or operated by these jurisdictions;
3. The Permit requires that these jurisdictions undertake a number of programs to address water pollution, including public education and outreach; public involvement and participation; the detection and elimination of illicit discharges into and connections to County stormwater systems; the regulation of runoff from new development, redevelopment and construction sites; and the operation and maintenance of stormwater systems;
4. The current Permit requires that the County make Low Impact Development (LID) the preferred and commonly-used approach to stormwater management for new and re-development. Benefits of using LID in this manner include reducing environmental impacts, preventing erosion, protecting water quality, preserving wildlife habitat, and decreasing infrastructure costs.
5. The County has implemented or is working toward the implementation of a variety of activities to satisfy the requirements of the Permit within the timeframes established by the Permit and this ordinance is just one of the many activities intended to carry out the requirements within the Permit;
6. This current stormwater update required extensive changes to Title 12 of Kitsap County Code, which is the County's Stormwater Management Ordinance, and the adoption of a new Stormwater Manual. The update also required changes to Title 16, the County's Land Division and Development Ordinance, to require the use of LID where feasible and to Title 17, the County's Zoning Ordinance, to modify landscaping and parking regulations to implement LID.

Section 2. General Procedural Findings. The Board makes the following findings regarding process and public participation:

1. In 2014, Kitsap County began evaluating changes needed for Kitsap County Code to comply with the Permit and the mandated December 31, 2016 effective date.
2. In 2015, Kitsap County Department of Community Development (DCD) announced the proposed changes over several venues, including the Kitsap Building Association (KBA) and the Department Advisory Group (DAG).
3. On May 20, 2016, DCD provided stakeholders with a proposed review schedule and sent the first proposed draft to stakeholders on June 23, 2016. DCD held stakeholder review meetings on July 11 and 13, 2016 to answer questions and consider changes.
4. The SEPA Responsible Official completed a programmatic State Environmental Policy Act (SEPA) checklist and issued a Determination of Non-Significance for the draft ordinance on July 22, 2016 and comments were accepted through August 3, 2016. No comments were received and no administrative appeals are allowed for this ordinance, a non-project legislative action, under KCC 21.04.290(E)(2).
5. On July 19, 2016, following timely and effective notice, the Planning Commission conducted a work study on the proposed stormwater changes.
6. On July 22, 2016 drafts of proposed changes to Titles 12, 16 and 17 and the stormwater manual were sent to the Kitsap County Planning Commission.
7. On July 25, 2016, Kitsap County sent a notice of proposed amendments to the Washington State Department of Commerce as required by RCW 36.70A.106, specifically requesting an expedited review, which was subsequently accepted. No comments were received.
8. On August 3, 2016, following timely and effective notice, the Planning Commission held a special meeting to discuss the stormwater changes.
9. On August 16, 2016, following timely and effective notice, the Planning Commission held a work study to discuss the proposed changes and its first public hearing.
10. On August 30, 2016, following timely and effective notice, the Planning Commission held another work study to discuss the proposed changes and its second public hearing.
11. On September 20, 2016, following timely and effective notice, the Planning Commission held its last work study to discuss the proposed changes and its third public hearing. The Planning Commission deliberated after the public hearing and voted 5-2 to approve minor amendments to the proposed codes.

12. On October 4, 2016, following timely and effective notice, the Planning Commission approved the Findings of Facts 6-0.
13. On October 5, 2016, following timely and effective notice, the Board held a work study session to be briefed on the stormwater code changes through the Planning Commission process.
14. On October 24, 2016, following proper notice, the Board held a public hearing on this ordinance to take public comments on the proposed changes. Followed this hearing, deliberations were conducted and a final action taken.

Section 3. General Substantive Findings. The Kitsap County Board of Commissioners makes the following substantive findings:

1. This ordinance satisfies the procedural and substantive requirements of and is consistent with the Growth Management Act, the County-wide Planning Policies, the Kitsap County Comprehensive Plan and associated documents.
2. This ordinance is consistent and compliant with the National Pollutant Discharge Elimination System (NPDES) Phase II Permit for Western Washington (Permit).
3. Within the bounds of the Permit, this ordinance reflects current local circumstances and is necessary to protect the general public health, safety and welfare of the citizens of Kitsap County.

Section 4. Kitsap County Code Title 12 "Stormwater Drainage," last amended by Ordinance 521-2015, is *repealed* in its entirety and replaced by Title 12 set forth in Attachment 1 hereto.

Section 5. Kitsap County's 2010 Stormwater Design Manual, adopted by Ordinance 447-2010, is *repealed* in its entirety, and replaced by the Stormwater Design Manual set forth in Attachment 2 hereto.

Section 6. Kitsap County Code Section 16.24.040, last amended by Ordinance 489-2012, is amended as follows:

16.24.040 Urban standards.

A. Access.

1. General

- a. When accessing paved county right-of-way, the project approach shall be paved, per Chapter 4 of the Kitsap County Road Standards, as now or hereafter amended. When adjacent to or accessing Washington State Department of Transportation (WSDOT) right-of-way,

WSDOT shall be provided the opportunity to review and comment on the proposed land segregation with respect to access.

b. Appropriate drainage facilities to mitigate construction of roads shall be provided and constructed in accordance with Title 12, ~~Storm Water~~ Stormwater Drainage, as now or hereafter amended.

c. When accessing WSDOT right-of-way, the project approach shall meet WSDOT standards and WSDOT stormwater requirements shall apply.

2. Private Roads. All private roads within single-family developments proposing more than four lots shall be in the form of separate access tracts and shall be constructed in compliance with the requirements of the fire marshal's office regarding emergency vehicle access. Private roads shall be cleared, grubbed, graded and paved, ~~or use LID surfacing techniques~~ using permeable pavement where feasible in accordance with the Kitsap County Stormwater Design Manual.

3. Public Rights-of-Way. For land segregations proposing more than four lots, dedication of right-of-way shall be required when a proposed road meets the criteria for classification as an arterial, collector or sub-collector in the KCRS. All road(s) shall be constructed in compliance with adopted Kitsap County Road Standards, as now or hereafter amended.

4. Shared Driveways. For the purposes of limiting access to County roads or reducing impervious surfaces, a shared driveway may be permitted for accessing up to two lots, where approved by the Director. Each owner of the shared driveway shall have an appropriate easement to the use of the driveway. Maintenance responsibilities shall be specified within the recorded easement documents or on the face of the final plat. The maximum width for a shared driveway shall be twenty-four feet.

B. Public Transit Provisions. Land segregations shall provide for transit stops, shelters and/or space for said stops or shelters, as deemed necessary.

C. Nonmotorized Facilities.

1. Pedestrian Sidewalk Requirements.

a. Sidewalks shall be required on both sides of all public or private streets that meet the criteria for classification as a principal or minor arterial, collector, local sub-collector or local minor road as determined under the Kitsap County Road Standards.

b. Sidewalks shall be required on a minimum of one side of all public or private streets that meet the criteria for classification as local road, cul-de-sac or very low volume local road as determined under the Kitsap County Road Standards. Sidewalks may be required on both sides based upon site-specific conditions.

c. Sidewalk design shall be consistent with all applicable standards, including but not limited to Kitsap County Road Standards, shall apply the Americans with Disabilities Act (ADA) standards for sidewalk ramps at all intersections, pedestrian crossings and transit stops and shall be a minimum of five feet wide.

d. Where clustered mailboxes are proposed or required at the entrance and/or within the development, sidewalks shall be widened to meet required horizontal and vertical clear zones.

e. Rolled curbs and thickened edge asphalt are prohibited, except where the sidewalk is separated from the street by at least five feet.

2. Nonmotorized Trail Requirements. All development must be consistent with the Kitsap County Greenways, Bicycle Lane and Mosquito Fleet Trail Plan (Mosquito Fleet Trail Plan), as adopted. Where required by the Mosquito Fleet Trail Plan, a nonmotorized trail shall be provided. The trail shall be designed and built to the Mosquito Fleet Trail Plan standards for the required trail classification. Based upon topographic features, safety or other factors, provision of a trail may reduce the requirement for sidewalks.

3. Multipurpose Facilities. Where required by the Mosquito Fleet Trail Plan, multipurpose facilities, including but not limited to bicycle lanes shall be provided. All bicycle lanes shall be constructed to WSDOT standards at locations required by the Mosquito Fleet Trail Plan.

D. Off-Street Parking.

1. Projects shall provide off-street parking consistent with the requirements of Chapter 17.490. Kitsap County encourages the use of low impact development (LID) techniques that conserve natural areas and minimize development impacts. Deviations from the off-street parking requirements set forth herein may be supported when LID techniques are employed without risk to the traveling public, critical infrastructure or maintenance operations.

2. When calculating the required number of parking spaces, fractional parking space requirements shall be rounded up to the nearest whole number.

3. If the development includes set-aside parking areas, each area shall be limited to no more than ten spaces and shall be distributed throughout the development.

E. Fire Protection. Fire protection including fire hydrants, water supplies for firefighting and emergency vehicle access shall be provided in accordance with Title 14, the Kitsap County Building and Fire Code, and other applicable ordinances.

F. Landscaping Requirements.

1. Landscaping shall be provided at all entrances to the project development consistent with the landscaping standards of Chapter 17.500.

2. Street trees, landscaping and stormwater management consistent with Titles 12 and 17 shall be provided along all public and private streets that meet the criteria for classification as a principal or minor arterial, collector or local sub-collector and local access roads as determined by the Kitsap County Road Standards. Street trees shall be located in the road right-of-way or access tract, or the front yards of individual lots or units. Street trees located on individual lots may be installed before final plat approval or before the certificate of occupancy for individual building permits. There shall be at least one tree per every twenty-five feet of road frontage. Trees shall be spaced no further apart than thirty-five feet. Street tree species shall be consistent with the Kitsap County Road Standards (KCRS) and shall be large canopy trees unless otherwise approved by the director for special mitigating circumstances. Maintenance of street trees and landscaping within county right-of-way is the responsibility of the fronting property owner(s).

G. Utilities.

1. **Water Supply and Sanitary Sewer System.** Where an approved public water supply and/or an approved public sewer system is available to the land segregation project, connection thereto may be required upon the recommendation of the health officer or other Kitsap County requirements.

2. **Utility Easements.** A ten-foot utility easement shall be located along those lot frontages within the land segregation project that abut private and public roads. This easement shall accommodate what is commonly referred to as broadband access.

3. **Utility Connectivity Requirements.** Easements for future public utility extensions to abutting properties shall be required as a condition of application approval in cases where the county finds the following:

- a. Vacant or underutilized land abuts the proposed land segregation or development; and
- b. The location of said utility easement is reasonable based upon the design needs for future utility infrastructure; and
- c. The establishment of said easement will further the extension of utility infrastructure within the urban growth area; and
- d. The extension of utilities using the easement is foreseeable; and
- e. The establishment of said easement furthers the goals and policies of the Comprehensive Plan.

H. Recreation Requirements.

1. All land segregations (except those segregations proposed as a performance based development) of more than four lots within residential zoning designations or that include residential units and that result in lots of less than eight thousand square feet in size shall provide recreational open space at the following ratios:

a. Where developed at a density of nine units or less per acre, three hundred ninety square feet per unit;

b. Where developed at a density of greater than nine units per acre, one hundred seventy square feet per unit;

c. If calculations result in a fraction, the fraction shall be rounded up to the nearest whole number;

d. A project applicant may propose a different standard for meeting these recreational requirements so long as the proposed facilities meet the minimum level of service for recreational facilities as set forth in the Kitsap County Comprehensive Plan.

2. Recreation facilities shall be placed in a designated recreational open space tract and shall be dedicated to a homeowners' association or other acceptable organization, to provide continued maintenance of the recreational open space tract.

3. Recreational open space tracts shall:

a. Be of a grade and surface suitable for recreation improvements and generally have a maximum grade of five percent, unless a steeper grade is acceptable for the activities associated with the amenity;

b. Be located on the site of the proposed land segregation;

c. Be located within the land segregation in a manner that affords good visibility of the tract from roads, sidewalks and the majority of dwellings;

d. Have no dimensions less than thirty feet, except the width of trail segments;

e. Be at least five hundred square feet in size;

f. Be located in one designated area, unless it is determined that recreational opportunities would be better served by multiple areas developed with recreation or play facilities; and

g. Be accessible and convenient for year-round use to all residents within the land segregation.

4. Play equipment, paved sports court, exercise fitness trail, community gardens with water service, age appropriate facilities or similar amenities shall be provided within the recreational open space tract. Construction of amenities shall meet the latest industry safety standards.

5. A recreational open space plan shall be submitted to the department and reviewed and approved with the site development activity permit (SDAP). Said plan shall show dimensions, finished grade, equipment, landscaping and improvements to demonstrate that the requirements of this subsection are met.

Section 7. Kitsap County Code Section 16.24.050, last amended by Ordinance 489-2012, is amended as follows:

16.24.050 Rural standards.

A. Access.

1. General.

a. When accessing paved county right-of-way, the project approach shall be paved, per Chapter 4 of the Kitsap County Road Standards, as now or hereafter amended.

b. Appropriate drainage facilities to mitigate construction of roads shall be provided and constructed in accordance with Title 12, ~~Storm Water~~Stormwater Drainage, as now or hereafter amended.

c. When accessing WSDOT right-of-way, the project approach shall meet WSDOT standards and WSDOT ~~storm water~~stormwater requirements shall apply.

2. Private Roads.

a. The width of an access easement shall be a minimum of twenty feet when serving up to two lots and a minimum of thirty feet when serving three or more lots, unless a waiver is requested and granted. Waivers may be granted for existing easements leading to the proposed land segregation that are less than the required width. In such cases, the waiver request will be reviewed by the fire marshal's office for safety issues and by the director for adequacy of design.

b. Access roads shall be cleared, grubbed, graded and surfaced. The driving surface may be graveled, paved or use LID surfacing techniques. The driving surface may be graveled or paved; when paved, permeable pavement shall be used where feasible, in accordance with the Kitsap County Stormwater Design Manual.

3. Public Rights-of-Way.

a. For land segregations proposing more than four lots, dedication of right-of-way shall be required when a proposed road meets the criteria for classification as an arterial, collector or sub-collector and shall be constructed in compliance with Kitsap County Road Standards.

b. For any land segregation that proposes to connect to an existing county right-of-way and will either impact the level of service, safety, or operational efficiency thereof or is otherwise required to improve the existing right-of-way, one of the following will be required:

i. The property owner must construct the improvements necessary to mitigate the impacts of the land segregation in accordance with the Kitsap County Road Standards; or

ii. The property owner must pay its proportionate share of the necessary improvements prior to recording of the final plat. This option is only applicable if the improvements are identified in the county's Transportation Improvement Plan; or

iii. The property owner must execute a legally binding agreement, in a form acceptable to the director, in which the property owner agrees to participate without protest in any local improvement district, local utility improvement district, road improvement district, transportation benefit district, or other similar entity formed for the construction of improvements that include those necessitated by the land segregation, and further agrees to sign any petition for the formation thereof and payment of subsequent fees or charges. Such agreement may be signed by the director on behalf of Kitsap County, must be recorded with the auditor and must be binding on all heirs, assigns, transferees, donees and successors in interest. Nothing in this section shall be construed to limit the ability of the property owner to challenge the amount of any assessment.

B. Nonmotorized Facilities.

1. **Nonmotorized Trail Requirements.** All development must be consistent with the Kitsap County Greenways, Bicycle Lane and Mosquito Fleet Trail Plan (Mosquito Fleet Trail Plan), as adopted. Where required by the Mosquito Fleet Trail Plan, a nonmotorized trail shall be provided. The trail shall be designed and built to the Mosquito Fleet Trail Plan standards for the required trail.

2. **Multipurpose Facilities.** Where required by the county's Mosquito Fleet Trail Plan, multipurpose facilities, including but not limited to bicycle lanes, shall be provided. All bicycle lanes shall be a minimum of five feet wide and constructed to WSDOT standards at locations required by the Mosquito Fleet Trail Plan.

C. **Fire Protection.** Fire protection including fire hydrants, water supplies for firefighting and emergency vehicle access shall be provided in accordance with Title 14, the Kitsap County Building and Fire Code and other applicable ordinances.

Section 8. Kitsap County Code Section 16.24.060, "Low impact development" is hereby repealed.

Section 9. Kitsap County Code Section 16.48.020, last amended by Ordinance 489-2012, is amended as follows:

16.48.020 Preliminary short subdivisions.

Preliminary short subdivisions are classified as Type II applications under Chapter 21.04. The director shall review the application to ascertain if it conforms to the following requirements:

- A. Chapter 16.04, General Provisions;
- B. Chapter 16.24, Land Segregation Standards;
- C. The preliminary short plat shall consist of the following:
 1. Maps drawn on a minimum eighteen-inch-by-twenty-four-inch paper, to scale no less than one inch to one hundred feet, which scale shall be shown on the drawing, both graphically and textually;
 2. Map signed and sealed by a surveyor registered in the state of Washington;
 3. North point;
 4. Lots labeled alphabetically;
 5. The location of existing structures;
 6. The location of existing road approaches;
 7. The location of all existing and proposed roads, rights-of-way, and easements, labeling each of the foregoing by width;
 8. The location of all other existing and proposed easements appurtenant to the property, labeled with dimensions;
 9. The location of all property to be dedicated;
 10. Except in UGAs, a minimum twenty-five-foot-wide native vegetation buffer around the perimeter of the short subdivision;

11. The location of all water bodies (including but not limited to lakes, ponds, saltwater shorelines, streams, and wetlands), their associated buffers and construction setbacks, and mapped flood hazard areas;

12. The location of geologically hazardous areas and their associated buffers and construction setbacks. Delineate all slopes thirty percent in grade or greater and all slopes from fifteen percent to thirty percent in grade where they are rated as areas of "moderate" or "high" geologic hazard pursuant to Section 19.400.410;

13. The location of existing on-site sewage systems, and wells with their protective well radii within, contiguous to and adjacent to the proposal; and

14. The location of soil log holes, together with data regarding soil type and depth, if the short subdivision is not required to connect to public sewer;

D. The proposed streets shall align and be coordinated with streets serving adjacent properties;

E. The proposed streets shall be adequate to accommodate anticipated traffic;

F. If road or pedestrian connectivity between the short subdivision and adjacent properties is required, all ingress/egress accesses shall be dedicated to the public and developed consistent with Kitsap County Road Standards;

G. If the required native vegetation buffer, as it exists, is void of native vegetation, plantings of native species will be required to create or recreate the buffer. This requirement may be modified by the director to be compatible with the surrounding area, upon submittal with the preliminary application, of narrative and photographic documentation of existing conditions.

H. The Kitsap public health district shall recommend approval or denial. Said recommendation shall be in writing and shall address:

1. Conformity with current regulations regarding domestic water supply and sewage disposal;

2. Adequacy of lot area, soil type, topographic and drainage characteristics, if proposing a sewage disposal method other than public sewer.

Section 10. Kitsap County Code Section 16.52.020, last amended by Ordinance 489-2012, is amended as follows:

16.52.020 Preliminary large lot subdivisions.

Preliminary large lot subdivisions are classified as Type II applications under Chapter 21.04. The director shall review the application to ascertain if it conforms to the following requirements:

- A. Chapter 16.04, General Provisions;
- B. Chapter 16.24, Land Segregation Standards;
- C. The preliminary large lot plat shall consist of the following:
 1. Maps drawn on a minimum eighteen-inch-by-twenty-four-inch paper, to scale no less than one inch to one hundred feet, which scale shall be shown on the drawing, both graphically and textually;
 2. Map signed and sealed by a surveyor registered in the state of Washington;
 3. North point;
 4. Lots labeled numerically;
 5. The location of existing structures;
 6. The location of existing road approaches;
 7. The location of all existing and proposed roads, rights-of-way, and easements, labeling each of the foregoing by width;
 8. The location of all other existing and proposed easements appurtenant to the property, labeled with dimensions;
 9. The location of all property to be dedicated;
 10. A minimum twenty-five-foot-wide native vegetation buffer around the perimeter of the large lot subdivision;
 11. The location of all water bodies (including but not limited to lakes, ponds, saltwater shorelines, streams, and wetlands), their associated buffers and construction setbacks, and mapped flood hazard areas;
 12. The location of geologically hazardous areas and their associated buffers and construction setbacks. Delineate all slopes thirty percent in grade or greater and all slopes from fifteen percent to thirty percent in grade where they are rated as areas of "moderate" or "high" geologic hazard pursuant to Section 19.400.410;

13. The location of existing on-site sewage systems, and wells with their protective well radii within, contiguous to and adjacent to the proposal; and
14. The location of soil log holes, together with data regarding soil type and depth, if the large lot subdivision is not required to connect to public sewer;
- D. The proposed streets shall align and be coordinated with streets serving adjacent properties;
- E. The proposed streets shall be adequate to accommodate anticipated traffic.
- F. If road or pedestrian connectivity between the large lot subdivision and adjacent properties is required, all ingress/egress accesses shall be dedicated to the public and developed consistent with Kitsap County Road Standards or applicable access standards;
- G. If the required native vegetation buffer, as it exists, is void of native vegetation, plantings of native species will be required to create or recreate the buffer. This requirement may be modified by the director to be compatible with the surrounding area, upon submittal with the preliminary application of narrative and photographic documentation of existing conditions;
- H. The Kitsap public health district shall recommend approval or denial. Said recommendation shall be in writing and shall address conformity with current regulations regarding domestic water supply.

NEW SECTION Section 11. A new section is added to Chapter 17.110 Kitsap County Code, "Definitions," as follows:

17.110.107 Bioretention facilities.

"Bioretention facilities" means engineered facilities that treat stormwater by passing it through a specified soil profile, and either retain or detain the treated stormwater for flow attenuation. Refer to the Stormwater Management Manual for Western Washington (Ecology Manual), Chapter 7 of Volume V for bioretention BMP types and design specifications.

Section 12. Kitsap County Code Section 17.110.132, last amended by Ordinance 534-2016, is amended as follows:

17.110.132 Buffer, landscaping.

"Buffer, landscaping" means a buffer treatment within or along the perimeter of a development ~~which that~~ varies in numbers and types of vegetation and/or fencing depending on land uses. Landscaping such as trees, shrubs, ground covers, fencing, or vegetation planted as part of low impact development (LID) best management practices (BMPs) and/or fencing are to be provided as prescribed by Chapter 17.500.

Section 13. Kitsap County Code Section 17.110.133, last amended by Ordinance 534-2016, is amended as follows:

17.110.133 Buffer, screening.

"Buffer, screening" means a buffer of evergreen vegetation, vegetation planted as part of LID BMPs, and/or site-obscuring fencing intended to provide functional screening between different uses, land use intensities and/or zones. Screening is to be installed or maintained as prescribed by Chapter 17.500.

NEW SECTION Section 14. A new section is added to Chapter 17.110 Kitsap County Code, "Definitions," as follows:

17.110.137 Building coverage.

"Building coverage" means the area of land that is covered by a building or structure that provides a hard surface. Building coverage also includes uncovered horizontal structures, such as decks, stairways, and entry bridges.

NEW SECTION Section 15. A new section is added to Chapter 17.110 Kitsap County Code, "Definitions," as follows:

17.110.310 Green stormwater infrastructure.

"Green stormwater infrastructure" (GSI) means and is also known as low impact development (LID). Refer to the definition for "Low impact development", which is the preferred term used by the county.

NEW SECTION Section 16. A new section is added to Chapter 17.110 Kitsap County Code, "Definitions," as follows:

17.110.311 Green stormwater solutions.

"Green stormwater solutions" (GSS) means and is also known as low impact development (LID). Refer to the definition for "Low impact development", which is the preferred term used by the county.

NEW SECTION Section 17. A new section is added to Chapter 17.110 Kitsap County Code, "Definitions," as follows:

17.110.321 Hardscaping.

"Hardscaping" means the placement of non-plant elements such as fountains, patios, decks, street furniture, and ornamental concrete or stonework areas.

NEW SECTION Section 18. A new section is added to Chapter 17.110 Kitsap County Code, "Definitions," as follows:

17.110.322 Hard surface.

"Hard surface" means an impervious surface, a permeable pavement, or a vegetated roof.

Section 19. Kitsap County Code Section 17.110.367, last amended by Ordinance 534-2016, is amended as follows:

17.110.367 Impervious surface.

"Impervious surface" means a non-vegetated surface area that either prevents or retards the entry of water into the soil mantle as under natural conditions prior to development or causes water to run off the surface in greater quantities or at an increased rate of flow from the flow present under natural conditions prior to development. Common impervious surfaces include, but are not limited to, roof tops, walkways, patios, driveways, parking lots or storage areas, concrete or asphalt paving, gravel roads, packed earthen materials, and oiled, macadam or other surfaces that similarly impede the natural infiltration of stormwater. Open, uncovered retention/detention facilities shall not be considered as impervious surfaces for the purposes of determining whether the thresholds for application of minimum requirements are exceeded. Open, uncovered retention/detention facilities shall be considered impervious surfaces for purposes of runoff modeling. ~~a hard surface area which either prevents or retards the entry of water into the soil mantle as under natural conditions prior to development, and/or a hard surface area which causes water to run off the surface in greater quantities or at an increased rate of flow from the flow present under natural conditions prior to development. Common impervious surfaces include, but are not limited to, roof tops, walkways, patios, driveways, parking lots or storage areas, concrete or asphalt paving, gravel roads with compacted subgrade, packed earthen materials, and oiled, macadam or other surfaces which similarly impede the natural infiltration of storm water.~~

Section 20. *This section intentionally left blank.*

Section 21. Kitsap County Code Section 17.110.390, last amended by Ordinance 534-2016, is amended as follows:

17.110.390 Landscaping.

"Landscaping" means the placement, preservation, ~~and their~~ replacement of ~~not only~~ trees, grass, shrubs, plants, flowers, and other vegetative materials ~~but also the arrangement of fountains, patios, decks, street furniture, and ornamental concrete or stonework areas and artificial turf or carpeting~~ in accordance with an approved landscaping plan meeting adopted landscaping plan, design, and installation standards. Artificial plants, shrubs, bushes, flowers, and materials in movable containers shall not be considered "landscaping" for purposes of this title. Vegetation planted as part of LID BMPs shall be considered "landscaping" for purposes of this title where all landscape requirements in Title 17 are met.

NEW SECTION Section 22. A new section, 17 is added to Chapter 17.110 Kitsap County Code, "Definitions," as follows:

17.110.461 Low impact development.

“Low impact development” (LID) means a stormwater and land use management strategy that strives to mimic pre-disturbance hydrologic processes of infiltration, filtration, storage, evaporation and transpiration by emphasizing conservation, use of on-site natural features, site planning, and distributed stormwater management practices that are integrated into a project design. LID is also known as green stormwater infrastructure or green stormwater solutions. LID is the preferred term used by the county.

Section 23. Kitsap County Code Section 17.110.462, “Macro antenna array,” last amended by Ordinance 534-2016, is renumbered as follows:

17.110.4623 Macro antenna array.

“Macro antenna array” means an attached wireless communication facility which consists of antennas equal to or less than fifteen feet in height or a parabolic antenna up to forty inches in diameter and with an area not more than one hundred square feet in the aggregate as viewed from any one point.

NEW SECTION Section 24. A new section is added to Chapter 17.110 Kitsap County Code, “Definitions,” as follows:

17.110.462 Low impact development best management practices.

“Low impact development best management practices” (LID BMPs) means distributed stormwater management practices, integrated into a project design, that emphasize pre-disturbance hydrologic processes of infiltration, filtration, storage, evaporation and transpiration. LID BMPs include, but are not limited to, bioretention, rain gardens, permeable pavements, roof downspout controls, dispersion, soil quality and depth, minimum excavation foundations, vegetated roofs, and water re-use.

NEW SECTION Section 25. A new section is added to Chapter 17.110 Kitsap County Code, “Definitions,” as follows:

17.110.505 Native growth protection easement.

“Native growth protection easement” means a protected corridor vegetated with native trees, shrubs and groundcover that connects critical areas or permanently preserved natural areas within or adjacent to and across the project site.

Section 26. Kitsap County Code Section 17. 17.110.506 ‘Net developable area’, last adopted by Ordinance 534-2016, is renumbered as follows:

17.110.5067 Net developable area.

“Net developable area” means the site area after subtracting all rights-of-way, critical areas (including bald eagle habitat regulations) and their buffers, stormwater controls, recreational facilities, public facilities, community drainfields or other area-wide sanitary

sewer facilities, and open space.

NEW SECTION Section 27. A new section is added to Chapter 17.110 Kitsap County Code, "Definitions," as follows:

17.110.506 Native vegetation.

"Native vegetation" means vegetation comprised of plant species, other than noxious weeds, that are indigenous to the coastal region of the Pacific Northwest and which reasonably could have been expected to naturally occur on the site. The Native Plant Listing for Kitsap County may be obtained from the Department of Community Development.

Section 28. Kitsap County Code Section 17.110.535, last amended by Ordinance 534-2016, is amended as follows:

17.110.535 Open space.

"Open space" shall mean land used for outdoor active ~~and or~~ passive recreational purposes or for critical area or resource land protection, including structures incidental to these open space uses, including associated critical area buffers, but excluding land occupied by dwellings or ~~impervious-hard~~ surfaces not related to the open space uses and yards required by this title for such dwellings or ~~impervious-hard~~ surfaces. Open space may be used for native vegetation, drought-tolerant vegetation, and vegetated LID facilities. "Open space" is further divided into the following categories:

- A. "Common open space" shall mean space that may be used by all occupants of a development complex or, if publicly dedicated, by the general public;
- B. "Active recreational open space" shall mean space that is intended to create opportunities for recreational activity. Active recreational open space may be occupied by recreational facilities such as ball fields, playground equipment, trails (pedestrian, bicycle, equestrian or multi-modal), swimming pools, and game courts or sculptures, fountains, pools, benches or other outdoor furnishings;
- C. "Passive open space" shall mean all common open space not meeting the definition of active recreational open space, including, but not limited to, critical areas and their associated buffers;
- D. "Permanent open space" means an area that is permanently reserved as open space and remains in native vegetation unless approved for forestry, passive recreational or access uses; and
- E. "Recreational open space" means an area that shall be improved and maintained for its intended use. Exterior as well as interior areas can constitute recreational open space. Examples of usable recreational space include swimming pools, community buildings, interior gyms, picnic areas, tennis courts, community gardens, improved playgrounds, paths

and passive seating areas.

NEW SECTION Section 29. A new section is added to Chapter 17.110 Kitsap County Code, "Definitions," as follows:

17.110.576 Permeable pavement.

"Permeable pavement" means pervious concrete, porous asphalt, permeable pavers or other forms of pervious or porous paving material intended to allow passage of water through the pavement section. It is a hard surface, as defined herein, and often includes an aggregate base that provides structural support and acts as a stormwater reservoir.

Section 30. Kitsap County Code Section 17.110.576', last amended by Ordinance 534-2016, is amended as follows:

17.110.577~~6~~ Permitted use.

"Permitted use" means a land use allowed outright in a certain zone without a public hearing or conditional use permit; provided, such use is developed in accordance with the requirements of the zone and general conditions of this title, and all applicable provisions elsewhere in the county code.

Section 31. *This section intentionally left blank.*

Section 32. Kitsap County Code Section 17.110.642, last amended by Ordinance 534-2016, is renumbered as follows:

17.110.642~~3~~ Race track, major.

"Race track, major" means a public or private facility developed for the purpose of operating and/or competitive racing of automobiles, motorcycles or similar vehicles. The facility may allow for up to six thousand spectators and may contain an oval, drag strip, road track and/or other course. Accessory uses may include the sale of concessions and souvenirs, a recreational vehicle camping park, community events and/or vehicle safety training.

Section 33. Kitsap County Code Section 17.110.643, last amended by Ordinance 534-2016, is renumbered as follows:

17.110.643~~4~~ Race track, minor.

"Race track, minor" means a public or privately owned course designed for the operating and/or racing of automobiles, motorcycles, all-terrain vehicles or similar vehicles along a defined route that may include straight-aways, curves, jumps and/or other features.

Section 34. Kitsap County Code Section 17.110.695, last amended by Ordinance 534-2016, is amended as follows:

17.110.695 Street.

“Street” means all roads, streets, highways, roadways, freeways, easements, and public rights-of-way used for or designed for vehicular access or use including private roads serving or intended to serve five or more lots. Streets may also include provisions for public utilities, pedestrian walkways, cut and fill slopes, ~~and vegetation, and~~ storm drainage facilities.

NEW SECTION Section 35. A new section is added to Chapter 17.110 Kitsap County Code, “Definitions,” as follows:

17.110.739 Vegetation-based low impact development best management practices

“Vegetation-based low impact development best management practices” (LID BMPs) means distributed stormwater management practices, integrated into a project design, that emphasize pre-disturbance hydrologic processes of infiltration, filtration, storage, evaporation and transpiration. Vegetation-based LID BMPs are a subset of LID BMPs and include, but are not limited to, bioretention, rain gardens, and vegetated roofs.

Section 36. Kitsap County Code Section 17.400.040, last adopted by Ordinance 534-2016, is amended as follows:

17.400.040 Standards and requirements.

A. For commercial and mixed use zones, lot requirements shall be in accordance with Chapter 17.382.

B. New development or redevelopment in the LIC zone shall remove existing impervious area at a rate of 1.25:1 within two hundred feet of the Sinclair Inlet shoreline. If stormwater incentives are provided consistent with Section 17.400.080 this shall not apply. For the purposes of this section, “new development or redevelopment” refers to proposals that result in two thousand square feet, or greater, of new, replaced, or new plus replaced hard surface area, or land disturbing activity of seven thousand square feet or greater.

C. All development within the Gorst UGA must be consistent with the Gorst Subarea Plan Design Guidelines as adopted in the Gorst Subarea Plan.

~~D. Stormwater.~~

~~1. Inclusion of Low Impact Development (LID) and Feasibility Determination. All development in Gorst shall be consistent with Kitsap County Code Title 12 (Storm Water Drainage) and incorporate LID to the maximum extent feasible.~~

~~a. Site Evaluation – Dispersion. A site evaluation shall assess the feasibility for dispersion, including topography, sensitive slopes and required setbacks. Where dispersion is feasible for all or part of the site, this method shall be used. In areas where dispersion is not feasible,~~

~~infiltration shall be used if feasible.~~

~~b. Site Evaluation — Infiltration. The evaluation shall assess the feasibility of infiltration, including a soils reconnaissance and pilot infiltration test (PIT) for any outwash soils identified where infiltration may be possible. Where infiltration is feasible for all or part of the site, it shall be implemented.~~

~~c. Where Full Infiltration Is Not Feasible. In areas where full infiltration is not feasible, LID BMPs per subsection (D)(3)(b) of this section shall be used for all water quality treatment and partial flow control. Projects shall meet water quality treatment needs with LID best management practices (BMPs) if feasible.~~

~~d. Site Soils. Site soils in landscaped areas shall be amended pursuant to manuals described in subsection (D)(2)(a) of this section.~~

~~e. Limit Impervious Surfaces. Impervious surfaces shall be limited to the greatest extent feasible and shall comply with the provisions of the Gorst Subarea Plan.~~

~~2. LID Design.~~

~~a. Design of LID facilities such as bioretention, pervious pavements, and others shall be in accordance with the design criteria in Kitsap County Code Title 12 (Storm Water Drainage). Further guidance can be found in the Puget Sound Partnership's Low Impact Development Technical Manual for Puget Sound ("the LID Manual") and the Stormwater Management Manual for Western Washington ("the Stormwater Manual"), except as provided in this subsection.~~

~~b. Conceptual Bioretention Facility Design. Preference shall be given to facility designs that fully infiltrate all stormwater on site. Refer to Kitsap County Code Title 12 (Storm Water Drainage) for the most current diagrammatic drawings.~~

~~3. LID Implementation Standards.~~

~~a. Projects shall implement a comprehensive stormwater management plan for the project that manages all rainfall on site, incorporates soil amendments in landscaped areas, utilizes permeable pavement for all pedestrian areas and uses feasible LID techniques, consistent with subsection (D)(2) of this section.~~

~~b. Projects shall implement a stormwater management plan that uses LID BMPs for all required water quality treatment from pollution generating surfaces (PGS), e.g., bioretention and pervious pavement.~~

~~c. All existing storm drains or inlets shall be clearly labeled to indicate the drain or inlet leads to a stream or groundwater and that dumping in the drain or inlet is prohibited. No additional~~

~~storm drains shall be installed that lead to streams or to Sinclair Inlet, nor shall new drain systems that connect directly to existing drains that flow to a stream or Sinclair Inlet be allowed.~~

~~d. If additional impervious area is required for development in the low intensity waterfront designation, removal or infiltration capacity of stormwater shall be required at one hundred twenty five percent of projected runoff based on the one hundred year storm event.~~

Section 37. Kitsap County Code Section 17.400.080, last amended by Ordinance 534-2016, is amended as follows:

17.400.080 Special provisions.

A. For ~~others~~ special provisions, see Chapter 17.580.

B. Incentives.

1. The incentive measures in this chapter apply to all zones and land uses within the Gorst urban growth area with the exception of highway tourist commercial and industrial zones. Incentives are intended to encourage sustainable development and provide flexibility through voluntary incentives, consistent with the policy direction contained in Chapter 4 of the Gorst Subarea Plan. These incentives are to acknowledge the existing built environment and through redevelopment minimize activities that contribute to stormwater issues and/or provide greater protection of the Sinclair Inlet shoreline and Gorst Creek.

2. Relationship with Other Standards. Nothing in this section relieves the applicant from compliance with any other standard set forth in Title 17, or from compliance with any other provision of the Kitsap County Code, unless specifically exempted in this chapter.

3. Table 17.400.080.BC describes the public benefit and the resulting development incentive earned. Using the incentives, an applicant can earn density, height, or impervious surface coverage above the base standard allowed in the zone. In no case shall the maximum density, height, or impervious surface coverage exceed the maximum allowed by the zone. More than one public benefit and corresponding incentive may be earned up to one hundred percent of the bonus. Table 17.400.080.CD summarizes the minimum, base, and maximum densities, heights, and impervious surface coverages for reference. The full text of the applicable zone should be consulted in addition to the table; in cases of conflict the zone-specific language shall control.

Table 17.400.080.(B)C – Public Benefit and Incentives

| Public Benefit Description | Development Incentive Select one or more bonus item |
|----------------------------|--------------------------------------------------------|
| Stormwater | |

| Public Benefit Description | Development Incentive Select one or more bonus item |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Project provides a clustered residential project with LID street per Chapter 10. | 100% Density Bonus 50% Height Bonus 50% Impervious Surface Coverage Bonus |
| Project uses permeable surfacing or detention/infiltration methods to reduce overland flow in excess of the 100-year storm requirement, in 75% of circulation, parking and loading areas, except where potential contamination, a specific industrial activity, or other site-specific constraints preclude its use. Contamination sources include vehicle fuel stations, storage of industrial chemicals, oils and grease, and other hazardous substances, dust and dirt storage, etc. | 25% excess of 100-year storm infiltrated onsite: 50% Density Bonus 50% Height Bonus 50% Impervious Surface Coverage Bonus 50% excess of 100-year storm infiltrated onsite: 100% Density Bonus 100% Height Bonus 100% Impervious Surface Coverage Bonus |
| Project locates bioretention cells in publicly visible areas, includes a planting plan by a licensed landscape architect, provides a plant maintenance warranty for one year. Bioretention cells treat a minimum of 10,000 sq. ft. of Pollution Generating Impervious Surfaces (PGIS). | 50% Density Bonus 50% Height Bonus 50% Impervious Surface Coverage Bonus |
| Net reduction of existing impervious area by 25% and revegetation with native vegetation. | 100% Density Bonus 100% Height Bonus |
| Habitat | |
| Provide a landscape plan that demonstrates that at least 20% of the significant trees on the buildable area of the site are retained outside of buffers. | 50% Density Bonus 50% Height Bonus 50% Impervious Surface Coverage Bonus |
| Provide multilayered landscaping including native trees, native shrubs and native groundcover on at least 30% of the site. | 50% Density Bonus 50% Height Bonus 50% Impervious Surface Coverage Bonus |

| Public Benefit Description | Development Incentive Select one or more bonus item |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------|
| <p>Site plan includes a minimum 35-foot habitat corridor (not otherwise required by critical area or shoreline or management overlay regulations) vegetated with native trees, shrubs and groundcover that connect critical areas or permanently preserved natural areas within or adjacent to and across the project site. Site design shall ensure that lighting from adjacent development does not intrude on corridor. The corridor shall be protected with a native growth protection easement or maintained to exclude nonnative invasive species, such as blackberry and Japanese knotweed (See Noxious Weed list for Kitsap County).</p> | <p>100% Density Bonus 50% Height Bonus 50% Impervious Surface Coverage Bonus</p> |
| Access Improvements | |
| <p>Site design for new development is configured in such a way as to allow future businesses and site occupants shared access to roads within or contiguous to the development site.</p> | <p>100% Density Bonus 100% Height Bonus 100% Impervious Surface Coverage Bonus</p> |
| <p>Shared access driveway is provided and designed to serve two or more development sites (one may be a future site), a joint tenant building is provided on a site, or the project is located within a multi-tenant commercial center.</p> | <p>50% Density Bonus 50% Height Bonus 50% Impervious Surface Coverage Bonus</p> |
| <p>Shared parking is provided that serves two or more tenants. No additional parking outside of the shared lot(s) may be provided. Shared parking lots shall be located within a 1,200 foot radius of the front door of the building. Number of parking stalls is no more than 50% greater than minimum requirement in Bremerton Municipal Code Chapter 20.48.</p> | <p>50% Density Bonus 100% Height Bonus 100% Impervious Surface Coverage Bonus</p> |
| <p>Shared or consolidated loading areas are provided in a central service court or other location that is screened from public view.</p> | <p>25% Density Bonus 25% Height Bonus 25% Impervious Surface Coverage Bonus</p> |

Table 17.400.080.(C)D – Summary of Development Standards Eligible for Bonus by Zone

| Height, Bulk, and Impervious Surface Standards | Low Intensity Commercial | Urban Restricted |
|-------------------------------------------------------------------------------------|--------------------------|------------------|
| Density, Minimum, in units per net acre | 0 | 1 |
| Density, Base, in units per gross acre | 20 | 5 |
| 25% of bonus | 22.5 | 6.25 |
| 50% of bonus | 25 | 7.5 |
| 100% of bonus | 30 | 10 |
| Density, Maximum, in units per gross acre, subject to incentives | 30 | 10 |
| Height, Base, in feet | 25 | 35 |
| 25% of bonus | 30 | NA |
| 50% of bonus | 35 | NA |
| 100% of bonus | 45 | NA |
| Height, Maximum, in feet, subject to incentives | 45 | NA |
| Impervious Surface Coverage, Standard Maximum, in percent of lot area | 35 | 45 |
| 25% of bonus | 38.75 | 47.5 |
| 50% of bonus | 42.5 | 50 |
| 100% of bonus | 50 | 55 |
| Impervious Surface Coverage, Maximum, in percent of lot area, subject to incentives | 50 | 55 |

EE. Design Guidelines. The design guidelines outlined in Chapter 10 of the Gorst Subarea Plan are hereby adopted by reference.

Section 38. Kitsap County Code Section 17.420.060, last amended by Ordinance 538-2016, is amended as follows:

17.420.060 Footnotes for tables.

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 Greenbelt (GB) 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 hard surface for lot area or more than the total existing impervious hard 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 17.130.030 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.

i. Minimum lot size: twenty-one thousand seven hundred eighty square feet.

ii. Minimum lot width: one hundred feet.

iii. Minimum lot depth: one hundred feet.

b. Setbacks.

i. Front: twenty feet.

ii. Side: five feet.

iii. 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 for buildings and new vegetation 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. Kitsap County will not enforce vegetation height standards. 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 or have new vegetation 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 Stormwater 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 NC, and P zones: forty-five feet.
- b. In the UH and C zones: sixty-five feet.
- c. In the UM, BR, BC, and IND zones: fifty-five feet.
- d. Height and density requirements for Urban High and Regional Center reflected in Table 17.420.050D Silverdale Regional Center and Design District Density and Dimension Table,

18. The minimum and maximum densities within the range are based upon the 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.

19. RESERVED.

20. RESERVED.

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 matures.

25. For new building permit applications on vacant lots over 18,000 square feet located in Urban Low Residential (ULR) and Urban Cluster Residential (UCR) zones, the maximum lot size shall not exceed 9,000 square feet, provided however, that this restriction shall not apply if it conflicts with a condition imposed through subdivision approval.

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 17.470.020.
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. Except for the height and density requirements reflected in Table 17.420.050D Regional Center and Design District Density and Dimension Table, 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. RESERVED.
36. For standards applicable to master planned industrial developments and approved industrial parks, see Sections 17.320.030 and 17.330.030.
37. 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.
39. Reserved.
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 for dwellings:

- 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 ten 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 KVLR zone may be increased to three units per acre through a performance-based development (PBD) process pursuant to the regulations cited in Section

17.360 A.090(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. Kitsap County will not enforce vegetation height standards.

51. RESERVED.

52. No motor vehicle parking allowed within the front yard setback. See also Section 17.400.060 regarding conditions under which maximum setbacks may increase, as well as parking location standards.

53. Within the Gorst urban growth area, density, impervious surface coverage, and height may be increased to the maximum listed in the density and dimensions table through compliance with the incentive program described in Section 17.400.080(B).

54. Standard listed applicable to Gorst UGA only.

55. Parcels located within the Silverdale Regional Center shall refer to the design standards identified in Table 17.420.090 Silverdale Regional Center and Design District Density and Dimension Table.

56. Height and density may be increased through Chapter 17.450 Performance Based Development or if a project qualifies as mixed use development and meets modification or waiver request criteria as identified in 17.420.035 'Additional mixed use development standards'.

57. Mixed use projects are not required to meet the minimum density requirements.

Section 39. Kitsap County Code Section 17.450.040, last amended by Ordinance 534-2016, is amended as follows:

17.450.040 Standards and requirements – Residential

A. Access, Parking and Circulation.

1. General. The PBD shall have adequate pedestrian and vehicle access and parking commensurate with the location, size, density and intensity of the proposed development. Vehicle access shall not be unduly detrimental to adjacent areas and shall take into consideration the anticipated traffic which the development may generate.

2. Streets. Provide adequate road access, connected road network, safe pedestrian access, and emergency vehicle access.

3. Parking. The number of vehicular parking spaces shall be provided in accordance with Section 17.490.030. Vehicular parking may be provided either on street or off street within the PBD, provided the total number of available spaces is at least equal to the parking requirements specified in the parking and loading requirements.

4. Pedestrian Circulation. Adequate pedestrian circulation facilities shall be provided. These facilities shall be durable, serviceable, safe, convenient to the buildings and separated by curb or other means from the vehicle traffic facilities.

B. Common Open Space. No open area may be accepted as common open space within a performance based development, unless it meets the following requirements:

1. The location, shape, size, and character of the common open space is suitable for the performance based development, however in no case shall the common open space be less than fifteen percent of the gross acreage of the subject property(s). No area shall be calculated as common open space if less than five hundred square feet in size, except if the area provides a reasonable functional or aesthetic benefit to the residents of the PBD;

2. The common open space is suitable for use as an amenity or recreational purpose,

provided the use authorized is appropriate to the scale and character of the planned density, topography, and the number and type of dwellings provided;

3. Common open space may be improved for its intended use. Common open space containing critical areas may be enhanced consistent with the requirements of Title 19, Critical Areas Ordinance. Vegetation-based LID BMPs are permitted within common open space areas. The buildings, structures, and improvements to be permitted in the common open space are those appropriate to the uses which are authorized for the common open space; and

4. Land shown in the final development plan as common open space, and the landscaping and/or planting contained therein, shall be permanently maintained by and conveyed to one of the following:

a. An association of owners formed and continued for the purpose of maintaining the common open space. The association shall be created as an association of owners under the laws of the state of Washington and shall adopt articles of incorporation of association and bylaws. The association shall adopt, in a form acceptable to the prosecuting attorney, covenants and restrictions on the open space providing for the continuing care of the area. No common open space may be altered or put to a change in use in a way inconsistent with the final development plan unless the final development plan is first amended. No change of use or alteration shall be considered as a waiver of any covenants limiting the use of the common open space, and all rights to enhance these covenants against any use permitted are expressly reserved;

b. A public agency which agrees to maintain the common open space and any buildings, structures, or other improvements which have been placed on it; or

c. A private nonprofit conservation trust or similar entity with a demonstrated capability to carry out the necessary duties and approved by the county. Said entity shall have the authority and responsibility for the maintenance and protection of the common open space and all improvements located in the open space.

C. Recreational Open Space. All residential PBDs within urban zones shall provide a developed recreational area that meets the following requirements:

1. A contiguous area that is a minimum of five percent of the gross acreage of the subject property(s) (excluding perimeter screening buffers, critical areas and critical area buffers). No area shall be calculated as recreational open space if less than five hundred square feet in size, except if the area provides a reasonable functional or aesthetic benefit to the residents of the PBD. Said area shall meet the following additional requirements:

a. Developed as an open grass field or a natural area (not inside perimeter buffers, critical areas or their buffers);

- b. Owned in common and/or available for use by all residents of the PBD; and
 - c. A provision made by the covenants for perpetual maintenance.
2. A developed active recreation amenity(s) consistent with the number of units/lots contained within the PBD. Amenities shall be provided as follows:
- a. Developments of zero to nineteen lots/units are not required to have such an amenity;
 - b. For developments with greater than nineteen lots or units, one amenity shall be provided for every twenty lots/units within the development. Required amenities shall be sized to accommodate three hundred ninety square feet per lot/unit;
 - c. Amenities shall be centrally located within the development in clearly visible areas on property suitable for such development. Amenities may be located in other areas of the development if directly linked with a regional trail system or other public park facility;
 - d. Based upon topographical or site design characteristics of the subject property(s), amenities may be combined (while continuing to meet the overall square footage requirements established above) if the combination provides for increased benefit to all residents of the PBD;
 - e. Amenities may be located within, and be calculated towards, the recreational open space area if contiguous;
 - f. An athletic field with a minimum size of one hundred twenty yards long and sixty yards wide or swimming pool shall count as two amenities;
 - g. An equestrian development or similar theme community may be provided in lieu of other amenities;
 - h. Owned in common and available for use by all residents of the PBD;
 - i. The active recreational amenity(s) shall be located on five percent grade or less, except if a greater grade is necessary for the activities common to the amenity, e.g., skate park, trails; and
 - j. Written provisions or agreement for perpetual maintenance by the homeowners' association or a public agency willing to assume ownership and maintenance.
3. In rural zones, common open space shall be no less than fifty percent of the total site area. All open space, other than those areas needed for utilities or other infrastructure, shall be retained in native vegetation unless the PBD specifically provides for an alternative

use. PBDs in rural zones shall be exempt from the requirements for contiguous developed recreation space as contained in subsection (C)(1) of this section, but shall be subject to the active recreational area requirements of subsection (C)(2) of this section.

4. In order to promote creativity and innovation, these standards and criteria may be modified or substituted with other design concepts if so approved by the board of county commissioners.

Section 40. Kitsap County Code Section 17.450.045, last amended by Ordinance 534-2016, is amended as follows:

17.450.045 Standards and requirements – Commercial, industrial and institutional.

A. Access, Parking and Circulation.

1. **General.** The PBD shall have adequate pedestrian and vehicle access and parking commensurate with the location, size, density and intensity of the proposed development. Vehicle access shall not be unduly detrimental to adjacent areas and shall take into consideration the anticipated traffic which the development may generate;

2. **Streets.** Provide adequate road access, connected road network, safe pedestrian access, and emergency vehicle access;

3. **Parking.** The number of vehicular parking spaces shall be provided in accordance with Section 17.490.030. Vehicular parking may be provided either on street or off street within the PBD, provided the total number of available spaces is at least equal to the parking requirements specific in the parking and loading requirements; and

4. **Pedestrian Circulation.** Adequate pedestrian circulation facilities shall be provided. These facilities shall be durable, serviceable, safe, and convenient to the buildings and separated by curb or other means from the vehicle traffic facilities.

B. Common Open Space.

1. Common open space shall be for public use and may include active or passive recreational uses such as trails or pathways, tot lots, plazas, patios or other amenities;

2. Common open space shall be located in a manner suitable for the uses proposed;

3. Each project shall contain a minimum of fifteen percent common open space based upon the gross acreage of the site; and

4. No area shall be calculated as common open space if less than five hundred square feet in size, except if the area provides a reasonable functional or aesthetic benefit to the users of the PBD. Vegetation-based LID BMPs within common open space areas shall not be

deducted from the area calculation of a common open space area. Covered or internal open space areas may be used.

C. Site Design.

1. The project design shall provide a more efficient use of land within the urban areas;
2. Amenities intended for public use shall be coordinated with regional trail, park or other facility plans;
3. Design shall provide innovations to decrease building footprint and other site disturbances; and
4. Design shall include architectural features and other aesthetics to address site impacts.

D. Structure Height.

1. The project shall include the use of topography and other site characteristics to minimize the impacts a proposed increase in height; and
2. The increase in height shall minimize site disturbance necessary to accommodate the proposed use.

Section 41. Kitsap County Code Section 17.470.080, last amended by Ordinance 534-2016, is amended as follows:

17.470.080 Landscape design.

A. Requirement. In addition to the requirements in Chapter 17.500 of this Zoning Code, landscaping and supporting elements (such as trellises, planters, site furniture or similar features) shall be appropriately incorporated into the project design.

B. Guidelines.

1. Minimize tree removal and incorporate larger caliper trees to obtain the immediate impact of more mature trees when the project is completed.
2. Provide frameworks such as trellises or arbors for plants to grow on.
3. Incorporate planter guards or low planter walls as part of the architecture.
4. Landscape the open areas created by building modulation.
5. Incorporate upper story planter boxes or roof plants.

6. Retain natural greenbelt vegetation that contributes to greenbelt preservation.
7. On streets with uniform planting of street trees and/or distinctive species, plant street trees that match the street tree spacing and/or species.
8. Use plants that require low amounts of water, including native drought-resistant species, and require low amounts of chemicals and fertilizers.
9. Incorporate vegetation-based LID BMPs.

Section 42. Kitsap County Code Section 17.480.050, last amended by Ordinance 534-2016, is amended as follows:

17.480.050 Site design and orientation – Pedestrian/sidewalk orientation.

A. Requirement. Create an interesting street that is visually attractive, and easy to use for pedestrians who will live, work or shop in the area.

B. Guideline.

1. Orientation.

a. Store fronts should face the core area, center park, and/or sidewalk of the streets on the site (UVC).

b. Buildings fronting on a center park, green or plaza should be at least two stories high (UVC).

c. Corner lots at major street entry points or Village Center areas should be occupied by buildings or structures designed to emphasize their prominent location (UVC).

d. Locate service and delivery away from the main streets where possible, using alleys or side streets where possible (UVC).

e. Site design should accommodate transit on transit routes:

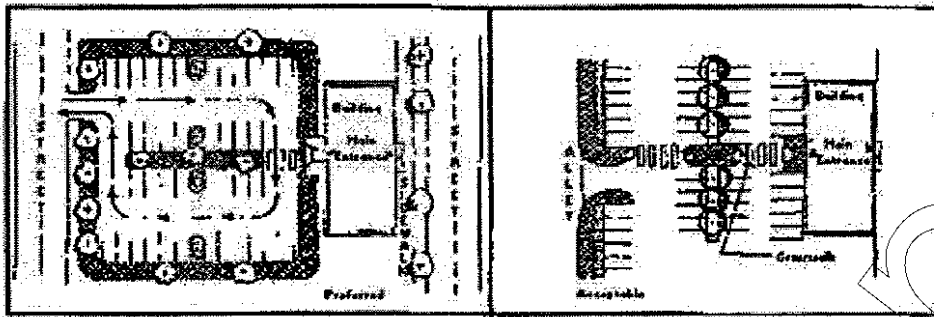
i. Bordering the site, and

ii. Within a core area that may have transit service (UVC).

2. Enhanced Pedestrian Access.

a. Direct pedestrian access should be provided from sidewalks and parking lots to building entrances, bus stops, and adjacent buildings. Where practical and consistent with the other provisions of the zone, parking isles should be aligned perpendicular to the building, and

pedestrian access should be separate from vehicular travel lanes (UVC).



Parking isles perpendicular to a building entrance are preferred to allow easy and safe connection to building entrances. A convenient pedestrian walkway should be provided between a sidewalk and the building entrance where a sidewalk is separated by a parking lot.

b. Where a parking lot separates a building entrance from a sidewalk in the rights-of-way, a pedestrian walkway at least six feet in width should be provided connecting the street, the sidewalk and the building entrance. Such crossings should be clearly marked (UVC).

c. Define walkways with vertical plants (such as trees or shrubs) and lighting (UVC).

d. Street lights, utility poles, benches, trees, trash receptacles and similar streetscape fixtures should, to the greatest extent practical, be situated so that sidewalks in the rights-of-way have a passable width of at least five feet (UVC).

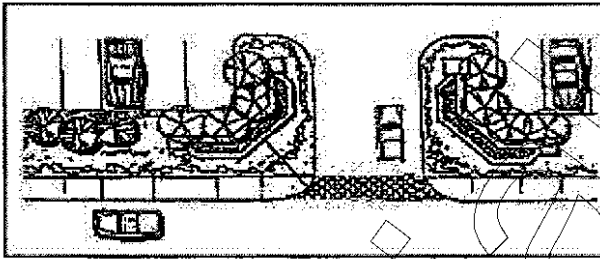
e. A walkway or shared bike/pedestrian network should be provided throughout the site that interconnects all dwelling units with other units, nonresidential uses, and common open space. Bike and pedestrian ways should be part of the street and alley network, but additional connections may be provided (UVC). Bike and pedestrian ways shall be designed in accordance with the Kitsap County Road Standards and shall evaluate the use of permeable pavements.

3. Enhanced Pedestrian Amenity. Walkway materials and patterns and pedestrian amenities such as benches, shelters, trash receptacles, street trees, pedestrian lighting, and drinking fountains should be coordinated to provide some uniformity of design throughout the site. Such improvements should comply with any applicable, adopted streetscape plan and should be incorporated into the Village (UVC).

4. Possible amenities include:

a. Walls and planters that can be used for seating (UVC);

- b. Seating in a variety of locations such as places that are sunny, sheltered from the rain and wind, or shaded in the summer (UVC);
 - c. Fountains or sculpture incorporated into small under-utilized areas (UVC);
 - d. Seating that allows users to observe the activities of the street or enjoy a scenic view (UVC);
 - e. Plazas and courtyards with fountains, sculpture, mobiles, flower boxes, kiosks, banners, etc. (UVC);
 - f. Street vendor stations where allowed (UVC); and bike racks (UVC).
5. Add Character and Visual Diversity to Walkways.
- a. Use a change in color and materials such as pavers, brick, stone, and exposed aggregate set in patterns to add interest and variety to walking surface (UVC).



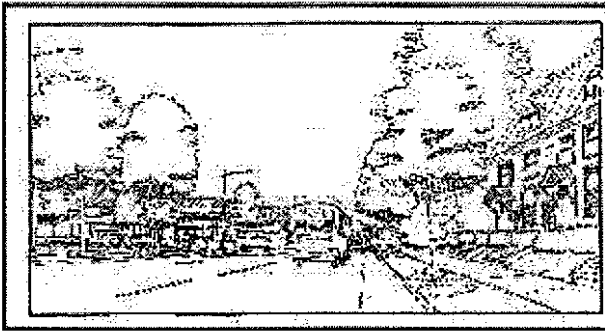
Pavers can be used to clearly identify pedestrian areas.

- b. Identify street crossings through changes in color, materials, or patterns (UVC).
 - c. Separate the pedestrian from the street by placing planters, street trees and planter strips, bollards, or similar elements at the street edge of the sidewalk (UVC).
 - i. Planter strips shall include vegetation-based LID BMPs wherever feasible.
 - d. Encourage the use of alleys by pedestrians by providing alleys with lighting, plantings, and paving materials in areas of the site where the alley is or may be used as a pedestrian link (UVC).
6. On-Site Parking.
- a. Parking shall be located on the side or behind the buildings, because the goal is to have buildings as the dominant feature on corner lots (UVC).

- b. Off-street parking should have access from alleys or from streets at locations that do not conflict with pedestrian circulation in the center park or main street (UVC).
- c. Minimize the apparent width of parking lots that are located adjacent to the street through landscaping and screening (UVC).
- d. Limit parking lots to thirty percent of the street frontage of the property. Exceptions may be considered for grocery store parking lots. An exempted grocery store parking lot should not face a center park or plaza (UVC).
- e. Maintain the building line by screening parking lots that abut the street. Hedges, fences, raised planters, and low walls combined with plantings are possible solutions, as long as they do not obscure vehicular sight lines necessary for safety. Also consider extending the facade of a building with parking located behind it (UVC).
- f. Where parking structures or covered parking faces the street, at least sixty percent of the parking structure facing the street between two and eight feet above the sidewalk should incorporate at least one of the following treatments where pedestrian-oriented businesses are located along the facade of the structure (UVC):
 - i. Transparent windows (with clear or lightly tinted glass);
 - ii. Display windows;
 - iii. Decorative metal grille work or similar detailing that provides texture and covers parking structure openings (not including entrances and exits);
 - iv. Art or architectural treatment such as sculpture, mosaic, glass block, opaque art glass, relief art work, or similar features; or
- g. Vehicle entries to garages should be recessed at least six feet from the primary facade plane in order to minimize their prominence.
- 7. Lighting. To accent structures, conserve energy and provide visibility and security with lighting, consider the following (UVC):
 - a. Use lighting to accent key architectural elements or to emphasize landscape features (UVC);
 - b. Provide well-lighted pedestrian sidewalks and alleys in accordance with adopted County standards (UVC);
 - c. Locate lighting so as not to have a negative impact on adjacent properties such as shining off site into adjacent buildings (UVC); and

d. Decorative street lights should be placed at regular intervals throughout the development (UVC).

8. Physical Context. Conform floor elevations to sidewalk grades where possible, except for residential units where first floors may be elevated two to four feet above grade to provide privacy (UVC).



Entries to residential units with small setbacks are raised two to four feet above the sidewalk grade to provide privacy for residents.

9. Consolidation.

a. Consider using common wall side-by-side development with continuity of facades (as allowed by Chapter 17.420 Density, Dimensions, and Design (UVC)).

b. Consolidate required parking for several businesses within one parking lot, wherever possible (UVC).

10. Buildings internal to a Village Center shall generally face and be located on pedestrian streets. This will allow entries, display windows, and building facades to create a continuous row of storefronts and residences.

11. Parking shall be clustered and/or located on the side or behind buildings and be designed in a way that gives pedestrians access to building entrances that are as direct as possible (UVC). Exceptions to building and parking orientation may be made for grocery stores. The orientation and facade of a building adjacent to an arterial or major collector shall be designed to enhance the adjacent neighborhood.

12. Buildings and parking lots located adjacent to an arterial or major collector on the edge of a village or center shall be designed and oriented to:

a. Maximize the presence and prominence of the building on village corners and at gateways; and

- b. Minimize the presence and prominence of parking lots.

Where a building entry faces a parking lot, pedestrian linkages to the internal street network must be as pleasant, visible, well lit, and direct as possible (UVC).

Section 43. Kitsap County Code Section 17.490.010, last amended by Ordinance 534-2016, is amended as follows:

17.490.010 Off-street parking requirements.

The following requirements shall be used as guidelines when determining permit application requirements and, subject to code within this chapter, may be reasonably increased or decreased by the department depending on the specific need or use, ~~while taking into consideration~~ trip demand reduction programs and the availability of public transit may also be considered in decreasing parking requirements. Off-street parking spaces shall otherwise be provided and maintained as set forth in this ~~section~~ chapter for all uses in all zones. Any fractional parking space shall be rounded up to the nearest whole number. Such off-street parking spaces shall be provided at the time:

- A. A building is hereafter erected or enlarged;
- B. The use of a building existing on the effective date of this title is changed and/or the building enlarged, parking spaces shall be provided in proportion to the increase only, provided the increase is less than fifty percent. If the increase exceeds fifty percent, parking shall be provided for the entire structure in accordance with the requirements of this section.
- C. Refer to KCC Chapter 17.700 "Appendix A – Parking Lots: Street Trees, Landscaping, Design" for graphical assistance.

Section 44. Kitsap County Code Section 17.490.020, last amended by Ordinance 534-2016, is amended as follows:

17.490.020 General provisions.

- A. Parking analyses shall be provided for all proposed uses as outlined on relevant permit application checklists.
- B. More Than One Use on One or More Parcels. In the event several uses occupy a single structure or parcel of land, the total requirements for off-street parking shall be the sum of the requirements of the several uses computed separately. If the director finds that a portion of the floor area, not less than a contiguous one hundred square feet in a retail store will be used exclusively for storage of merchandise which is not being displayed for sale, he may deduct such space in computing parking requirements, but the owners shall not thereafter use the space for any other purpose without furnishing additional off-street

parking as required by Section 17.490.030.

CB. Joint Use of Facilities. The off-street parking requirements of two or more uses, structures, or parcels of land may be satisfied by the same parking or loading space used jointly, if approved by the director, to the extent that it can be shown by the owners or operators of the uses, structures, or parcels that their operations and parking needs do not overlap in point of time. If the uses, structures, or parcels are under separate ownership, the right to joint use of the parking space must be evidenced by a deed, lease, contract, or other appropriate written document to establish the joint use.

CD. Location of Parking Facilities. Off-street parking spaces for dwellings shall be located on the same lot with the dwelling. Other required parking spaces shall be located on the same parcel or on another parcel not farther than three hundred feet from the building or use they are intended to serve, measured in a straight line from the building. The burden of proving the existence of such off-premises parking arrangements rests upon the person who has the responsibility of providing parking.

ED. Use of Parking Facilities. Required parking space shall be available for the parking of operable passenger automobiles of residents, customers, patrons, and employees only, and shall not be used for the storage of vehicles or materials, or for the parking of trucks used in conducting the business or use.

FE. Parking in Required Front, Side, Rear Yards or Setbacks. Unless otherwise provided, required parking and loading spaces shall not be located in a required yard or setback, except for development of single-family dwellings or duplexes. Automobile sales may be allowed in no more than 25% of the front yard setback, as shown on an approved site plan.

G. Off-site Employee Parking. Off-site employee parking may be used to reduce the number of on-site parking spaces. Off-site parking for employees shall be evidenced by a deed, lease, contract or other appropriate written document.

HF. Development of and Maintenance Standards for Off-Street Parking Areas. In addition to requirements of KCC 17.490, 17.500 and the Kitsap Stormwater Design Manual, every parcel of land hereafter used as a public or private parking area, including commercial parking lots, shall be developed as follows:

1. An off-street parking area for more than five vehicles shall be effectively screened by a sight-obscuring fence, hedge, or planting, on each side that adjoins property situated in any urban low residential (UL) zone, or the premises of any school or like institution;
2. Lighting shall be directed away from adjoining properties. Not more than one foot candle of illumination shall leave the property boundaries; Any lighting used to illuminate the off-street parking areas that exceeds one foot candle at the property line shall be so arranged that it will not project light rays directly upon any adjoining property in any zone;

3. Except for single-family and duplex dwellings, groups of more than two parking spaces shall be so located and served by a driveway that their use will require no backing movements or other maneuvering within a street or right-of-way other than an alley;

4. Areas used for standing and maneuvering of vehicles shall have durable and dustless surfaces maintained adequately for all weather use, and so drained as to avoid flow of water across sidewalks;

5. Except for parking to serve residential uses, parking and loading areas adjacent to or within residential zones or adjacent to residential uses shall be designed to minimize disturbance of residents;

~~6. Access aisles shall be of sufficient width for all vehicular turning and maneuvering;~~

~~76.~~ Service drives to off-street parking areas shall be designed and constructed to facilitate the flow of traffic, to provide maximum safety of traffic ingress and egress, and to provide maximum safety of pedestrians and vehicular traffic on the site. The number of service drives shall be limited to the minimum that will allow the property to accommodate and service the traffic to be anticipated. Service drives shall be clearly and permanently marked and defined through the use of rails, fences, walls, or other barriers or markers on frontage not occupied by service drives. Service drives to drive-in establishments shall be designed to avoid backing movements or other maneuvering within a street, other than an alley;

~~87.~~ Service drives shall have a minimum vision clearance area formed by the intersection of the driveway centerline, the street right-of-way line, and a straight line joining said lines through points twenty feet from their intersection;

~~98.~~ Parking spaces along the outer boundaries of a parking area shall be contained by a curb or bumper rail so placed to prevent a motor vehicle from extending over an adjacent property line, pedestrian walkway, or a street; and

~~109.~~ When the parking standards require ten or more parking spaces, up to ~~twenty-~~fifty percent of these may be compact car spaces, as identified in Section 17.490.040. Compact spaces shall be clearly labeled on the parking space.

~~1110.~~ Parking for bicycles should be provided at a ratio of one space per ten vehicle spaces, and shall be required at a ratio of one space per 20 vehicle spaces. Bicycle facilities shall be adjacent to buildings and protected from weather.

Section 45. Kitsap County Code Section 17.490.030, last amended by Ordinance 534-2016, is amended as follows:

17.490.030 Number of spaces required.

Off-street parking spaces shall be provided as follows:

| Land Use | Minimum Parking Spaces Required |
|---------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Residential | |
| Single-Family (attached or detached) | <p>During subdivision, 2 per unit + 0.5 per unit on street or set aside; <u>for historical lots or lots with no standing requirement, 3 per unit.</u></p> <p>1 additional space for accessory dwelling units or accessory living quarters.</p> <p>Garages are not calculated towards this <u>any</u> parking requirement.</p> |
| Multi-Family (Condos/Townhouses/Apartments) | 1.5 per unit + 0.5 per unit on street or set aside |
| Senior Housing | 0.5 per unit; 1 per <u>on-duty</u> employee |
| Institutional/Educational/Other | |
| Bed and Breakfast | 1 per sleeping unit |
| Motels and Hotels | 1 per bedroom; and spaces to meet the combined requirements of the uses being conducted such as hotel, restaurants, auditoriums, etc. |
| Club/Lodges | Spaces to meet the combined requirements of the uses being conducted such as hotel, restaurants, auditoriums, etc. |
| Hospitals and Institutions | 1 per bed; 1 per 2 employees; 1 per 2 guests |
| Places of Worship | 1 per 4 seats or 8 feet of bench length in the main auditorium |
| Library and Gallery | 1 per 250 gross square feet |
| Preschool-Kindergarten | 1 per <u>employee</u> ; <u>1 per 6 children</u> 3 children |

| Land Use | Minimum Parking Spaces Required |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Elementary/Middle or Junior High School | 1 per employee; 2 per classroom |
| High School | 1 per employee and teacher; 1 per 10 students |
| Colleges, Technical School | 1 per 3 seats in classroom; 1 per employee and teacher |
| Stadium, Arena, Theater | 1 per 4 seats or 8 feet of bench length in the main auditorium |
| Bowling Alley | 6 per alley |
| Dance Hall, Skating Rink | 1 per 200 gross square feet |
| Self Storage | 1 per 3,000 gross square feet |
| Espresso Stands | 1 employee parking space per 75 square feet |
| Commercial/Retail/Office | |
| Restaurants/Bars/Taverns | If under 5,000 square feet of gross floor area – 1 per 200 square feet of gross floor area; If 5,000 or more square feet of gross floor area – 20 plus 1 per each additional 200 square feet of gross floor |
| Retail stores generating relatively little automobile traffic (e.g., appliance, furniture, hardware and repair stores) | 1 per 400 square feet of gross floor area |
| Retail and personal service establishments generating heavy automobile traffic (e.g., department, drug, and auto parts stores, supermarkets, ice cream parlors, bakeries and beauty and barber shops) | 1 per 200 square feet of gross floor area |
| <u>Espresso Stands, Drive-In, and Fast Food Restaurants</u> | 1 per 80 square feet of gross floor area |
| Professional Office | 1 per 300 square feet of gross floor area |
| <u>Physical Fitness Clubs/Gyms</u> | <u>1 per 200 square feet of gross floor area</u> |
| Shops and stores for sales, service or repair of automobile, machinery and plumbing, heating, electrical and building supplies | 1 per 600 square feet of gross floor area |
| Mortuaries, Funeral Homes, Crematories | 1 per 75 square feet of assembly |

| Land Use | Minimum Parking Spaces Required |
|----------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------|
| | area |
| Medical and Dental Office or Clinic | 1 per 200 square feet of gross floor area |
| Medical and Dental Office or Clinic | 1 per 200 square feet of gross floor area |
| Bank, Financial Institutions | 1 per 400 square feet of gross floor area |
| Industrial | |
| Marinas and Moorage Facilities | 1 per 4 moorage slips |
| Warehouse, Storage, and Wholesale Facilities | 1 per 2 employees; 1 per company vehicle parked on site at night (if applicable); 1 per 300 square feet of office space |
| Manufacturing, Research, Testing, Processing and Assembly Facilities | 1 per 1,000 square feet |
| Winery/Brewery | 1 per 800 square feet of gross floor area |

A. Relaxation of Required Spaces.

1. The director may authorize a variance reduction up to 25% to the amount of required off-street parking if a project proponent demonstrates that, due to the unusual nature of the proposed use, it is reasonable that the off-street parking required by this section exceeds any likely need, or that trip demand reduction programs or public transit availability serves to further reduce parking demand.

2. An increase over 10% or a reduction greater than 25% from the minimum parking ratio shall be processed pursuant to KCC 17.560.

B. Other Uses.

1. Other uses not specifically listed above shall furnish parking as required by the director. The director shall use the above list as a guide for determining requirements for said other uses.

2. Storage of junk motor vehicles is subject to the provisions of Section 17.410.060.B.6 and 9.56.070.

Section 46. Kitsap County Code Section 17.490.040, last amended by Ordinance 534-2016, is

amended as follows:

17.490.040 Off-street parking lot design.

Parking spaces shall be a minimum of nine feet in width and twenty feet in length, provided, there shall be six feet between parallel parking spaces for maneuvering and, provided further, where ten or more spaces are required twenty five percent may be eight feet in width and eighteen feet in length if designated for compact cars.

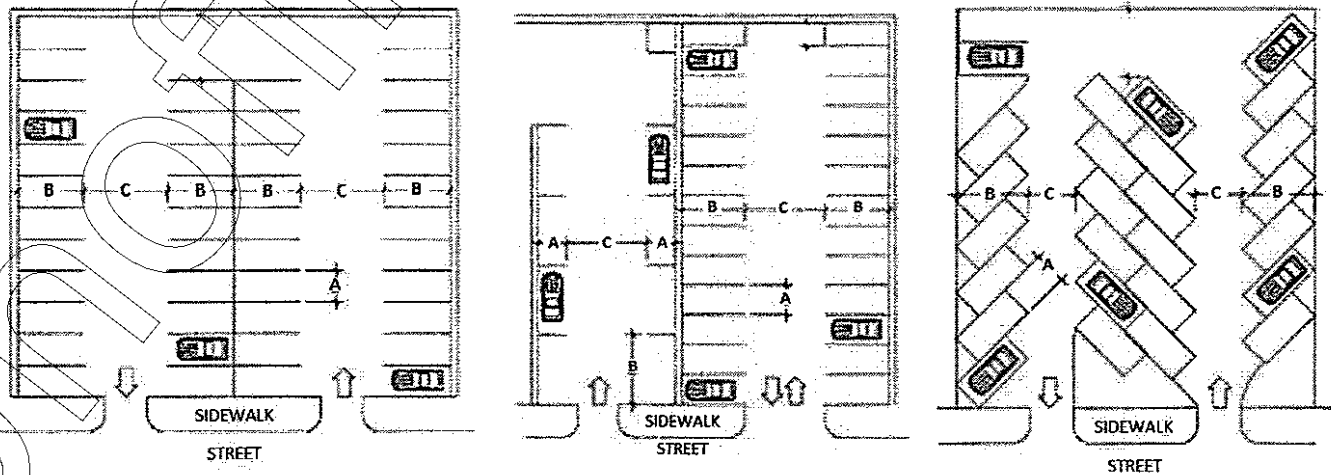
A. Permeable Pavement and Parking Dimensions. Use of permeable pavement shall be evaluated and used unless determined by the County to be infeasible in accordance with the Kitsap Stormwater Design Manual. Design and construction shall be done in accordance with the Kitsap Stormwater Design Manual. Each parking space and parking lot aisle shall comply with the minimum dimension requirements in Table 17.490.040 and further displayed in Figure 17.490.040.

Table 17.490.040 Parking Lot Space and Aisle Dimensions

| Parking Stall Type | Minimum Stall Dimensions | | Minimum Width for Drive Aisle with Parking(C) | |
|----------------------------------|--------------------------|-----------|-----------------------------------------------|---------|
| | Width(A) | Length(B) | One-Way | Two-Way |
| Standard parallel | 8 feet* | 23 feet | 12 feet | 20 feet |
| Standard 45-degree | 9 feet | 20 feet | 15 feet | 20 feet |
| Standard 60-degree | 9 feet | 20 feet | 18 feet | 20 feet |
| Standard 90-degree | 9 feet | 20 feet | 20 feet | 24 feet |
| Compact – parallel | 8 feet | 16 feet | 12 feet | 20 feet |
| Compact – all degrees and angled | 8 feet | 16 feet | 20 feet | 24 feet |

*for parallel stalls on-street, 8-foot width may include up to 1 foot of gutter width

Figure 17.490.040 Parking Space and Drive Aisle Dimensions



B. Other Requirements. All surface parking lots, excluding underground or above ground parking garages, with more than 14 stalls shall conform to Table 17.490.040.B. Landscaping shall be provided in the required front, side and rear setback area for surface parking lots and parking garages. One street tree shall be provided at the ends of each row of parking spaces, and a minimum of one street tree shall be provided for each 15 spaces. Parking lots with 100 or more spaces shall provide a landscape strip of street trees every other row between double-loaded rows. This design is encouraged for parking lots with more than 3 double-loaded rows and lots with less than 100 spaces. Shrubs and ground cover shall be required in all landscape areas. Up to 50% of shrubs may be deciduous. Plant size, spacing, and installation standards shall comply with KCC 17.500.

Table 17.490.040.B Required Landscape Area per Parking Space

| <u>Total Number of Parking Spaces</u> | <u>Minimum Required Landscape Area</u> |
|---------------------------------------|-----------------------------------------|
| <u>15 to 50</u> | <u>15 square feet per parking space</u> |
| <u>51 to 99</u> | <u>25 square feet per parking space</u> |
| <u>100 or more</u> | <u>35 square feet per parking space</u> |

C. Screening Buffer. A screening perimeter buffer shall be provided in compliance with Chapter 17.500.

D. Pedestrian Walkways. Pedestrian walkways shall be provided from the parking lot to building entrances. Parking lots with a landscape strip between double-loaded rows shall provide pedestrian walkways next to the landscape strip leading to building entrances.

E. Refer to Appendix A Parking Lot Design for graphical representation of design elements for this chapter.

Section 47. Kitsap County Code Section 17.490.050, last amended by Ordinance 534-2016, is amended as follows:

17.490.050 Off-street loading.

A. When Required. Off-street loading and unloading spaces shall be required for all commercial, industrial, and multi-family uses having a gross floor area of over four thousand square feet to and which provide or receive from which deliveries or pickups are made by trucks or truck-trailer combinations over thirty-five feet in length more frequently than once per month. Lots less than 10,000 square feet may share required off-street loading areas with adjacent properties, so long as there are no on-site alternatives, loading areas are consistent with dimensional requirements of KCC 17.490.050.B, and there is a written agreement between the property owners. Loading areas may share designated parking spaces, so long as loading/unloading occurs when the use is closed for business and during which time parking is not needed or used.

B. Design Requirements. Loading and unloading spaces shall be minimum forty-five feet in length, ten feet in width and provide for clearance of fifteen feet. Adequate access shall be

provided to each space. Except as noted above, nNo area required for off-street parking may be used as a loading or unloading space.

C. Number of Spaces Required. The following number of off-street loading and unloading spaces is required:

| Gross Square Feet Floor Area | Required Number of Spaces |
|-------------------------------------------------|---------------------------|
| 4,000 – 9,999 | 1 |
| 10,000 – 24,999 | 2 |
| 25,000 – 99,999 | 3 |
| 100,000 – 200 000 | 4 |
| Additional 50,000 <u>over</u> <u>200,000</u> | 1 |

Section 48. Kitsap County Code Section 17.490.060, last amended by Ordinance 534-2016, is amended as follows:

17.490.060 Handicapped parking.

Off-street parking and access for physically disabled persons shall be provided in accordance with the regulations of the Americans with Disabilities Act (ADA) and Title 14 of this Kitsap County Ceode.

Section 49. Kitsap County Code Section 17.500.010, last amended by Ordinance 534-2016, is amended as follows:

17.500.010 Purpose.

This section shall establish landscaping standards for all development subject to the requirements for permitted, conditional use or performance based development, as well as landscaping standards for vegetation-based Low Impact Development (LID) Best Management Practices (BMPs). Single-family lots shall be exempt, except that landscaping required in Kitsap County Code shall be installed to specifications contained herein. Single-family plats shall be exempt, except that landscaping required as a condition of plat approval shall be installed to specifications contained herein.

Refer to KCC Chapter 17.700 "Appendix A – Parking Lots: Street Trees, Landscaping, Design" for graphical assistance.

Section 50. Kitsap County Code Section 17.500.020, last amended by Ordinance 534-2016, is amended as follows:

17.500.020 Landscape plans.

Landscape plans required for an application shall be prepared as set forth in this section.

A. Landscape plans ~~are to~~ shall be neatly and accurately ~~drawn,~~ prepared at a scale that will enable ready identification and recognition of information presented.

B. The landscape plan shall show all existing landscaping to remain and be labeled accordingly.

C. The landscape plan shall show existing vegetation to remain, including but not limited to mature trees, and be labeled accordingly. Site assessment of existing vegetation shall be performed in conformance with the Kitsap County Stormwater Design Manual.

~~BD.~~ The landscape plan shall show how all disturbed areas are to be replanted, ~~(where landscaping is required),~~ including the location and variety of all trees, shrubs and ground cover.

~~CE.~~ The plan shall be accompanied by a plant schedule (list of plant materials used) which depicts the botanical name, common name, size at installation and spacing between individual plants shown on the plan.

~~DF.~~ All plans shall include the following notations:

1. Plant quantities ~~are to~~ shall be determined by required spacing.
2. All planting beds ~~are to~~ shall receive ground cover throughout except as noted.
3. All planting beds shall receive a minimum of 2 inches bark mulch.

~~EG.~~ The landscape plan shall depict areas to be retained in natural vegetation and marked with the words "Native Growth Protection Easement, Existing Native Vegetation to Remain" and refer to the following notation, which is to be included on the landscape and site plans, or in the case of subdivisions, the final plat document.

The "Native Growth Protection Easement Note" is intended to protect a sensitive area or provide and preserve a vegetated buffer by means of restricting activities ~~that which~~ affect the vegetation existing in that area. The ~~easement corridor~~ shall be maintained to exclude nonnative invasive species. The statement, "Existing Native Vegetation to Remain" is intended to differentiate between native vegetation and naturalized, non-native vegetation ~~that which~~ naturally occurs through reseeding. Native vegetation is that which has existed in the region and was not introduced to the area by people. Examples include; Douglas fir, Salal and Alder. Naturalized vegetation is a species that was introduced to the area and has spread to the extent that it occurs and propagates itself without being directly planted by people. Examples include: Scotch Broom, Himalaya Blackberry and Purple Loosestrife.

H. The landscape plan shall show buildings and structures, existing and proposed.

I. The landscape plan shall show all existing and proposed access points.

J. The landscape plan shall show all existing and proposed parking spaces and spaces shall be consecutively numbered.

K. A schematic irrigation plan shall be provided showing irrigation zones and proposed irrigation methods within each zone.

L. Irrigation requirements for drought tolerant (xeriscape) landscaping shall be as set forth in KCC 17.500.040.

Section 51. Kitsap County Code Section 17.500.025, last amended by Ordinance 216-1998, is amended as follows:

17.500.025 General Landscaping requirements.

In all cases where landscaping is required, a minimum of fifteen percent of the total site area shall be landscaped to the standards set forth in Chapter 17.500.

Section 52. Kitsap County Code Section 17.500.027, last amended by Ordinance 534-2016, is amended as follows:

17.500.027 Buffer types – When required.

The director may require different buffer types depending on the proposed use of the site and adjacent zones and/or uses. Vegetation-based LID BMPs may be utilized within buffers as long as the primary purpose of the landscaping or screening buffer is not compromised. These types of buffers shall include:

A. Landscaping Partial Screening Buffer. This type of landscaping is intended to provide partial visual separation of uses from streets and between compatible uses in order to soften the appearance of parking areas and building elevations.

1. Road-side and setback area buffer. Required along existing or planned roads and side and rear property lines within urban growth areas. The planting area shall encompass the required front setback area, and areas adjacent to side and rear property lines and consist of:

- a. Evergreen and/or deciduous trees;
- b. Evergreen shrubs planted to screen parking areas, in an amount and configuration to screen parked cars;
- c. Ground covers as required;

d. ~~Bioswales~~ Bioretention and other drainage features ~~are allowed~~, only when in a configuration that preserves the integrity of the roadside and setback area planting; and

e. ~~Retention of natural~~ Existing vegetation, where feasible and appropriate.

2. Separation Buffer. This type of landscaping is intended to create a visual separation that may be less than one hundred percent sight-obscuring between compatible land uses or zones.

Required along the perimeters of multi-family residential, commercial, industrial and public facility development which abut like zones or uses and consist of: Required along the perimeters of multi-family residential (ten dwelling units an acre or more), commercial, and industrial/business center development which abut like zones or uses. Installation shall vary in numbers and types of vegetation and structures depending on the proposed use and surrounding zones. Trees, shrubs, ground covers and/or fencing are to be provided as required.

a. Evergreen trees or a combination of approximately sixty percent evergreen and forty percent deciduous trees;

b. Large shrubs planted between trees;

c. Ground covers as required.

d. A sight-obscuring fence may be required, if determined necessary by the department, to reduce site-specific adverse impacts to adjacent land uses.

B. Solid Screening Buffer. This type of landscaping is intended to provide a solid sight barrier between totally separate and incompatible land uses such as residential and commercial or industrial uses. It is also intended to provide a sight barrier around outdoor storage yards, service yards, trash receptacles, mechanical and electrical equipment, etc.

1. Required along the perimeters of multi-family residential, commercial, industrial, and public facility development, which abut different uses and/or zones. The buffer shall provide one hundred percent sight-obscuring screening between different uses or zones and shall consist of: Required along the perimeters of multi-family residential (ten dwelling units an acre or more), commercial, and industrial/business center development abutting different uses and/or zones. The buffer shall provide sight-obscuring screening between different uses or zones and shall consist of:

a. ~~Two~~ Three offset rows of evergreen trees planted ten feet on center, and ground cover; or

b. A six-foot screening fence and ~~a single row~~ two offset rows of evergreen trees planted ten

feet on center, and ground cover.

2. Required for residential subdivisions, ~~or commercial, industrial, or public facility~~ development abutting a rural zone, a buffer of twenty-five to fifty feet of sight-obscuring, screening vegetation shall be provided. The director may modify this requirement after evaluating the effects of wind-throw or other safety concerns. In the event that the buffer will only contain high-branching trees which allow visibility through the buffer, a row of evergreen trees planted ten feet on center may be required along the highest point of the buffer.

3. Required around the perimeter of storm drainage facilities, with the exception of vegetation-based LID BMPs, to provide sight-obscuring screening from adjacent properties and/or roadways, and consist of:

- a. A row of large shrubs and ground cover; and/or
- b. A row of evergreen trees planted ten feet on center and ground cover; and/or
- c. An evergreen vegetation buffer sufficient to provide screening.
- 4d. ~~Retention Existing~~ of screening vegetation, where feasible and appropriate.

~~5. Other vegetation types and/or configurations that meet the intent of this screening buffer may be approved by the director.~~

4. Required around trash receptacles, mechanical and electrical equipment, and other similar above ground items, and consist of evergreen shrubs adequate to screen a majority of the equipment or item while providing access to the item.

Section 53. Kitsap County Code Section 17.500.030, last amended by Ordinance 534-2016, is amended as follows:

17.500.030 Installation and maintenance.

Installation and maintenance of landscaping of developments shall be in accordance with the American Nursery Landscaping Association standards. Vegetation-based LID BMPs shall be in accordance with the Kitsap County Stormwater Design Manual.

A. Plant materials shall be nursery stock or the equivalent quality and installed to industry standards or better.

B. Landscape plant materials shall be staked to current industry standards or better. Stakes and guy wires shall not interfere with vehicular or pedestrian traffic.

C. Minimum S sizes at installation, except drought-tolerant landscape areas, which shall be subject to the size requirements in Section 17.500.040.

1. Two-inch caliper street trees and other deciduous trees;
2. Eight feet minimum height multi-stemmed trees (e.g., Vine Maple);
3. Six feet minimum height coniferous/evergreen trees;
4. Eighteen to twenty-four inches height for large and medium shrubs (over six feet at maturity);
5. Twelve to eighteen inches minimum height for small shrubs (three to six feet at maturity); and
6. ~~Drought tolerant landscape areas shall be subject to the size requirements in Section 17.500.040.~~

D. Maximum spacing:

1. Street trees and other deciduous trees shall be spaced appropriate to their pattern, generally twenty-five to thirty feet on center for large trees.
2. Coniferous/evergreen trees shall be spaced fifteen feet apart, unless they are within a screening buffer, where the maximum spacing shall be ten feet on center.
3. Large shrubs shall be spaced five feet on center.
4. Medium shrubs shall be spaced four feet on center.
5. Small shrubs shall be spaced three feet on center.

E. ~~Ground covers (bark mulch shall not be considered as ground cover) are shall be~~ required in all planting areas, unless the entire bed is planted with shrubs that branch out so that they cover the surface of the ground. Ground cover shall be planted and spaced in a triangular pattern which shall result in complete coverage in two years. Bark and mulch shall not be considered as ground cover. Spacing shall be no greater than: ~~Spacing shall be as follows:~~

1. One-gallon pots, twenty-four inches on center;
2. Four-inch pots, eighteen inches on center;
3. Two-and-one-quarter-inch pots, twelve inches on center; and
4. Grass and sod areas to be one hundred percent.

F. ~~Vegetative removal in a~~ Native growth protection easements. A site assessment permit shall be required prior to any vegetation removal. Authorized removal shall be as follows: is limited to the following cases:

1. ~~Hand r~~Removal of naturalized species. Vegetation removal of naturalized species shall be by hand. No machinery is ~~to~~ shall be used, except for hand-held implements which that do not disturb the native vegetation or soil.

2. ~~Falling of trees which may present a danger to life or property. Removal of said trees is to be done only with written approval from the county. To solicit said approval, a letter and photograph or detailed plot plan of the area, with all trees to be removed marked on the photo or plan, shall be submitted to the department of community development; and~~

1. ~~Hand removal of naturalized species. No machinery is to be used, except for hand held implements which do not disturb the native vegetation or soil;~~

2. ~~Falling of trees which may present a danger to life or property. Removal of said trees is to be done only with written approval from the county. To solicit said approval, a letter and photograph or detailed plot plan of the area, with all trees to be removed marked on the photo or plan, shall be submitted to the department of community development; and~~

32. Other activities expressly allowed as a condition of approval.

G. Danger Tree Removal. A site assessment permit shall be required prior to any danger tree removal. Removal of any trees shall be authorized by written approval from the county. Removed trees shall be replaced at a ratio of 3:1 (3 new trees for each tree removed) unless otherwise specified in writing.

GH. Slopes in landscape areas shall not exceed 3:1 unless specifically approved by the director. Erosion control netting or alternative procedure may be required for slopes exceeding 3:1.

HI. Automatic irrigation systems shall be required for all landscape areas except for those designed and approved as drought-tolerant plantings. In unique circumstances alternative methods of irrigation may be approved if specifically proposed as part of the landscape plan.

IJ. All planting beds shall receive topsoil or soil amendments as needed to maintain the plants in a thriving condition. Soil amendments for vegetation-based LID BMPs shall comply with the standards set forth in the Kitsap Manual.

JK. All planting beds shall receive a minimum of two inches of bark mulch, or approved substitute.

~~KL.~~ Landscaping required under the provisions of this title shall be maintained in a healthy growing condition. Vegetation shall be maintained in a typical growth pattern and for its intended purpose. Vegetation-based LID BMPs shall be maintained as required by the Kitsap Manual.

~~LM.~~ Landscaping lost due to violations of this title, Title 12, or unforeseen natural events shall be replaced immediately with vegetation that is sufficient in size and spacing as required by this title, or the Kitsap Stormwater Design Manual, whichever is applicable.

~~MN.~~ All landscaping required by this title shall be installed prior to the issuance of any final certificate of occupancy permit or prior to final inspection approval when a site development activity permit is required, unless installation is bonded (or other method), for a period not to exceed six months, in an amount equal to one hundred fifty percent of the cost of material and labor. Fees at the authorized rate shall be assessed for staff to manage the landscape bond.

~~M.~~ All landscaping required by this title shall be installed prior to the issuance of any final certificate of occupancy permit, unless specifically approved by the director and installation is bonded (or other method), for a period not to exceed six months, in an amount equal to one hundred fifty percent of the cost of material and labor.

~~NO.~~ Wetland mitigation plantings ~~are not~~ shall not be considered ~~to be~~ a part of the landscaping requirements.

Section 54. Kitsap County Code Section 17.500.040, last amended by Ordinance 534-2016, is amended as follows:

17.500.040 Drought-tolerant landscaping or xeriscaping.

Drought-tolerant landscaping (xeriscaping) is encouraged as a means of reducing the amount of water use. Xeriscaping reduces maintenance costs by reducing the amount of water used and by avoiding long-term maintenance of an irrigation system. Xeriscaping is especially encouraged on large sites and in those parts of a site separated from public streets and walkways. Drought-tolerant landscaping shall be installed and maintained as set forth in this section.

A. There shall be provisions made for irrigation in the first two years following planting. This may include a temporary sprinkler system, or an approved means of manual irrigation. Manual irrigation methods shall be detailed in a written plan, included as a note on the landscape plan and accompanied by a maintenance bond in an amount determined by the director.

B. Minimum sizes at installation:

1. One-and-one-half-inch caliper deciduous trees;

- 2. Four-foot minimum height multi-stem trees;
 - 3. Four-foot minimum height coniferous/evergreen trees;
 - 4. Twelve inches minimum height for medium and large shrubs; and
 - 5. One-gallon pot size for small shrubs.
- C. Ground cover ~~is~~ shall be required as in Section 17.500.030(E).
- D. All plants selected shall be species generally accepted as drought-tolerant in the industry ~~as drought-tolerant varieties.~~

NEW SECTION Section 55. A new section, 17.500.050 is added to Chapter 17.500 Kitsap County Code, "Landscaping" as follows:

17.500.050 Parking lot landscape and screening.

A. All surface parking lots, excluding underground or above ground parking garages, with more than 14 stalls shall conform to Table 17.500.050.A. Landscaping shall be provided in the required front, side and rear setback area for surface parking lots and parking garages. One street tree shall be provided at the ends of each row of parking spaces. There shall also be a street tree provided for each 15 spaces. Shrubs and ground cover shall be required in all landscape areas. Up to 50% of shrubs may be deciduous.

Table 17.500.050.A Required Landscape Area per Parking Space

| Total Number of Parking Spaces | Minimum Required Landscape Area |
|--------------------------------|----------------------------------|
| 15 to 50 | 15 square feet per parking space |
| 51 to 99 | 25 square feet per parking space |
| 100 or more | 35 square feet per parking space |

B. Landscape Islands—Design.

1. Landscape islands shall be a minimum of one hundred forty-four square feet and no more than five hundred square feet in size. Islands shall be designed so that trees will be planted a minimum of six feet from any hardscape surface. The maximum allowable size of five hundred square feet may be increased to allow for the preservation of existing trees and associated vegetation or to accommodate stormwater treatment/conveyance practices.

2. Islands shall be provided in the following location:

- a. Landscaping islands shall be placed at the end of every parking row with a maximum spacing of at least one island for every 15 parking spaces; and

b. Any remaining required landscaping shall be dispersed throughout the parking lot interior to reduce visual impact.

3. Permanent curbing shall be provided in all landscape areas within or abutting parking areas. Based on appropriate surface water considerations, other structural barriers such as concrete wheel stops may be substituted for curbing.

C. Landscape Islands—Materials.

1. Each planting area must contain at least one tree. Planting areas shall be provided with the maximum number of trees possible given recommended spacing for species type, and the estimated mature size of the tree.

2. No plant material greater than twelve inches in height shall be located within two feet of a curb or other protective barrier in landscape areas adjacent to parking spaces and vehicle use areas.

3. Motor Vehicle Overhang. Parked motor vehicles may overhang landscaped areas up to one foot when wheel stops or curbing are provided. Plants more than twelve inches tall are not allowed within the overhang area.

NEW SECTION Section 56. A new chapter, KCC 17.700 "Appendices" with "Appendix A – Parking Lots: Street Trees, Landscaping, Design" is added to KCC Title 17 "Zoning" as set forth in Attachment 3 hereto.

Section 57. Typographical/Clerical Errors. Should any amendment made to this Ordinance that was passed by the Board during its deliberations be inadvertently left out of the final printed version of the plan, maps, or code, the explicit action of the Board as discussed and passed shall prevail upon subsequent review and verification by the Board, and shall be corrected.

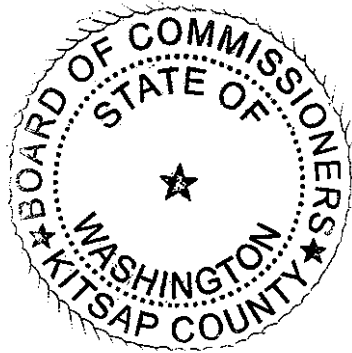
Section 58. Effective Date. This Ordinance shall take effect on December 31, 2016.

Section 59. Severability. If any provision of this Ordinance or its application to any person, entity or circumstance is for any reason held invalid, the remainder of the Ordinance, or the application of the provision to other persons, entities or circumstances is not affected.

Dated this 14th day of November, 2016

BOARD OF COUNTY COMMISSIONERS
KITSAP COUNTY, WASHINGTON

ATTEST:



Edward E. Wolfe
EDWARD E. WOLFE, Chair

Charlotte Garrido
CHARLOTTE GARRIDO, Commissioner

Dana Daniels
Dana Daniels, Clerk of the Board

Robert Gelder
ROBERT GELDER, Commissioner

Approved as to form:

Jessie Nickel
Kitsap County Prosecutor's Office

Unofficial

**KITSAP COUNTY
Title 12
STORMWATER DRAINAGE**

Chapters:

- 12.04 General Provisions**
- 12.08 Definitions**
- 12.10 Permits**
- 12.12 Covenants, Sureties and Liability Insurance**
- 12.14 (Repealed)**
- 12.16 Grading**
- 12.20 Stormwater Management**
- 12.24 Operation and Maintenance**
- 12.30 Illicit Discharge Detection and Elimination**
- 12.32 Enforcement**
- 12.36 Storm Water Management Program**
- 12.40 Storm Water Management Program Rate Structure**

**Chapter 12.04
GENERAL PROVISIONS**

Sections:

- 12.04.010 Declaration of title.**
- 12.04.020 Stormwater management standards and specifications.**
- 12.04.025 Technical deviations and variances.**
- 12.04.030 Applicability.**
- 12.04.040 Applicability of other ordinances and permits.**
- 12.04.050 Administration.**
- 12.04.060 Appeals.**

12.04.010 Declaration of title.

This title shall be known as the "Stormwater Management Ordinance."*

(Ord. 199 (1996) § 1.10, 1996)

* Editor's Note: Chapters 12.04 – 12.32, as adopted by Ordinance 199 (1996), comprise the "Stormwater Management Ordinance."

12.04.020 Stormwater management standards and specifications.

The Kitsap County board of commissioners recognizes that stormwater control technology is a developing and evolving science. In order to ensure that the latest and best technology is utilized in Kitsap County, these regulations include the Kitsap County Stormwater Design Manual (Kitsap Manual) that is incorporated herein by this reference. A copy of the Kitsap Manual is available for inspection or purchase upon request. The Kitsap Manual may consist of one or more documents each of which may be amended as necessary to reflect changing

conditions and technology. All requirements contained in the Kitsap Manual, together with any amendments thereto, must be complied with as provided in Section 12.04.030.*

(Ord. 441 (2009) § 2 (part), 2009; Ord. 433 (2009) § 1, 2009; Ord. 199 (1996) § 1.20, 1996)

* Editor's Note: Ordinance 447 (2010) adopts the Kitsap County Stormwater Design Manual, repealing and replacing the document adopted by Ordinance 199 (1996).

12.04.025 Technical deviations and variances.

(1) Technical Deviations. The director may grant minor technical deviations (adjustments) from requirements contained in the Kitsap Manual; provided, that all of the following criteria are met:

- (A) The technical deviation will not otherwise result in non-compliance with this title;
- (B) The granting of the technical deviation will not result in non-compliance with the development conditions imposed upon the project;
- (C) The granting of the technical deviation will produce a compensating or comparable result which is in the public interest; including providing substantially equivalent environmental protection;
- (D) The granting of the technical deviation will meet the objectives of safety, function, appearance, environmental protection and maintainability based on sound engineering judgment.

(2) Variances. The Kitsap County hearing examiner may, following the process in Chapter 21.04, grant a variance from the provisions of this title; provided, that all of the following criteria are met and written findings are made thereon:

- (A) The variance is for project-specific design criteria based on site-specific conditions. All jurisdiction-wide variances must be approved by the Department of Ecology; and
- (B) The requirements of this title impose a severe and unexpected economic hardship on the applicant. The determination of a severe and unexpected economic hardship shall involve the consideration, in writing, of all of the following:
 - i. The current (pre-project) use of the site; and
 - ii. How the application of this title restricts the proposed use of the site compared to the restrictions that existed prior to the adoption of the ordinance codified in this title; and
 - iii. The possible remaining uses of the site if the variance were not granted; and
 - iv. The uses of the site that would have been allowed prior to the adoption of the ordinance codified in this title; and
 - v. A comparison of the estimated amount and percentage of value loss as a result of the requirements of this title versus the estimated amount and percentage of value loss as a result of requirements that existed prior to adoption of the ordinance codified in this title; and

- vi. The feasibility for the owner to alter the project to comply with the requirements of this title; and
- (C) The variance will not increase the risk to the public health and welfare, nor be injurious to other properties in the vicinity, to properties downstream or to the quality of the waters of the state; and
- (D) The variance is the least possible alternative that could be granted to comply with the intent of this title; and
- (E) The granting of the variance will produce a compensating or comparable result that is in the public interest; and
- (F) The granting of the variance will meet the objectives of safety, function, appearance, environmental protection and maintainability based on sound engineering judgment.

(Ord. 441 (2009) § 2 (part), 2009; Ord. 433 (2009) § 2, 2009)

12.04.030 Applicability.

The provisions of this title shall apply to all site development activities requiring land use permits and approvals as defined in Chapter 12.08, both public and private, within the bounds of unincorporated Kitsap County. The provisions of Chapter 12.24 (Operation and Maintenance) shall also apply to existing stormwater facilities in unincorporated Kitsap County. The provisions of Chapter 12.30 (Illicit Discharge Detection and Elimination) shall apply to all situations and circumstances throughout unincorporated Kitsap County. No site development activities requiring land use permits and approvals shall be initiated prior to issuance of a site development activity permit.

(Ord. 199 (1996) § 1.40, 1996)

12.04.040 Applicability of other ordinances and permits.

Any land development that is required by operation of any Kitsap County ordinance, state law or federal law to construct, install or modify any natural or manmade drainage features within, abutting or serving the development shall do so in accordance with this title. However, where the provisions of this title directly conflict with any other Kitsap County ordinance, state law or federal law, or comprehensive drainage plan, the more stringent provisions shall apply to the extent permissible by law.

Approval of any land development activity by Kitsap County does not constitute approval of other applicable permits that may be required by other agencies. Examples of additional permits that may be required include construction and industrial discharge permits administered by the State Department of Ecology under the National Pollutant Discharge Elimination System (NPDES) program, and Hydraulic Project Approval (HPA) by the Department of Fish and Wildlife.

(Ord. 199 (1996) § 1.45, 1996)

12.04.050 Administration.

The director, or designee, shall administer this title. The director shall have the authority to develop and implement procedures to administer and enforce this title.

(Ord. 441 (2009) § 2 (part), 2009; Ord. 433 (2009) § 3, 2009; Ord. 199 (1996) § 1.46, 1996)

12.04.060 Appeals.

An aggrieved party may appeal any administrative interpretation or departmental ruling related to this title to the Kitsap County hearing examiner as outlined in Chapter 21.04.

(Ord. 441 (2009) § 2 (part), 2009; Ord. 433 (2009) § 4, 2009; Ord. 199 (1996) § 1.60, 1996)

**Chapter 12.08
DEFINITIONS**

Sections:

- 12.08.005 Definitions
- 12.08.010 Abbreviated grading plan
- 12.08.015 Accepted performance of construction
- 12.08.020 Agricultural uses
- 12.08.025 Apartment
- 12.08.030 Applicant
- 12.08.035 Basin plan
- 12.08.040 Beneficial use
- 12.08.045 Best management practices (BMP)
- 12.08.050 Bioretention facilities
- 12.08.055 Board
- 12.08.060 Bond
- 12.08.065 Certified erosion and sediment control lead (CESCL)
- 12.08.070 Clearing
- 12.08.075 Closed depressions
- 12.08.080 Commercial uses
- 12.08.085 Comprehensive drainage plan
- 12.08.090 Contiguous land
- 12.08.095 Converted vegetation
- 12.08.100 County
- 12.08.105 County roads
- 12.08.110 Critical drainage area
- 12.08.115 Design storm event
- 12.08.120 Detention facilities
- 12.08.125 Developed site
- 12.08.130 Director
- 12.08.135 Dispersion
- 12.08.140 Diversion
- 12.08.145 Drainage feature
- 12.08.150 Drainage plan
- 12.08.155 Easement
- 12.08.160 Ecology Manual
- 12.08.165 Effective Impervious Surface
- 12.08.170 Engineer
- 12.08.175 Equivalent service unit (ESU)
- 12.08.180 Existing stormwater facilities

12.08.185 Forested land
12.08.187 Functional Soils
12.08.190 Geologist
12.08.195 Geotechnical Engineer
12.08.200 Geotechnical report and Geological report
12.08.205 Green stormwater infrastructure (GSI)
12.08.210 Green stormwater solutions
12.08.215 Grading
12.08.220 Hard Surface
12.08.225 High-Use Site
12.08.230 Hydrograph
12.08.235 Hydrograph Method
12.08.240 Illicit discharge
12.08.245 Impervious surface
12.08.250 Industrial uses
12.08.255 Institutional establishments/uses
12.08.260 Kitsap Manual
12.08.265 Land disturbing activity
12.08.270 Land use permits and approvals
12.08.275 Large project
12.08.280 Low impact development (LID)
12.08.285 Low impact development (LID) best management practices (BMPs)
12.08.290 Maintenance
12.08.295 Maintenance covenant
12.08.300 Maintenance schedule
12.08.305 Multifamily residence
12.08.310 Native vegetation
12.08.315 New development
12.08.320 Non-forestry use
12.08.325 Off-site drainage analysis
12.08.330 On-site stormwater management best management practices (BMPs)
12.08.335 Operation and maintenance manual
12.08.340 Owner
12.08.345 Parcel
12.08.350 Pollution
12.08.355 Pollution-generating hard surface (PGHS)
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12.08.005 Definitions

The following definitions of terms shall apply to this title:

12.08.010 Abbreviated grading plan

"Abbreviated grading plan" means a grading plan that does not require the seal of a professional civil engineer.

12.08.015 Accepted performance of construction

"Accepted performance of construction" means the written acknowledgment from the director of the satisfactory completion of all work accepted by Kitsap County, including all work shown on the accepted plans, accepted revisions to the plans, and accepted field changes.

12.08.020 Agricultural uses

"Agricultural uses" means those activities involving land use for non-classified agriculture and related activities and open space farming and agriculture as defined by the Kitsap County Zoning Ordinance.

12.08.025 Apartment

"Apartment" means a residential structure accommodating five or more dwelling units; residential hotels and condominiums; hotels and motels; institutional lodging; or retirement apartments as defined by the Kitsap County Zoning Ordinance.

12.08.030 Applicant

"Applicant" means the person, party, firm, corporation or other legal entity that proposes to engage in site development activities in unincorporated Kitsap County by submitting an application for any of the activities covered by this title on a form furnished by the county and paying the required application fees.

12.08.035 Basin plan

"Basin plan" means a plan and all implementing regulations and procedures including, but not limited to, capital projects, public education activities, and land use management regulations adopted by ordinance for managing surface and stormwater quality and quantity management facilities and drainage features within individual sub-basins.

12.08.040 Beneficial use

"Beneficial use" means uses of waters of the state, which include but are not limited to use for domestic, stock watering, industrial, commercial, agricultural, irrigation, mining, fish and wildlife maintenance and enhancement, recreation, generation of electric power and preservation of environmental and aesthetic values, and all other uses compatible with the enjoyment of the public waters of the state.

12.08.045 Best management practices (BMP)

"Best management practices (BMP)" means the schedule of activities, prohibitions of practices, maintenance procedures, and structural and/or managerial practices, that when used singly or in combination, prevent or reduce the release of pollutants and other adverse impacts to receiving waters.

12.08.050 Bioretention facilities

"Bioretention facilities" means engineered facilities that treat stormwater by passing it through a specified soil profile, and either retain or detain the treated stormwater for flow attenuation. Refer to the Stormwater Management Manual for Western Washington (Ecology Manual), Chapter 7 of Volume V for bioretention BMP types and design specifications.

12.08.055 Board

"Board" means the Kitsap County board of commissioners or their assigns.

12.08.060 Bond

"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 applicable provisions of this title.

12.08.065 Certified erosion and sediment control lead (CESCL)

"Certified erosion and sediment control lead (CESCL)" means an individual who has current certification through an approved erosion and sediment control training program that meets the minimum training standards established by the Department of Ecology. A CESCL is knowledgeable in the principles and practices of erosion and sediment control. The CESCL must have the skills to assess site conditions and construction activities that could impact the quality of stormwater and the effectiveness of erosion and sediment control measures used to control the quality of stormwater discharges. Certification is obtained through an Ecology-approved erosion and sediment control course.

12.08.070 Clearing

"Clearing" means the destruction and/or removal of vegetation by manual, mechanical, or chemical methods.

12.08.075 Closed depressions

"Closed depressions" means low-lying areas which have no surface outlet, or such a limited surface outlet that in most storm events the area acts as a retention basin, holding water for infiltration, evaporation or transpiration.

12.08.080 Commercial uses

"Commercial uses" means those activities involving land used for retail, office, and marina condominiums; wholesale trade; retail trade in building materials, hardware, or farm equipment, in general merchandise, in food, in automobiles, tires, marine craft, aircraft, and accessories, in apparel and accessories, in furniture, home furnishings and equipment, in eating and drinking, or in other retail trades; finance, insurance, or real estate; personal services; marinas; resorts and group camps; veterinarian services; or miscellaneous services as defined by Kitsap County Zoning Ordinance.

12.08.085 Comprehensive drainage plan

"Comprehensive drainage plan" means a detailed analysis, adopted by the board, for a drainage basin which assesses the capabilities and needs for runoff accommodation due to various combinations of development, land use, structural and non-structural management alternatives. The plan recommends the form, location and extent of stormwater quantity and quality control measures, which would satisfy legal constraints, water quality standards, and community standards, and identifies the institutional and funding requirements for plan implementation.

12.08.090 Contiguous land

"Contiguous land" means land adjoining and touching other land regardless of whether or not portions of the parcels have separate assessor's tax numbers or were purchased at different times, lie in different sections, are in different government lots, or are separated from each other by private road or private rights-of-way.

12.08.095 Converted vegetation

"Converted vegetation" means surfaces on a project site where native vegetation, pasture, scrub/shrub, or unmaintained non-native vegetation (e.g., Himalayan blackberry, scotch broom) are converted to lawn or landscaped areas, or where native vegetation is converted to pasture.

12.08.100 County

"County" means:

- (A) Kitsap County and the unincorporated areas of Kitsap County, Washington; or
- (B) As indicated by the context, may mean the Department of Community Development, community development director, Department of Public Works, public works director, county engineer, or other official, officer, employee or agency representing the county in the discharge of his or her duties.
- (5) "County roads" means public rights-of-way, excluding state roads, in the unincorporated areas of Kitsap County.

12.08.110 Critical drainage area

"Critical drainage area" refers to those areas designated in Chapter 12.28 (Critical Drainage Areas), which have a high potential for stormwater quantity or quality problems.

12.08.115 Design storm event

"Design storm event" means a theoretical storm event, of a given frequency interval and duration, used in the analysis and design of a stormwater facility.

12.08.120 Detention facilities

"Detention facilities" means stormwater facilities designed to store runoff while gradually releasing it at a predetermined controlled rate. "Detention facilities" shall include all appurtenances associated with their designed function, maintenance and security.

12.08.125 Developed site

"Developed site" means the condition of the development site following completion of construction of the development including all approved phases of construction.

12.08.130 Director

"Director" means:

(A) The director of the Kitsap County Department of Public Works or designee for the administration of the stormwater management program of Chapters 12.36 and 12.40 and the stormwater maintenance program of Chapter 12.24; or

(B) The director of the Kitsap County Department of Community Development or designee for all permit-related activities.

12.08.135 Dispersion

"Dispersion" means the release of stormwater runoff such that the flow spreads over a wide area and is located so as not to allow flow to concentrate anywhere upstream of a drainage channel with erodible underlying soils.

12.08.140 Diversion

"Diversion" means the routing of stormwater to other than its natural discharge location.

12.08.145 Drainage feature

"Drainage feature" means any natural or manmade structure, facility, conveyance or topographic feature which has the potential to concentrate, convey, detain, retain, infiltrate or affect the flow rate of stormwater runoff.

12.08.150 Drainage plan

"Drainage plan" means a plan for the collection, transport, treatment and discharge of runoff, and may include both the plan and profile views of the site as well as construction details and notes.

12.08.155 Easement

"Easement" means an acquired privilege or right of use or enjoyment that a person, party, firm, corporation, municipality or other legal entity has in the land of another.

12.08.160 Ecology Manual

"Ecology Manual" means the 2012 Stormwater Management Manual for Western Washington, amended in December, 2014.

12.08.165 Effective Impervious Surface

“Effective impervious surface” means those impervious surfaces that are connected via sheet flow or discrete conveyance to a drainage system. Impervious surfaces are considered ineffective if: 1) the runoff is dispersed through at least one hundred feet of native vegetation in accordance with BMP T5.30 – “Full Dispersion” as described in Chapter 5 of Volume V of the Ecology Manual; 2) residential roof runoff is infiltrated in accordance with Downspout Full Infiltration Systems in BMP T5.10A in Volume III of the Ecology Manual; or 3) approved continuous runoff modeling methods indicate that the entire runoff file is infiltrated.

12.08.170 Engineer

“Engineer” see “professional engineer”.

12.08.175 Equivalent service unit (ESU)

“Equivalent service unit” (“ESU”) means the average estimated amount of impervious surface area on a single-family residential parcel. For the purposes of calculating the service charges in Section 12.40.050 for property classes 3 – 6, 8 and 9, an ESU shall be defined as 4,200 square feet of impervious surface area.

12.08.180 Existing stormwater facilities

“Existing stormwater facilities” means those facilities constructed or under permitted construction prior to the effective date of the ordinance codified in this chapter.

12.08.183 “Flow control best management practices (BMPs)” means strategies that control the volume rate, frequency, and flow duration of stormwater surface runoff. .

12.08.185 Forested land

“Forested land” means “forest land” as defined in RCW 76.09.020, and shall include all land that is capable of supporting a merchantable stand of timber and that is being actively used in a manner compatible with timber growing.

12.08.187 Functional Soils

“Functional Soils” means soils that provide important stormwater functions including: water infiltration; nutrient, sediment, and pollutant adsorption; sediment and pollutant biofiltration; water inflow storage and transmission; and pollutant decomposition.

12.08.190 Geologist

“Geologist” means a person who is licensed in the state of Washington and meets all experience and training requirements in accordance with Chapter 308-15 WAC, as now or hereafter amended. The state provides for two specializations: engineering geology and hydrogeology.

12.08.195 Geotechnical Engineer

“Geotechnical engineer” means a practicing geotechnical/civil engineer licensed as a professional civil engineer with the state of Washington, with professional training and experience in geotechnical engineering, including at least four years’ professional experience in evaluating geologically hazardous areas.

12.08.200 Geotechnical report and Geological report

“Geotechnical report” and “geological report” mean a study of potential site development impacts related to retention of natural vegetation, soil characteristics, geology, drainage, ground water discharge, and engineering recommendations related to slope and structural stability. The geotechnical report shall be prepared by, or in conjunction with, a geotechnical engineer meeting the minimum qualifications as defined by this title.

Geological reports may contain the above information with the exception of engineering recommendations, and

may be prepared by a geologist. "Geotechnical report" means a study of the effects of drainage and drainage facilities on soil characteristics, geology and ground water. A geotechnical engineer or geologist shall prepare the geotechnical report.

12.08.205 Green stormwater infrastructure (GSI)

"Green stormwater infrastructure (GSI)" is also known as low impact development (LID). Refer to the definition for "Low impact development (LID)," which is the preferred term used by the county.

12.08.210 Green stormwater solutions (GSS).

"Green stormwater solutions (GSS)" is also known as low impact development (LID). Refer to the definition for "Low impact development (LID)," which is the preferred term used by the county.

12.08.215 Grading

"Grading" means any excavating, filling or embanking of earth materials.

12.08.220 Hard Surface

"Hard Surface" means an impervious surface, a permeable pavement, or a vegetated roof.

12.08.225 High-Use Site

"High-Use Site" means sites that typically generate high concentrations of oil due to high traffic turnover or the frequent transfer of oil. High-use sites include:

- (A) An area of a commercial or industrial site subject to an expected average daily traffic (ADT) count equal to or greater than one hundred vehicles per one thousand square feet of gross building area;
- (B) An area of a commercial or industrial site subject to petroleum storage and transfer in excess of one thousand five hundred gallons per year, not including routinely delivered heating oil;
- (C) An area of a commercial or industrial site subject to parking, storage or maintenance of twenty-five or more vehicles that are over ten tons gross weight (trucks, buses, trains, heavy equipment, etc.);
- (D) A road intersection with a measured ADT count of twenty-five thousand vehicles or more on the main roadway and fifteen thousand vehicles or more on any intersecting roadway, excluding projects proposing primarily pedestrian or bicycle use improvements.

12.08.230 Hydrograph

"Hydrograph" means a graph of runoff rate, inflow rate or discharge rate, past a specific point over time.

12.08.235 Hydrograph Method

"Hydrograph method" means a method of estimating a hydrograph using a mathematical simulation.

12.08.240 Illicit discharge

"Illicit discharge" means all non-stormwater discharges to stormwater drainage systems that cause or contribute to a violation of state water quality, sediment quality or ground water quality standards, including, but not limited to, sanitary sewer connections, industrial process water, interior floor drains, and gray water systems. The following shall not be considered illicit discharges unless the director determines that the type of discharge,

whether singly or in combination with others, is causing or is likely to cause pollution of surface water or ground water:

- (A) Diverted stream flows.
- (B) Rising ground waters.
- (C) Uncontaminated ground water infiltration (as defined at 40 CFR 35.2005(20)).
- (D) Uncontaminated pumped ground water.
- (E) Foundation drains.
- (F) Air conditioning condensation.
- (G) Irrigation water from agricultural sources that is commingled with urban stormwater.
- (H) Springs.
- (I) Uncontaminated water from crawl space pumps.
- (J) Footing drains.
- (K) Flows from riparian habitats and wetlands.
- (L) Non-stormwater discharges covered by and compliant with another NPDES permit.
- (M) Discharges from emergency fire-fighting activities.
- (N) Discharges from potable water sources, including water line flushing, hyperchlorinated water line flushing, fire hydrant system flushing, and pipeline hydrostatic test water so long as the discharges are dechlorinated to a concentration of 0.1 ppm or less, pH-adjusted, if necessary, and volumetrically and velocity controlled to prevent resuspension of sediments in stormwater drainage systems.
- (O) Discharges from lawn watering and other irrigation runoff.
- (P) Dechlorinated swimming pool discharges so long as the discharges shall be dechlorinated to a concentration of 0.1 ppm or less, pH-adjusted and reoxygenized if necessary, volumetrically and velocity controlled to prevent resuspension of sediments in the MS4. Swimming pool cleaning wastewater and filter backwash shall not be discharged to stormwater drainage systems.
- (Q) Street and sidewalk wash water, water used to control dust, and routine external building wash down that does not use detergents. At active construction sites, street sweeping must be performed prior to washing the street.

12.08.245 Impervious surface

"Impervious surface" means a non-vegetated surface area that either prevents or retards the entry of water into the soil mantle as under natural conditions prior to development. A non-vegetated surface area which causes water to run off the surface in greater quantities or at an increased rate of flow from the flow present under natural conditions prior to development. Common impervious surfaces include, but are not limited to, roof tops, walkways, patios, driveways, parking lots or storage areas, concrete or asphalt paving, gravel roads, packed earthen materials, and oiled, macadam or other surfaces which similarly impede the natural infiltration of stormwater. Open, uncovered retention/detention facilities shall not be considered as impervious surfaces for purposes of determining whether the thresholds for application of minimum requirements are exceeded. Open, uncovered retention/detention facilities shall be considered impervious surfaces for purposes of runoff modeling.

12.08.250 Industrial uses

"Industrial uses" means those activities involving land used for manufacturing of food products, apparel and fabric, lumber and wood products, furniture and fixtures, paper products, printing and publishing, chemical, petroleum products, plastics, leather goods, stone, clay and glass, fabricated metal products, precision instruments, and miscellaneous manufacturing; railroad, motor vehicle, aircraft, marine craft transportation; automobile parking; communications; other transportation, communication, or utilities; water systems; sanitary land fills; or auto wrecking yards as defined by the Kitsap County Zoning Ordinance.

12.08.255 Institutional establishments/uses

"Institutional establishments/uses" means those activities involving land used for hospitals, convalescent centers, contract construction services; governmental services; educational services; miscellaneous services; churches; cultural activities and nature exhibitions; public assembly; or recreational activities as defined by the Kitsap County Zoning Ordinance.

12.08.260 Kitsap Manual

"Kitsap Manual" means the Kitsap County Stormwater Design Manual.

12.08.265 Land disturbing activity

"Land disturbing activity" means any activity that results in a change in the existing soil cover (both vegetative and non-vegetative) and/or the existing soil topography. Land disturbing activities include, but are not limited to clearing, grading, filling, and excavation. Compaction that is associated with stabilization of structures and road construction shall also be considered a land disturbing activity. Vegetation maintenance practices, including landscape maintenance and gardening, are not considered land-disturbing activity. Stormwater facility maintenance is not considered land disturbing activity if conducted according to established standards and procedures.

12.08.270 Land use permits and approvals

"Land use permits and approvals" means any use or development of land that requires Kitsap County action in legislation, administration or approval contained in Titles 11 (Roads, Highways and Bridges), 13 (Water and Sewers), 14 (Buildings and Construction), 15 (Flood Hazard Areas), 16 (Land Division and Development), 17 (Zoning), 18 (Environment), 19 (Critical Areas Ordinance), and 22 (Shoreline Master Program) of Kitsap County Code, including, but not limited to, the following:

- (A) Preliminary plat subdivision;

- (B) Final plat subdivision;
- (C) Performance based development (PBD) including residential and commercial;
- (D) Site plan review;
- (E) Conditional use permit (CUP);
- (F) Zoning variance;
- (G) Short plat subdivision;
- (H) Large lot subdivision;
- (I) Grading permit;
- (J) Shoreline substantial development permit;
- (K) Shoreline conditional use permit;
- (L) SEPA and EIS reviews;
- (M) Binding site plan;
- (N) Building permit;
- (O) Permitted uses under Title 17.

12.08.275 Large project

“Large project” means a project for which all nine of the minimum requirements apply in accordance with 12.20.010.

12.08.280 Low impact development (LID)

“Low impact development (LID)” means a stormwater and land use management strategy that strives to mimic pre-disturbance hydrologic processes of infiltration, filtration, storage, evaporation and transpiration by emphasizing conservation, use of on-site natural features, site planning, and distributed stormwater management practices that are integrated into a project design. LID is also known as green stormwater infrastructure or green stormwater solutions. LID is the preferred term used by the county.

12.08.285 Low impact development (LID) best management practices (BMPs)

“Low impact development (LID) best management practices (BMPs)” means distributed stormwater management practices, integrated into a project design, that emphasize pre-disturbance hydrologic processes of infiltration, filtration, storage, evaporation and transpiration. LID BMPs include, but are not limited to, bioretention, rain gardens, permeable pavements, roof downspout controls, dispersion, soil quality and depth, minimum excavation foundations, vegetated roofs, and water re-use.

12.08.290 Maintenance

"Maintenance" means repair and maintenance includes activities conducted on currently serviceable structures, facilities, and equipment that involves no expansion or use beyond that previously existing and approved and results in no significant adverse hydrologic impact. It includes those usual activities taken to prevent a decline, lapse, or cessation in the use of structures and systems. Those usual activities may include replacement of dysfunctional facilities, including cases where environmental permits require replacing an existing structure with a different type structure, as long as the functioning characteristics of the original structure are not changed. One example is the replacement of a collapsed, fish blocking, round culvert with a new box culvert under the same span, or width, of roadway. In regard to stormwater facilities, maintenance includes assessment to ensure ongoing proper operation, removal of built up pollutants (i.e., sediments), replacement of failed or failing treatment media, and other actions taken to correct defects as identified in the maintenance standards of Chapter 4, Volume V of the Ecology Manual. See also Pavement Maintenance exemptions in 12.10.040(4).

12.08.295 Maintenance covenant

"Maintenance covenant" means a binding agreement between Kitsap County and the person or persons holding title to a property served by a stormwater facility whereby the property owner promises to, among other things, maintain certain stormwater facilities; grants Kitsap County the right to enter the subject property to inspect and to make certain repairs or perform certain maintenance procedures on the stormwater control facilities when such repairs or maintenance have not been performed by the property owner; and promises to reimburse Kitsap County for the cost should the county perform such repairs or maintenance.

12.08.300 Maintenance schedule

"Maintenance schedule" means a document detailing required stormwater facility maintenance activities to be performed at specified intervals.

12.08.305 Multifamily residence

"Multifamily residence" means a residential structure accommodating two, three or four dwelling units as defined by Kitsap County Zoning Ordinance.

12.08.310 Native vegetation

"Native vegetation" means vegetation comprised of plant species, other than noxious weeds, that are indigenous to the coastal region of the Pacific Northwest and which reasonably could have been expected to naturally occur on the site. The list of native and indigenous plant species for Kitsap County may be obtained from the Department of Community Development.

12.08.315 New development

"New development" means land disturbing activities, including Class IV general forest practices that are conversions from timber land to other uses; structural development, including construction or installation of a building or other structure; creation of hard surfaces; and subdivision, short subdivision and binding site plans, as defined and applied in Chapter 58.17 RCW. Projects meeting the definition of redevelopment shall not be considered new development.

12.08.320 Non-forestry use

"Non-forestry use" means an active use of land which is incompatible with timber growing.

12.08.325 Off-site drainage analysis

"Off-site drainage analysis" means a study of those land areas contributing surface runoff to a development site as well as a study of the existing and predicted impacts of surface runoff from the development site on properties and drainage features that have the potential to receive stormwater from the development site.

12.08.330 On-site stormwater management best management practices (BMPs)

"On-site stormwater management best management practices (BMPs)" is a synonym for Low Impact Development (LID) BMPs, as used in this code. Stormwater management BMPs include those that serve to infiltrate, disperse, and retain stormwater runoff on-site.

12.08.335 Operation and maintenance manual

"Operation and maintenance manual" means a written manual, prepared by a qualified civil engineer, that provides a description of operation and maintenance procedures for specific stormwater control facilities, for use by operation and maintenance personnel.

12.08.340 Owner

"Owner" means any person or persons having a legal or equitable property right or interest, whether or not said right is legal or equitable in character, including a fee owner, contract purchaser or seller, mortgagor or mortgagee, optionor or optionee, and beneficiary or grantor of a trust or deed of trust.

12.08.345 Parcel

"Parcel" means the smallest separately segregated unit or plot of land having an identified owner, boundaries and surface area which is documented for real property purposes, and a tax lot number assigned by the Kitsap County assessor.

12.08.350 Pollution

"Pollution" means contamination or other alteration of the physical, chemical or biological properties of the waters of the state, including change in temperature, taste, color, turbidity or odor of the waters, or such discharge of any liquid, gaseous, solid, radioactive or other substance into any waters of the state as will or is likely to create a nuisance or render such waters harmful.

12.08.355 Pollution-generating hard surface (PGHS)

"Pollution-generating hard surface (PGHS)" means those hard surfaces considered to be a significant source of pollutants in stormwater runoff. See the listing of surfaces under pollution-generating impervious surface.

12.08.360 Pollution-generating impervious surface (PGIS)

"Pollution-generating impervious surface (PGIS)" means those impervious surfaces considered to be a significant source of pollutants in stormwater runoff. Such surfaces include those that are subject to: vehicular use; industrial activities; or storage of erodible or leachable materials, wastes, or chemicals, and which receive direct rainfall or the run-on or blow-in of rainfall. Erodeable or leachable materials, wastes, or chemicals are those substances which, when exposed to rainfall, measurably alter the physical or chemical characteristics of the rainfall runoff. Examples include erodible soils that are stockpiled, uncovered process wastes, manure, fertilizers, oily substances, ashes, kiln dust, and garbage dumpster leakage. Metal roofs are also considered to be PGIS unless they are coated with an inert, non-leachable material (e.g., baked-on enamel coating). A surface, whether paved or not, shall be considered subject to vehicular use if it is regularly used by motor vehicles. The following are considered regularly used surfaces: roads, unvegetated road shoulders, bike lanes within the traveled lane of a roadway, driveways, parking lots, unfenced fire lanes, vehicular equipment storage yards, and airport runways.

The following are not considered regularly used surfaces: paved bicycle pathways separated from and not subject to drainage from roads for motor vehicles, fenced fire lanes, and infrequently used maintenance access roads.

12.08.365 Pollution-generating pervious surfaces (PGPS)

"Pollution-generating pervious surfaces (PGPS)" means any non-hard surface subject to vehicular use, industrial activities (as further defined in the glossary of the Ecology Manual); or storage of erodible or leachable materials, wastes, or chemicals, and that receive direct rainfall or run-on or blow-in of rainfall, use of pesticides and fertilizers, or loss of soil. Typical PGPS include lawns, and landscaped areas including: golf courses, parks, cemeteries, and sports fields (natural and artificial turf).

12.08.370 Predevelopment (or pre-developed) conditions

"Predevelopment (or pre-developed) conditions" means the native vegetation and soils that existed at a site prior to the influence of Euro-American settlement. The predeveloped condition shall be assumed to be a forested land cover unless reasonable, historic information is provided that indicates the site was prairie prior to settlement.

12.08.375 Project site

"Project site" means that portion of a property, properties, or right-of-way subject to land disturbing activities, new hard surfaces, or replaced hard surfaces.

12.08.380 Professional engineer

"Professional engineer" means a person who, by reason of his or her special knowledge of the mathematical and physical sciences and the principles and methods of engineering analysis and design, acquired by professional education and practical experience, is qualified to practice engineering as attested by his or her legal registration as a professional engineer in the state of Washington.

12.08.385 Project engineer

"Project engineer" means the professional engineer responsible for the design of the project, who will affix his/her seal on the project drainage plans and drainage analysis. The project engineer shall be licensed in the state of Washington and qualified by experience or examination.

12.08.390 Receiving waters

"Receiving waters" means bodies of water or surface water systems to which surface runoff is discharged via a point source of storm water or via sheet flow, and groundwater to which surface runoff is directed by infiltration.

12.08.395 Redevelopment

"Redevelopment" means development on a site that is already substantially developed (i.e., has thirty-five percent or more of existing impervious surface coverage) by one or more of the following: the creation or addition of hard surfaces; the expansion of a building footprint or addition or replacement of a structure; structural development including construction, installation or expansion of a building or other structure; replacement of hard surface that is not part of a routine maintenance activity; and land disturbing activities.

12.08.400 Replaced hard surface

"Replaced hard surface" means:

(A) For structures, the removal and replacement of hard surfaces down to the foundation.

(B) For other hard surfaces, the removal down to bare soil or base course and replacement.

12.08.405 Replaced impervious surface

“Replaced impervious surface” means:

(A) For structures, the removal and replacement of any exterior impervious surfaces or foundation.

(B) For other impervious surfaces, the removal down to bare soil or base course and replacement.

12.08.410 SEPA

“SEPA” means the Washington State Environmental Policy Act, Chapter 43.21C RCW.

12.08.415 Service charges

“Service charges” means the amount owed after applying the appropriate rate to a particular parcel of real property based upon factors established by this chapter.

12.08.420 Shorelines of the state

“Shorelines of the state” means the total of all “shorelines” and “shorelines of state-wide significance” within the state, as defined in RCW 90.58.030, also known as the Shoreline Management Act, Chapter 90.58 RCW.

12.08.425 Single-family residence

“Single-family residence” means a residential structure accommodating one dwelling unit, including mobile homes as defined by Kitsap County Zoning Ordinance.

12.08.430 Site

“Site” means the area defined by the legal boundaries of a parcel or parcels of land that is (are) subject to new development or redevelopment. For road projects, the length of the project site and the right-of-way boundaries define the site.

12.08.435 Site development activity

“Site development activity” means the alteration of topography, clearing, paving, grading, construction, alteration of stormwater systems, site preparation, or other activity commonly associated with site development. Site development includes those activities listed in the definition of “land use permits and approvals.”

12.08.440 Site development activity permit plan

“Site development activity permit plan” means all documents submitted as part of a site development activity permit application, including, but not limited to, drainage plans, grading plans, erosion and sedimentation control plans, hydrological analyses, geotechnical reports, soils investigation reports and design analyses related to a land development project.

12.08.445 Small project

“Small project” means a project for which not all of the nine minimum requirements apply in accordance with 12.20.010.

12.08.450 Soils investigation report

"Soils investigation report" means a study of soils on a subject property with the primary purpose of characterizing and describing the engineering properties of soils. The soils investigation report shall be prepared by a qualified soils engineer or geologist, who shall be directly involved in the soil characterization either by performing the investigation or by directly supervising employees.

12.08.455 Soils engineer

"Soils engineer" means a practicing engineer licensed as a professional engineer in the state of Washington who has at least four years of professional employment as an engineer dealing with soil descriptions and characterizations.

12.08.460 Source control BMP

"Source control BMP" means a structure or operation that is intended to prevent pollutants from coming into contact with stormwater through physical separation of areas or careful management of activities that are sources of pollutants. The Ecology Manual separates source control BMPs into two types. Structural Source Control BMPs are physical, structural, or mechanical devices, or facilities that are intended to prevent pollutants from entering stormwater. Operational BMPs are non-structural practices that prevent or reduce pollutants from entering stormwater. See Volume IV of the Ecology Manual for details.

12.08.465 Stabilized

"Stabilized" means the application of BMPs sufficient to protect soil from the erosive forces of raindrop impact and flowing water. Examples include, but are not limited to, vegetative establishment, mulching, plastic covering, the early application of gravel base, and outlet and channel protection.

12.08.470 State roads

"State roads" means state highway rights-of-way as defined in RCW 90.03.520.

12.08.475 Stormwater or storm water

"Stormwater" or "storm water" means the surface water runoff that results from all natural forms of precipitation.

12.08.480 Stormwater facility or Stormwater control facility

"Stormwater facility" or "stormwater control facility" means a component of a manmade drainage feature, or features, designed or constructed to perform a particular function or multiple functions, including, but not limited to, pipes, swales, bioretention facilities, ditches, culverts, street gutters, detention basins, retention basins, wetponds, constructed wetlands, infiltration devices, catch basins, oil/water separators and sediment basins. Stormwater facilities shall not include building gutters, downspouts and drains serving one single-family residence.

12.08.485 Storm water quality control

"Storm water quality control" means the control of the introduction of pollutants into storm water and the process of separating pollutants from storm water. Storm water quality control facilities include, but are not limited to, source controls, pervious pavement systems, wetponds, oil/water separators, constructed wetlands and erosion and sedimentation control facilities.

12.08.490 Stormwater quantity control

"Stormwater quantity control" means the control of the rate and/or volume of stormwater released from a development site. Stormwater quantity control facilities include, but are not limited to, detention and retention facilities.

12.08.495 Stormwater system

"Stormwater system" means all natural and manmade systems which function together or independently to collect, store, purify, discharge and convey stormwater. Included are all stormwater facilities as well as natural systems such as streams and creeks and all natural systems which convey, store, infiltrate or divert stormwater.

12.08.500 Technical deviation

"Technical deviation" means permission granted by the director to deviate from the provisions of the Kitsap Manual.

12.08.505 Treatment best management practices (BMPs)

"Treatment best management practices (BMPs)" means strategies to reduce levels of pollutant loads. Treatment BMPs include simple gravity settling of particulate pollutants, centrifugal separation, filtration, biological uptake, and media or soil absorption.

12.08.510 Undeveloped land

"Undeveloped land" means unimproved land, and land used for railroad transportation, unimproved forest land, unimproved agricultural land, parks, cemeteries, other resource production and open space as defined by the Kitsap County Zoning Ordinance.

12.08.515 Unimproved agricultural land

"Unimproved agricultural land" means land defined as agricultural land with no residential structures.

12.08.520 Unimproved forest land

"Unimproved forest land" means land defined as forest land with no residential structures.

12.08.525 Unit rate

"Unit rate" means the dollar amount charged per single-family residence or one ESU.

12.08.530 Variance

"Variance" means permission granted by the Kitsap County hearing examiner to deviate from the provisions of this title.

12.08.535 Vehicular use

"Vehicular use" means regular use of a surface by motor vehicles. The following are subject to regular vehicular use: roads, un-vegetated road shoulders, bike lanes within the traveled lane of a roadway, driveways, parking lots, unrestricted access fire lanes, vehicular equipment storage yards, and airport runways. The following are not considered subject to regular vehicular use: paved bicycle pathways separated from and not subject to drainage from roads for motor vehicles, restricted access fire lanes, and infrequently used maintenance access roads.

12.08.540 Watershed action plan

"Watershed action plan" means a local watershed planning process to identify the problems, needs and action steps to reduce non-point pollution, enhance water quality, and protect beneficial uses.

12.08.545 Water quality sensitive area

“Water quality sensitive area” means areas that are sensitive to a change in water quality, including, but not limited to, lakes, ground water management areas, ground water special protection areas, sole source aquifers, critical aquifer recharge areas, wellhead protection areas, closed depressions, fish spawning and rearing habitat, wildlife habitat and shellfish protection areas.

12.08.550 Wetland

“Wetland” means those areas of Kitsap County that qualify as wetlands under Title 19, Critical Areas Ordinance.

(Ord. 513 (2014) § 2, 2014: Ord. 441 (2009) § 2 (part), 2009; Ord. 433 (2009) § 5, 2009: Ord. 375 (2007) § 1, 2007: Ord. 290 (2002) § 1, 2002: Ord. 199 (1996) § 2.10, 1996)

**Chapter 12.10
PERMITS**

Sections:

- 12.10.010 Review by Department of Community Development.**
- 12.10.020 (Repealed)**
- 12.10.030 Site development activity permits required.**
- 12.10.040 Exemptions.**
- 12.10.050 Permit requirements.**
- 12.10.055 Permit duration.**
- 12.10.060 Professional engineer required.**
- 12.10.070 Downstream analysis.**
- 12.10.080 Geotechnical analysis.**
- 12.10.090 Soils analysis.**
- 12.10.100 Permit modifications.**
- 12.10.110 (Repealed)**

12.10.010 Review by Department of Community Development.

All proposed site development activities shall be reviewed by the Kitsap County Department of Community Development to determine the permits required.

(Ord. 441 (2009) § 2 (part), 2009; Ord. 433 (2009) § 6, 2009: Ord. 290 (2002) § 2, 2002: Ord. 199 (1996) § 3.10, 1996)

12.10.020 (Repealed)*

* Editor’s Note: Former Section 12.10.020, “Expiration of existing construction plan approval,” was repealed by Ordinance 433 (2009). Section 3.15 of Ordinance 199 (1996) was formerly codified in this section.

12.10.030 Site development activity permits required.

A site development activity permit, issued by the Kitsap County Department of Community Development, shall be required for any of the following activities:

- (1) Site development or redevelopment activities that meet the thresholds requiring Minimum Requirements #1 through #9 to be met, as indicated by Figures 2.4.1 and 2.4.2;
- (2) Site development or redevelopment activities that require connection to a public storm drainage system, except those actions undertaken by the Kitsap County Public Works Department;
- (3) Grading activities that result in the movement of one hundred fifty cubic yards or more of earth;
- (4) Grading activities that will result in a temporary or permanent slope having a steepness exceeding three to one (three feet horizontal to one foot vertical) and having a total slope height, measured vertically from toe of slope to top of slope, exceeding five feet;
- (5) Grading activities that include the construction of embankment berms which will result in the impoundment of water to a depth exceeding eighteen inches and/or with a maximum volume exceeding two thousand five hundred cubic feet of water;
- (6) Grading activities that will result in the diversion of existing drainage courses, both natural and manmade, from their natural point of entry or exit from the grading site;
- (7) Any land clearing or grading on slopes steeper than thirty percent, or within the mandatory setback of a steep slope, wetland, stream, lake, Puget Sound, as established by other titles of this code.

No site development activity, including land clearing, grading or other construction activity as described in this title, shall occur until a site development activity permit has been issued, nor shall said site development activity continue without a site development activity permit in force.

(Ord. 441 (2009) § 2 (part), 2009; Ord. 433 (2009) § 7, 2009; Ord. 290 (2002) § 3, 2002; Ord. 199 (1996) § 3.21 (part), 1996)

12.10.040 Exemptions.

The following activities shall not require a site development activity permit:

- (1) **Commercial Agriculture.** Commercial agriculture practices involving working the land for production are generally exempt. However, the conversion from timber land to agriculture and the construction of impervious surfaces are not exempt.
- (2) **Grading.** Grading activities described in Section 12.16.070 are exempt from the provisions of this chapter.
- (3) **Forest Practices.** Forest practices regulated under Title 222 WAC, except for Class IV general forest practices that are conversions from timber land to other uses, are exempt from the provisions of the minimum requirements.
- (4) **Road Maintenance.** The following road maintenance practices are exempt from minimum requirements: pothole and square cut patching, overlaying existing asphalt or concrete pavement with asphalt or concrete without expanding the area of coverage, shoulder grading, reshaping/regrading drainage systems, crack sealing, resurfacing with in-kind material without expanding the road prism, and vegetation maintenance.

The following road maintenance practices are exempt only outside a census defined urban area or an urban growth area, but are not exempt when within a census defined urban area or an urban growth area.

(A) Removing and replacing a paved surface to base course or lower, or repairing the roadway base. If impervious surfaces are not expanded, the Minimum Requirements #1 through #5 of the Ecology Manual apply. However, in most cases, only Minimum Requirement #2, construction stormwater pollution prevention, will be germane.

(B) Extending the pavement edge without increasing the size of the road prism, or paving graveled shoulders. These are considered new impervious surfaces and are subject to the minimum requirements that are triggered when the thresholds identified for redevelopment projects are met.

(C) Resurfacing by upgrading from dirt to gravel, asphalt, or concrete; upgrading from gravel to asphalt, or concrete; or upgrading from a bituminous surface treatment ("chip seal") to asphalt or concrete. These are considered new impervious surfaces and are subject to the minimum requirements that are triggered when the thresholds identified for redevelopment projects are met.

(5) Underground Utilities. Underground utility projects that replace the ground surface with in-kind material or materials with similar runoff characteristics are only subject to Minimum Requirement #2, Construction Stormwater Pollution Prevention.

(Ord. 513 (2014) § 3, 2014; Ord. 441 (2009) § 2 (part), 2009; Ord. 433 (2009) § 8, 2009; Ord. 199 (1996) § 3.21 (part), 1996)

12.10.050 Permit requirements.

No site development activity permit shall be issued unless the applicant has satisfied the following criteria:

- (1) Compliance with all applicable regulations, including Title 12, and compliance with the standards, specifications and requirements contained in the Kitsap Manual.
- (2) Payment of the applicable permit fees established by the county in Section 21.10.010.

(Ord. 441 (2009) § 2 (part), 2009; Ord. 433 (2009) § 9, 2009; Ord. 291 (2002) § 5, 2002; Ord. 199 (1996) § 3.22, 1996)

12.10.055 Permit duration.

(1) Approved but not issued. Except as provided in Section 12.16.110, site development activity permits must be issued within three hundred sixty days of permit application approval, and will automatically expire at the end of three hundred sixty days unless an extension is granted by the director. The length of extension period shall not exceed three hundred sixty days, and no more than two extensions shall be granted. At the end of the extension period, the permit will be automatically closed if it is still unissued. A closed permit may not be reissued or reactivated.

(2) Issued. Issued site development activity permits shall become invalid unless the work authorized by such permit is commenced within three hundred sixty days after its issuance, or if after commencing, the work authorized by such permit is suspended or abandoned for a period of three hundred sixty days. Having required inspections performed and approved within every three hundred sixty days is evidence that work has commenced and is continuing. Permits that do not receive a required inspection within three hundred sixty days

of permit issuance, or within three hundred sixty days since the previous approved inspection, will be considered abandoned and shall automatically expire. If no action is taken within one hundred eighty days of the expiration date by the applicant/owner to reactivate the permit or request an extension, the permit will be closed. A closed permit may not be reissued or reactivated.

(3) Extensions. The procedures for requesting and granting extensions or renewals to permits and procedures for the disposition of inactive or expired permits shall be detailed in the Kitsap Manual.

(Ord. 441 (2009) § 2 (part), 2009; Ord. 433 (2009) § 10, 2009)

12.10.060 Professional engineer required.

Unless otherwise required by Chapter 12.16, site development activity permit applications shall require the submittal of documents prepared by a qualified professional engineer when one of the following conditions exists:

- (1) Any land use, building, or development on real property that meets the thresholds requiring Minimum Requirements #1 through #9 to be met, as indicated by Figures 2.4.1 and 2.4.2; or
- (2) Any improvements within the boundaries of Kitsap County rights-of-way for which Kitsap County will ultimately assume responsibility for maintenance; or
- (3) Any site development activity that the director deems to be in the public's best interest to require that certain site development activity permit application submittal documents be prepared by a professional civil engineer.
- (4) Whenever an engineer is required by the Kitsap Manual, including but not limited to design of conveyance, on-site stormwater management, flow control, and water quality treatment BMPs.

(Ord. 441 (2009) § 2 (part), 2009; Ord. 433 (2009) § 11, 2009; Ord. 199 (1996) § 3.23, 1996)

12.10.070 Downstream analysis.

The following projects shall conduct an analysis of downstream water quantity and quality impacts resulting from the project and shall provide for mitigation of these impacts:

- (1) All site development activity permit applications that meet any of the criteria listed in Section 12.10.060;
- (2) All large projects in accordance with the definition in 12.08;
- (3) All project sites located within critical drainage areas.

The analysis shall extend a minimum of one-fourth of a mile downstream from the project. The existing or potential impacts to be evaluated and mitigated shall include excessive sedimentation, erosion, discharges to ground water contributing or recharge zones, violations of water quality standards, and spills and discharges of priority pollutants. The downstream analysis shall include, along with other required submittal documents, an off-site drainage analysis prepared by a qualified professional engineer in accordance with the requirements of the Kitsap Manual.

(Ord. 513 (2014) § 4, 2014; Ord. 441 (2009) § 2 (part), 2009; Ord. 433 (2009) § 12, 2009; Ord. 199 (1996) § 3.24, 1996)

12.10.080 Geotechnical analysis.

All site development activity permit applications for development activities where grading or the construction of retention facilities, detention facilities, or other stormwater facilities is proposed within two hundred feet of slopes steeper than thirty percent, or where the director deems that the proposed construction poses a potential hazard due to its proximity to a slope, shall, when required by the director, include a geotechnical analysis, prepared by a professional geotechnical engineer or licensed engineering geologist. The geotechnical analysis shall address the effects of ground water interception and infiltration, seepage, potential slip planes and changes in soil bearing strength.

(Ord. 441 (2009) § 2 (part), 2009; Ord. 433 (2009) § 13, 2009; Ord. 199 (1996) § 3.25, 1996)

12.10.090 Soils analysis.

All site development activity permit applications that meet any of the following criteria shall include a soils investigation report, meeting the requirements provided in the Kitsap Manual:

- (1) Listed in KCC 12.10.060, or;
- (2) As required by the Kitsap Manual;
- (3) Where the soils underlying the proposed project have not been mapped, or;
- (4) Where existing soils maps of the project site are inconsistent, or;
- (5) Where the director deems that existing soils maps of the project site are not of sufficient resolution to allow proper engineering analysis.

(Ord. 441 (2009) § 2 (part), 2009; Ord. 433 (2009) § 14, 2009; Ord. 199 (1996) § 3.26, 1996)

12.10.100 Permit modifications.

Proposed modifications to an issued site development activity permit must be submitted to the Department of Community Development and be reviewed for compliance with this title. Substantial proposed modifications, as determined by the director, shall require additional review fees and shall require reissuance of the required permit. Minor proposed modifications may be accepted by the director without requiring the reissuance of the accepted permit or the payment of additional review fees.

(Ord. 441 (2009) § 2 (part), 2009; Ord. 433 (2009) § 15, 2009; Ord. 290 (2002) § 4, 2002; Ord. 199 (1996) § 3.30, 1996)

12.10.110 (Repealed)*

* Editor's Note: Former Section 12.10.110, "Erosion and sedimentation control," was repealed by Ordinance 433 (2009). Section 3.40 of Ordinance 199 (1996) was formerly codified in this section.

Chapter 12.12
COVENANTS, SURETIES AND LIABILITY INSURANCE

Sections:

- 12.12.010 Site stabilization.**
- 12.12.020 Performance bond for site stabilization.**
- 12.12.030 Performance covenant for site stabilization.**
- 12.12.040 Performance bond for uncompleted subdivision improvements.**
- 12.12.050 Commercial liability insurance.**
- 12.12.060 Maintenance bonds.**

12.12.010 Site stabilization.

Prior to the issuance of a site development activity permit and prior to beginning any construction activity on a project site, the owner of the project will be required to record a performance covenant or post a performance surety, in the form of a bond as defined in Section 12.12.020, for site stabilization and erosion and sedimentation control.

This performance requirement for stabilization and erosion control should not be confused with the performance bond accepted at the time of final plat recording as a surety for construction items not yet completed. When a performance bond is accepted for a final plat in lieu of construction completion, the surety or covenant for stabilization and erosion control will be released, and the new performance bond shall cover site stabilization and erosion control along with the other incomplete construction items.

Bonding or covenants for site stabilization are not required for projects constructed or owned by Kitsap County.

(Ord. 441 (2009) § 2 (part), 2009; Ord. 433 (2009) § 16, 2009; Ord. 199 (1996) § 4.10, 1996)

12.12.020 Performance bond for site stabilization.

For project sites with one or more acres of land disturbing activity, a performance bond shall be posted prior to issuance of a site development activity permit to guarantee Kitsap County that temporary erosion and sedimentation control and permanent site stabilization measures will perform in accordance with this title. The amount of the performance bond shall be as follows:

- (1) One hundred fifty percent of the estimated cost of performing minor grading and installing temporary erosion and sedimentation control, and permanent site stabilization measures to bring the construction site into compliance with this title. A cost estimate shall be submitted by the project engineer subject to the approval of the director or his/her designee. The minimum amount of the bond shall be \$5,000.00; or
- (2) Ten thousand dollars per acre of land disturbing activity. No engineer's estimate is required.

If the site work is determined by the director to be in violation of this title, the county may use the performance bond to provide temporary and permanent site stabilization.

All performance bonds shall run continuously until released by the county, and shall not be subject to an expiration or cancellation date.

(Ord. 441 (2009) § 2 (part), 2009; Ord. 433 (2009) § 17, 2009; Ord. 199 (1996) § 4.12, 1996. Formerly 12.12.030)

12.12.030 Performance covenant for site stabilization.

For project sites with less than one acre of land disturbing activity, a performance covenant may be recorded in lieu of a performance bond for site stabilization prior to issuance of the site development activity permit to guarantee Kitsap County that temporary erosion and sedimentation control and permanent site stabilization measures will perform in accordance with this title. This covenant shall be recorded with the Kitsap County auditor and shall run with the land until such a time as Kitsap County issues final acceptance of the permitted activities, or until a separate performance bond is posted prior to final plat approval. Upon issuance of final project approval, the Department of Community Development will record a document that extinguishes the performance covenant.

If the site work is determined by the director to be in violation of this title, the county may enforce the performance covenant to provide temporary and permanent site stabilization. In this case, the project proponent will be charged for all associated costs and, if required, a lien will be placed on the property.

(Ord. 441 (2009) § 2 (part), 2009; Ord. 433 (2009) § 18, 2009; Ord. 199 (1996) § 4.11, 1996. Formerly 12.12.020)

12.12.040 Performance bond for uncompleted subdivision improvements.

For single-family residential subdivision developments, a performance bond shall be provided to Kitsap County prior to recording of the final plat, and shall guarantee the completion of all site improvements not yet completed. The amount of the performance bond shall be one hundred fifty percent of the estimated cost of the improvements. The estimated cost of the improvements shall be determined by a professional civil engineer subject to the approval of the director or his/her designee.

All performance bonds shall run continuously until released by the county. Once twenty-five percent of the lots have been issued building permits, no further building permits shall be issued until the bonded work has been completed, the performance bond released, and a maintenance bond established in accordance with 12.12.060. If the site improvements are not completed within a period of eighteen months from the date of performance bond issuance, the county may, with thirty days' written notice, collect the bond and complete the unfinished site improvements.

(Ord. 441 (2009) § 2 (part), 2009; Ord. 433 (2009) § 19, 2009; Ord. 199 (1996) § 4.20, 1996)

12.12.050 Commercial liability insurance.

The owner of any project must provide a certificate of liability insurance to Kitsap County prior to issuance of a site development activity permit. The liability insurance shall remain in force until final project approval is issued by the county. The commercial liability insurance shall be 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. Such insurance shall include Kitsap County, its officers and employees as additional insureds, with respect to the terms and conditions of the policy.

(Ord. 441 (2009) § 2 (part), 2009; Ord. 433 (2009) § 20, 2009; Ord. 199 (1996) § 4.30, 1996)

12.12.060 Maintenance bonds.

A maintenance bond is required for residential subdivision plats and other projects for which maintenance of the stormwater facilities and/or roads is ultimately to be taken over by the county.

After the final approval of construction and prior to release of any performance sureties, a maintenance bond must be posted and maintained by the project owner for a period of two years. The maintenance bond shall guarantee the stormwater facilities and roads constructed under permit against design defects and/or failures in workmanship, and shall guarantee that the facilities constructed under the permit will be regularly and adequately maintained throughout the maintenance period. Prior to the expiration period, Kitsap County will evaluate performance of the bonded facilities and, if not functioning as designed, will require the project owner to fix. Kitsap County also has the authority to collect on the bond and repair or maintain the facility.

Kitsap County may accept properly functioning facilities in accordance with Chapter 12.24 KCC. Until such time as the county accepts maintenance, the developer must secure the proper functioning and maintenance of the facility and such shall be a condition of Final Plat approval.

The amount of the maintenance bond shall be twenty five percent of the estimated construction cost of the stormwater facilities and roads requiring maintenance, or \$5,000.00, whichever is greater. The construction cost of the facilities requiring maintenance shall be estimated by the project engineer, subject to the approval of the director.

(Ord. 441 (2009) § 2 (part), 2009; Ord. 433 (2009) § 21, 2009; Ord. 199 (1996) § 4.40, 1996)

Chapter 12.14 (Repealed)*

* Editor's Note: Former Chapter 12.14, "Erosion and Sediment Control," was repealed by Ordinance 433 (2009). Sections 5.10 – 5.40 of Ordinance 199 (1996) were formerly codified in this chapter.

Chapter 12.16 GRADING¹

Sections:

- 12.16.010 Purpose.**
- 12.16.020 Authority of the director.**
- 12.16.030 Grading plan required.**
- 12.16.040 Abbreviated grading plan.**
- 12.16.050 Drainage.**
- 12.16.060 Hazards.**
- 12.16.070 Permit exemptions.**
- 12.16.080 Changes in topography.**
- 12.16.090 Rockeries and retaining structures.**
- 12.16.100 Maintenance.**
- 12.16.110 Progress of work.**
- 12.16.140 (Repealed)**

12.16.010 Purpose.

This chapter sets forth the minimum standards that shall apply to grading activities as described in Section 12.10.030. For circumstances not specifically addressed in this chapter or in the Kitsap Manual, the provisions of the International Building Code, as currently in effect and adopted in Title 14, shall apply.

(Ord. 441 (2009) § 2 (part), 2009; Ord. 433 (2009) § 22, 2009)

12.16.020 Authority of the director.

The director is the designated agent for the issuance of site development activity permits for grading, and shall have the authority to prepare administrative procedures to carry out the purposes and intent of this chapter.

(Ord. 441 (2009) § 2 (part), 2009; Ord. 433 (2009) § 23, 2009; Ord. 199 (1996) § 6.05, 1996. Formerly 12.16.010)

12.16.030 Grading plan required.

The following projects shall require an approved engineered grading plan:

- (1) Grading projects meeting the criteria of Section 12.10.060;
- (2) Grading projects with five thousand cubic yards or more of cut and fill;
- (3) Grading project that includes land disturbing activity of 1 or more acres;;
- (4) Site development projects that include any activities listed in Section 12.10.030, and do not meet the grading permit exemptions of Section 12.16.070

(Ord. 441 (2009) § 2 (part), 2009; Ord. 433 (2009) § 24, 2009; Ord. 199 (1996) § 6.10, 1996. Formerly 12.16.020)

12.16.040 Abbreviated grading plan.

Small grading projects that trigger Minimum Requirements #1 through #5 only, as indicated by Figures 2.4.1 and 2.4.2, may submit an abbreviated grading plan in lieu of an engineered grading plan, unless engineering is otherwise required.

(Ord. 441 (2009) § 2 (part), 2009; Ord. 433 (2009) § 25, 2009; Ord. 199 (1996) § 6.11, 1996. Formerly 12.16.030)

12.16.050 Drainage.

(1) All grading activities, whether a permit is required or not, shall conform to the requirements of this title concerning stormwater management.

(2) Where required by the director, all discharge of runoff from the project site shall be of like quality, flow rate and velocity as that which flowed from the project site prior to the work for which the site development activity permit has been issued.

(3) Stormwater flows shall be accepted onto, and shall be discharged from, a project site at the natural or otherwise legally existing locations.

(Ord. 441 (2009) § 2 (part), 2009; Ord. 433 (2009) § 26, 2009; Ord. 199 (1996) § 6.13, 1996)

12.16.060 Hazards.

Whenever the director determines that an existing excavation, embankment or fill on private property has become a hazard to public safety, endangers property, or adversely affects the safety, use or stability of a public way, critical drainage area, or drainage channel, such conditions shall become a violation of this title.

(Ord. 441 (2009) § 2 (part), 2009; Ord. 433 (2009) § 27, 2009; Ord. 199 (1996) § 6.15, 1996. Formerly 12.16.070)

12.16.070 Permit exemptions.

The following grading activities shall not require the issuance of a site development activity permit so long as there is less than one acre of land disturbing activity:

- (1) Excavation for utilities, or for wells or tunnels allowed under separate permit by other agencies;
- (2) An excavation below finished grade for basements and footings of a building, retaining wall or other structure authorized by a valid building permit. This shall not exempt the placement of any fill material removed from such an excavation, and shall not exempt any excavation beyond the limits of the basement or footing excavations nor exempt excavations having an unsupported height greater than five feet after the completion of such a structure;
- (3) Agricultural crop management outside of critical drainage areas limited to the preparation of soil by turning, discing or other means endorsed by the Kitsap County conservation district;
- (4) Excavation for cemetery graves;
- (5) Landscape installation where fill is confined to less than one foot of topsoil and land disturbing activities are limited to less than three-fourths acre;
- (6) The disposal of solid waste, wood waste, problem waste and demolition waste authorized pursuant to Chapter 70.95 RCW, and regulations presently enacted or as may be amended or as specifically approved by the Kitsap County health district;
- (7) Mining, quarrying, excavating, processing and/or stockpiling of rock, sand, gravel, aggregate or clay where established and provided by law, and a permit for said activity has been issued by the state of Washington or the federal government, provided such operations do not affect the lateral support or increase the stresses in or pressure upon any adjacent or contiguous land and the activities meet the minimum requirements of this title;
- (8) Exploratory excavations under the direction of a qualified professional engineer;
- (9) Grading activities already approved by separate permit granted by any governing authority; provided, that the activities meet the minimum requirements of this title;
- (10) Emergency sandbagging, diking, ditching, filling or similar work during or after periods of extreme weather conditions when done to protect life or property;
- (11) Maintenance activities within public rights-of-way performed by Kitsap County personnel. However, exemption from the site development activity permit does not constitute an exemption from the other requirements of this title.

(Ord. 441 (2009) § 2 (part), 2009; Ord. 433 (2009) § 28, 2009; Ord. 199 (1996) § 6.20, 1996. Formerly 12.16.090)

12.16.080 Changes in topography.

(1) The maximum surface gradient on any artificially created slope shall be two feet of horizontal run to one foot of vertical fall (2:1). This gradient may be increased to that gradient which can be demonstrated through engineering calculations to be stable, if, in the opinion of the director, it has been demonstrated by the applicant through engineering calculations performed by a qualified professional engineer that surface erosion can be controlled to that erosion rate equal to a properly stabilized 2:1 slope under the same conditions.

(2) The applicant shall, at all times, protect adjacent private properties and public rights-of-way or easements from damage occurring during grading operations. The applicant shall restore public improvements damaged by his/her operations.

(3) The applicant shall be responsible for obtaining and coordinating all required state or federal permits associated with the filling of wetlands or other regulated activities.

(Ord. 441 (2009) § 2 (part), 2009; Ord. 433 (2009) § 29, 2009; Ord. 199 (1996) § 6.30, 1996. Formerly 12.16.100)

12.16.090 Rockeries and retaining structures.

Any rockery or other retaining structure greater than four feet in height, as measured from the base of the wall and not the ground surface, shall require a separate building permit.

(Ord. 441 (2009) § 2 (part), 2009; Ord. 433 (2009) § 30, 2009; Ord. 199 (1996) § 6.40, 1996. Formerly 12.16.110)

12.16.100 Maintenance.

It shall be the responsibility of the applicant to maintain all erosion control and drainage facilities in good operating condition at all times.

(Ord. 441 (2009) § 2 (part), 2009; Ord. 433 (2009) § 31, 2009; Ord. 199 (1996) § 6.50, 1996. Formerly 12.16.120)

12.16.110 Progress of work.

All work permitted under this title shall proceed continuously to completion in an expeditious manner unless otherwise authorized by the director, with the intent that work may be halted due to weather conditions or the need to coordinate other construction on the project site. Site development activity permits, issued for grading only, shall expire one hundred and eighty days (180) after issuance.

(Ord. 441 (2009) § 2 (part), 2009; Ord. 433 (2009) § 32, 2009; Ord. 199 (1996) § 6.60, 1996. Formerly 12.16.130)

12.16.140 (Repealed)

* Editor's Note: Former Section 12.16.140, "Expiration of existing grading permits," was repealed by Ordinance 433 (2009). Section 6.70 of Ordinance 199 (1996) was formerly codified in this section.

¹ Editor's Note: Former Sections 12.16.040, "Erosion and sedimentation control," 12.16.060, "Minimum grading standards," 12.16.080, "Additional review," and 12.16.140, "Expiration of existing grading permits," were repealed by Ordinance 433 (2009). Sections 6.12, 6.14, 6.16 and 6.70 of Ordinance 199 (1996) were formerly codified in these sections.

Chapter 12.20
STORMWATER MANAGEMENT

Sections:

- 12.20.010** Minimum requirements for new and redevelopment projects.
- 12.20.020** Approved hydrological methods for design.
- 12.20.030** (Repealed)
- 12.20.035** (Repealed)
- 12.20.040** Stormwater management facility design requirements.
- 12.20.050** Illicit discharges.
- 12.20.060** Functionally equivalent best management practices.
- 12.20.090** Stormwater conveyance facilities.
- 12.20.100** Easements, tracts and covenants.
- 12.20.110** (Repealed)
- 12.20.120** Regional facilities.
- 12.20.130** Basin planning.

12.20.010 Minimum requirements for new and redevelopment projects..

Not all Minimum requirements apply to every development or redevelopment project. The applicability varies depending on the project type and size. This section identifies thresholds that determine the applicability of the minimum requirements for new and redevelopment projects and is consistent with the Ecology Manual. Use the flow charts in Figures 2.4.1 and 2.4.2 to determine which of the minimum requirements apply. The minimum requirements are presented in Section 4.2, Volume I of the Kitsap Manual.

- (1) New Development. All new development shall be required to comply with Minimum Requirement #2.
 - (A) The following new development shall comply with Minimum Requirements #1 through #5 for the new and replaced hard surfaces and for the land disturbed when the development:
 - 1. Results in 2,000 square feet, or greater, of new plus replaced hard surface area, or
 - 2. Has land disturbing activity of 7,000 square feet or greater.
 - (B) The following new development shall comply with Minimum Requirements #1 through #9 for the new and replaced hard surfaces and the converted vegetation areas when the development:
 - 1. Includes grading involving the movement of 5,000 cubic yards or more of material; or
 - 2. For sites located inside Census defined urban areas:
 - a. Results in 5,000 square feet, or greater, of new plus replaced hard surface area, or
 - b. Converts $\frac{3}{4}$ acres, or more, of vegetation to lawn or landscaped areas, or
 - c. Converts 2.5 acres, or more, of native vegetation to pasture.

3. For sites located outside census defined urban areas or UGAs, results in 10,000 square feet or more of new plus replaced hard surface area, or results in 5% or more of hard surface area covering the lot area (whichever is greater).

(2) Redevelopment. All redevelopment shall be required to comply with Minimum Requirement #2.

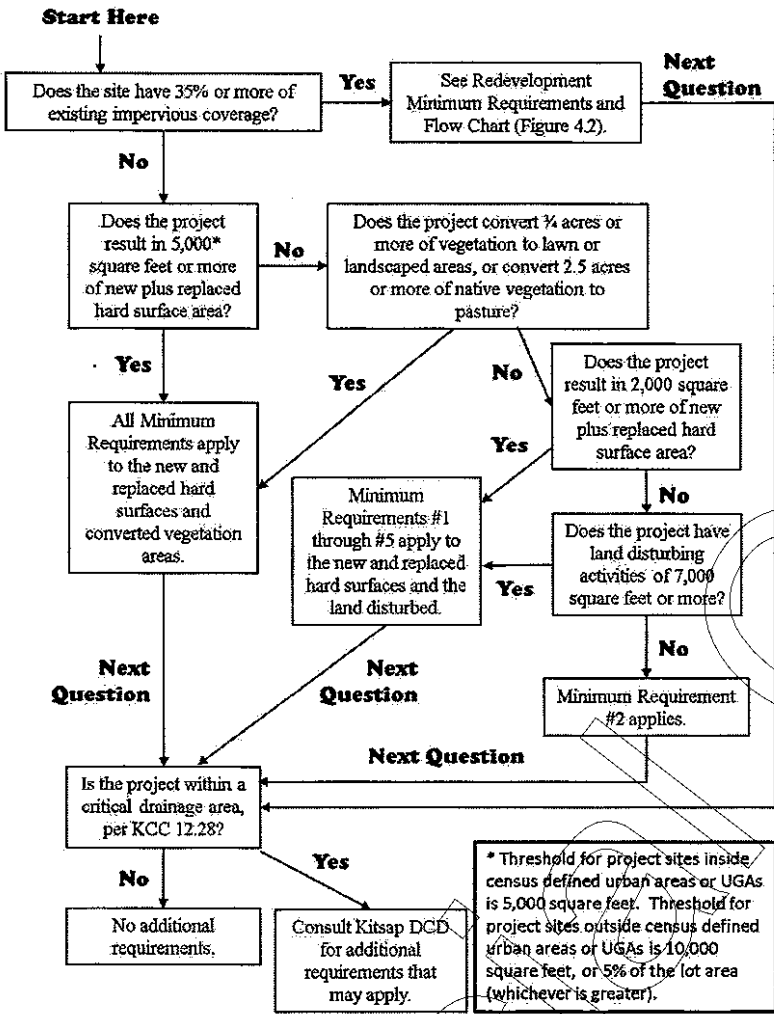
(A) The following redevelopment shall comply with Minimum Requirements #1 through #5 for the new and replaced hard surfaces and the land disturbed when the development:

1. Results in 2,000 square feet or more, of new plus replaced hard surface area, or
2. Has land disturbing activity of 7,000 square feet or greater.

(B) The following redevelopment shall comply with Minimum Requirements #1 through #9 for the new and replaced hard surfaces and converted vegetation areas when the development:

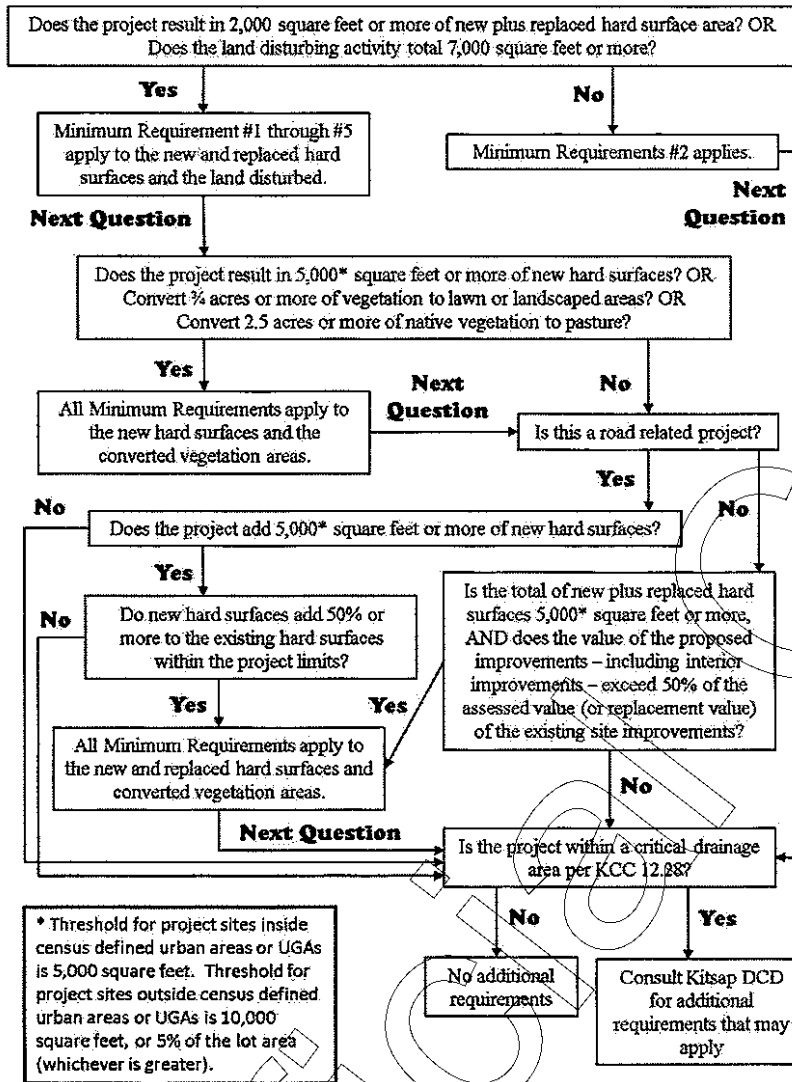
1. Includes grading involving the movement of 5,000 cubic yards or more of material; or
2. For sites located inside Census defined urban areas:
 - a. Adds 5,000 square feet or more of new hard surfaces or,
 - b. Converts $\frac{1}{4}$ acres, or more, of vegetation to lawn or landscaped areas, or
 - c. Converts 2.5 acres, or more, of native vegetation to pasture.
3. For sites located outside census defined urban areas or UGAs, adds 10,000 square feet or more of new hard surface area, or results in 5% or more of hard surface area covering the lot area (whichever is greater).

Figure 2.4.1 – Flow Chart for Determining Requirements for New Development



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Figure 2.4.2 – Flow Chart for Determining Requirements for Redevelopment



(Ord. 513 (2014) § 6, 2014; Ord. 441 (2009) § 2 (part), 2009; Ord. 433 (2009) § 34, 2009; Ord. 199 (1996) § 7.05, 1996)

12.20.020 Approved hydrological methods for design.

Estimation of peak stormwater runoff rates, volumes, and durations used in the design of stormwater management facilities, including conveyance, on-site stormwater management, flow control, and runoff treatment Best Management Practices, shall utilize the approved methods identified in the Kitsap Manual.

(Ord. 441 (2009) § 2 (part), 2009; Ord. 433 (2009) § 35, 2009; Ord. 199 (1996) § 7.10, 1996)

12.20.030 (Repealed)*

* Editor's Note: Former Section 12.20.030, "Storm water quantity control – Engineered flow control," was repealed by Ordinance 433 (2009). Section 2 of Ordinance 375 (2007) and Section 7.20 of Ordinance 199 (1996) were formerly codified in this section.

12.20.035 (Repealed)*

* Editor's Note: Former Section 12.20.035, "Storm water quantity control – Prescriptive flow control," was repealed by Ordinance 433 (2009). Section 4 of Ordinance 375 (2007) was formerly codified in this section.

12.20.040 Stormwater management facility design requirements .

Stormwater conveyance facilities and on-site stormwater management, flow control, and water quality treatment Best Management Practices (BMPs) shall be designed and used in accordance with the Kitsap Manual.

(Ord. 441 (2009) § 2 (part), 2009; Ord. 433 (2009) § 36, 2009; Ord. 199 (1996) § 7.30, 1996)

12.20.050 Illicit discharges.

Illicit discharges, as described in Section 12.30.020, or illicit connections to a stormwater drainage system, as described in Section 12.30.030, are prohibited.

(Ord. 199 (1996) § 7.32, 1996)

12.20.060 Emerging Technologies. New technologies shall be evaluated following Ecology's technology assessment protocols (TAPE and CTAPE), as detailed in the Kitsap Manual. Functionally equivalent BMPs approved by Ecology as equivalent to existing water quality treatment technologies may be used.

12.20.090 Stormwater conveyance facilities.

(1) All proposed developments must provide on-site stormwater conveyance facilities having sufficient capacity to convey, without flooding or otherwise damaging any existing or proposed structures, the post-development peak stormwater runoff rate resulting from a one-hundred-year storm event, plus any existing upstream runoff that will be conveyed through the development site.

(2) Estimation of peak stormwater runoff rates used in the design of water conveyance facilities shall use one of the following methods:

(A) The rational method as shown in the Kitsap Manual; or

(B) The Santa Barbara Urban Hydrograph (SBUH) event model method as shown in the Kitsap Manual

(C) The latest version of the Western Washington hydrology model (WWHM2012), or its successor, as approved by the Washington State Department of Ecology; or

(D) The MGSFlood model.

(3) Existing drainage ways and/or other conveyance facilities downstream from proposed developments that are identified within the scope of the downstream analysis shall have sufficient capacity to convey, without flooding or otherwise damaging existing or proposed structures, the post-development peak stormwater discharge for the one-hundred-year storm event. All newly constructed downstream drainage ways and/or conveyance facilities shall have sufficient capacity to convey the post-development peak stormwater discharge for the one-hundred-year storm event. Downstream improvements or additional on-site stormwater quantity control measures shall be provided to eliminate any potential downstream flooding or other damage that may occur following completion of the proposed development. The director has the authority to waive the

requirement for downstream improvements when the variance criteria of section 12.04.025(2) have been demonstrated

(4) Drainage through closed conveyance structures such as pipes shall not discharge directly onto the surface of a public road.

(Ord. 441 (2009) § 2 (part), 2009; Ord. 433 (2009) § 41, 2009; Ord. 199 (1996) § 7.40, 1996)

12.20.100 Easements, tracts and covenants.

(1) Drainage easements shall be provided in a proposed development for all stormwater conveyance systems that are not located in public rights-of-way. The drainage easements shall be granted to the parties responsible for providing ongoing maintenance of the systems. Drainage easements through structures are not permitted.

(2) Stormwater facilities that are to be maintained by Kitsap County, together with maintenance access roads to the facilities, shall be located in the public right-of-way, in separate tracts to be dedicated to Kitsap County, or in drainage easements to be granted to Kitsap County. Kitsap County will not accept any dedication or maintenance obligations unless and until the conditions of Chapter 12.24 KCC are met. Wording to this effect shall appear on the face of all final plats, and shall be contained in any covenants required for a development.

(3) All runoff from impervious surfaces, roof drains and yard drains shall be directed so as not to adversely affect adjacent properties. Wording to this effect shall appear on the face of all final plats, and shall be contained in any covenants required for a development.

(Ord. 441 (2009) § 2 (part), 2009; Ord. 433 (2009) § 42, 2009; Ord. 199 (1996) § 7.50, 1996)

12.20.110 (Repealed)*

* Editor's Note: Former Section 12.20.110, "Wetlands," was repealed by Ordinance 433 (2009). Section 7.60 of Ordinance 199 (1996) was formerly codified in this section.

12.20.120 Regional facilities.

When the director has determined that the public would benefit by the establishment of a regional stormwater facility that would serve as an alternative to the construction of separate on-site drainage facilities, the director may recommend to the board that a regional stormwater facility be constructed which would serve more than one development in providing stormwater quantity and/or quality control. In the event that a regional stormwater facility is required by the board, such a regional stormwater facility shall be located outside of fish-bearing streams, unless otherwise accepted by the Washington State Department of Fish and Wildlife. All future developments constructed on lands designated by the board to be served by the regional facility shall, at the time of issuance of a site development activity permit for a development, be required to contribute a fair share to the cost of land purchase, design and construction of the regional facility. In the event that a proposed regional stormwater facility is not yet in operation at the time of completion of construction of a development that is to be served by the regional facility, the applicant for the development shall be required to provide temporary stormwater quantity and quality controls. Temporary quantity and quality controls may be constructed in temporary easements, rather than in separate tracts.

(Ord. 199 (1996) § 7.70, 1996)

12.20.130 Watershed planning.

An adopted and implemented basin plan tailored to a specific basin may be used to develop requirements for source control, stormwater treatment, flow control, wetlands and water quality sensitive areas. Adopted and implemented watershed-scale basin plans may be used to modify any or all of the minimum requirements for stormwater quantity or quality control addressed in this title; provided, that the level of protection for surface or ground water achieved by the basin plan will equal or exceed that which would otherwise be achieved by implementation of the provisions of this title in the absence of a basin plan. Watershed plans shall evaluate and include, as necessary, retrofitting of BMPs for existing development and/or redevelopment in order to achieve watershed-wide pollutant reduction goals. Standards developed from watershed plans shall not modify any of the above requirements until the watershed plan is formally adopted by the State Department of Ecology and Kitsap County and fully implemented by Kitsap County.

(Ord. 441 (2009) § 2 (part), 2009; Ord. 433 (2009) § 43, 2009; Ord. 199 (1996) § 7.80, 1996)

**Chapter 12.24
OPERATION AND MAINTENANCE**

Sections:

- 12.24.010 Maintenance of stormwater facilities by owners.**
- 12.24.020 Maintenance covenant required for privately maintained drainage facilities.**
- 12.24.030 County acceptance of new stormwater facilities.**
- 12.24.040 County acceptance of existing stormwater facilities.**
- 12.24.050 County inspections of privately maintained stormwater facilities.**
- 12.24.060 Inspection schedule.**

12.24.010 Maintenance of stormwater facilities by owners.

(1) Any person or persons holding title to a non-residential property for which stormwater facilities and BMPs have been required by Kitsap County shall be responsible for the continual operation, maintenance and repair of the stormwater facilities and BMPs in accordance with the provisions of this title.

(2) For privately maintained stormwater facilities, the maintenance requirements specified in this title, including the Kitsap Manual, shall be enforced against the owner(s) of the subject property served by the stormwater facility.

(3) Stormwater maintenance shall be performed in accordance with the Kitsap Manual.

(Ord. 441 (2009) § 2 (part), 2009; Ord. 433 (2009) § 44, 2009; Ord. 199 (1996) § 8.10, 1996)

12.24.020 Maintenance covenant required for privately maintained drainage facilities.

(1) Prior to the use of a development constructed under a site development activity permit, the owner shall record a maintenance covenant which guarantees Kitsap County that the stormwater facilities shall be properly operated, maintained and inspected, and which gives Kitsap County the authority to enter and inspect the facility, and to take any necessary enforcement action as per Chapter 12.32. The restrictions set forth in such covenant shall be included in any instrument of conveyance of the subject property and shall be recorded with the Kitsap County auditor.

(2) The director may require the owners of existing stormwater facilities for which Kitsap County has not previously accepted operation and maintenance responsibility to record a maintenance covenant or to request that Kitsap County accept operation and maintenance responsibility for the stormwater facilities subject to the requirements of this title.

(3) Maintenance covenants shall remain in force for the life of the development, or until the responsibility for the operation and maintenance of the subject stormwater facilities is accepted by Kitsap County.

(Ord. 441 (2009) § 2 (part), 2009; Ord. 433 (2009) § 45, 2009; Ord. 199 (1996) § 8.11, 1996)

12.24.030 County acceptance of new residential stormwater facilities.

The county may accept for maintenance those new residential stormwater facilities constructed under an accepted site development activity permit that has been approved by Public Works and that meet the following conditions:

- (1) Improvements in residential plats have been completed on at least eighty percent of the lots, unless waived by the director; and
- (2) All drainage facilities have been inspected and accepted by the director and said drainage facilities have been in satisfactory operation for at least two years; and
- (3) All drainage facilities reconstructed during the maintenance period have been accepted by the director; and
- (4) The stormwater facility, as designed and constructed, conforms to the provisions of this title; and
- (5) All easements and tracts required under this title, entitling the county to properly operate and maintain the subject drainage facility, have been conveyed to Kitsap County and have been recorded with the Kitsap County auditor; and
- (6) For non-standard drainage facilities, an operation and maintenance manual, including a maintenance schedule, has been submitted to and accepted by Kitsap County; and
- (7) A complete and accurate set of reproducible as-built drawings has been provided to Kitsap County. A professional engineer shall certify that both the vertical and horizontal alignment meet the design objectives.

(Ord. 441 (2009) § 2 (part), 2009; Ord. 433 (2009) § 46, 2009; Ord. 199 (1996) § 8.12, 1996)

12.24.040 County acceptance of existing stormwater facilities.

Kitsap County may accept for maintenance those stormwater facilities for residential developments existing prior to the effective date of the ordinance codified in this chapter that meet the following conditions:

- (1) Improvements in residential plats/PBDs have been completed on at least eighty percent of the lots; and
- (2) An inspection by the director has determined that the stormwater facilities are functioning as designed; and

(3) The stormwater facilities have had at least two years of satisfactory operation and maintenance, unless otherwise waived by the director; and

(4) The person or persons holding title to the properties served by the stormwater facilities submit a petition containing the signatures of the title holders of more than fifty percent of the lots served by the stormwater facilities requesting that the county maintain the stormwater facilities; and

(5) All easements required under this title, entitling the county to properly operate and maintain the subject stormwater facilities, have been conveyed to Kitsap County and have been recorded with the Kitsap County auditor; and

(6) The person or persons holding title to the properties served by the stormwater facilities show proof of the correction of any defects in the drainage facilities, as required by the director.

(Ord. 441 (2009) § 2 (part), 2009; Ord. 433 (2009) § 47, 2009; Ord. 199 (1996) § 8.13, 1996)

12.24.050 County inspections of privately maintained stormwater facilities.

(1) The director is authorized to develop a County inspection program for privately owned and maintained stormwater facilities in Kitsap County. The purpose of this inspection program shall be for the County to determine if the stormwater facilities, conveyance structures and water quality facilities are in good working order and are properly maintained, and to ensure that stormwater quality BMPs are in place and that non-point source pollution control is being implemented.

(2) Whenever the provisions of the inspection program are being implemented, or whenever there is cause to believe that a violation of this title has been or is being committed, the inspector is authorized to inspect during regular working hours and at other reasonable times any and all stormwater drainage facilities within Kitsap County to determine compliance with the provisions of this title.

(3) Prior to making any inspections, the director or assignee shall follow the procedures delineated in Section 12.32.030.

(Ord. 441 (2009) § 2 (part), 2009; Ord. 433 (2009) § 48, 2009; Ord. 199 (1996) § 8.14, 1996)

12.24.060 Inspection schedule.

The director is authorized to establish a master inspection and maintenance schedule to inspect appropriate stormwater facilities that are not owned and operated by Kitsap County. The party (or parties) responsible for maintenance and operation shall be identified. Critical stormwater facilities, as so deemed by the director, may require a more frequent inspection schedule.

(Ord. 199 (1996) § 8.15, 1996)

**Chapter 12.28
CRITICAL DRAINAGE AREAS**

Sections:

12.28.010 Special drainage improvements.

12.28.020 Designation.

12.28.030 Conflicting information.**12.28.010 Special drainage improvements.**

In order to mitigate or eliminate potential drainage-related impacts on critical drainage areas, the director may require drainage improvements in excess of those required in other sections of this title. These improvements in critical drainage areas may be required even if the development does not meet the thresholds requiring the minimum requirements to be met as stated in KCC 12.20.010. For particularly sensitive drainage areas, the director may specify the general type of drainage improvements required.

(Ord. 441 (2009) § 2 (part), 2009; Ord. 433 (2009) § 49, 2009; Ord. 199 (1996) § 9.10, 1996)

12.28.020 Designation.

The following are designated as critical drainage areas:

- (1) All lands having a slope of thirty percent or greater:
 - (A) As determined by a topographic survey of the site; or
 - (B) As shown on approved topographic mapping, such as LIDAR, when other topographic survey information is not available; or
 - (C) As determined by the director based on field investigation of the site;
- (2) Geologically hazardous areas as defined in Title 19 KCC and historically documented unstable slopes;
- (3) All lands within two hundred feet of the ordinary high water mark of bodies of water possessing fish spawning and rearing habitat for anadromous and resident fish species, as designated by the State Department of Fish and Wildlife;
- (4) All lands identified as critical areas in any comprehensive drainage plan, or defined as critical drainage areas by separate ordinance;
- (5) All lands that are classified as wetlands as defined by any separate Kitsap County ordinance or policy;
- (6) Any lands that have existing local requirements for the management or protection of ground water, aquifers or sole source aquifers;
- (7) Any lands that drain to a closed depression;
- (8) Any lands that have existing local or state requirements for the protection of particular fish or wildlife habitats;
- (9) Any lands that are established by law as shellfish protection areas;
- (10) Any lands determined by the director to have a high potential for drainage and water quality problems, and/or are sensitive to the effects of construction or development.

(Ord. 441 (2009) § 2 (part), 2009; Ord. 433 (2009) § 50, 2009; Ord. 199 (1996) § 9.20, 1996)

12.28.030 Conflicting information.

In the event of conflict between maps or other available information resources, the final determination of whether or not certain lands are critical drainage areas shall be made by the director. In making such a final determination, the director may use detailed site surveys and/or other topographic data which the director may require the applicant to furnish at the applicant's expense.

(Ord. 199 (1996) § 9.30, 1996)

**Chapter 12.30
ILLICIT DISCHARGE DETECTION AND ELIMINATION**

Sections:

- 12.30.010 (Repealed)**
- 12.30.020 Illicit discharges.**
- 12.30.030 Illicit connections and uses.**
- 12.30.040 Pollution control device maintenance.**
- 12.30.050 Test procedure.**
- 12.30.060 Exemptions.**

12.30.010 (Repealed)*

* Editor's Note: Former Section 12.30.010, "Purpose," was repealed by Ordinance 433 (2009). Section 10.10 of Ordinance 199 (1996) was formerly codified in this section.

12.30.020 Illicit discharges.

Illicit discharges to stormwater drainage systems are prohibited.

(Ord. 199 (1996) § 10.20, 1996)

12.30.030 Illicit connections and uses.

The stormwater system of Kitsap County, natural and artificial, may only be used to convey stormwater runoff. Violation of this chapter can result in enforcement action being taken as prescribed in Chapter 12.32 KCC.

No person shall use this system, directly or indirectly, to dispose of any solid or liquid matter other than stormwater. No person shall make or allow any connection to the stormwater system which could result in the discharge of polluting matter. Connections to the stormwater system from the interiors of structures are prohibited. Connections to the stormwater system for any purpose other than to convey stormwater or ground water are prohibited and shall be eliminated.

(Ord. 433 (2009) § 51, 2009; Ord. 199 (1996) § 10.21, 1996)

12.30.040 Pollution control device maintenance.

Owners and operators of oil/water separators, wet ponds, bioretention facilities, permeable pavement systems, sand filters, vaults, sediment and erosion control systems, infiltration systems, and any other pollution control

devices shall operate and maintain such control devices to assure that performance meets the intended level of pollutant removal. Recommended maintenance schedules for these devices are included in the Kitsap Manual.

(Ord. 441 (2009) § 2 (part), 2009; Ord. 433 (2009) § 52, 2009; Ord. 375 (2007) § 5, 2007; Ord. 199 (1996) § 10.22, 1996)

12.30.050 Test procedure.

In the event that water quality testing is utilized in determining whether a violation of this chapter has occurred, the water quality test procedures shall be followed as described in the most recent edition of Title 40 Code of Federal Regulations, Part 136.

(Ord. 441 (2009) § 2 (part), 2009; Ord. 433 (2009) § 53, 2009; Ord. 199 (1996) § 10.31, 1996)

12.30.060 Exemptions.

The following discharges are exempt from the provisions of this chapter:

- (1) The regulated effluent from any commercial or municipal facility holding a valid state or federal wastewater discharge permit;
- (2) Acts of God or nature not compounded by human negligence;

(Ord. 441 (2009) § 2 (part), 2009; Ord. 433 (2009) § 54, 2009; Ord. 199 (1996) § 10.70, 1996)

Chapter 12.32 ENFORCEMENT

Sections:

- 12.32.010** Violations of this title.
- 12.32.020** Inspection.
- 12.32.030** Inspection procedures.
- 12.32.035** Special enforcement provisions.
- 12.32.040** Stop work orders.
- 12.32.050** Cumulative civil penalty.
- 12.32.060** (Repealed)
- 12.32.070** Order to maintain or repair.
- 12.32.080** Notice of violation – Assessment of penalty.
- 12.32.090** Appeal and disposition.
- 12.32.100** Liability for costs of investigation.
- 12.32.110** Collection of civil penalty.
- 12.32.120** Hazards.
- 12.32.130** Violations and abatement.

12.32.010 Violations of this title.

The placement, construction or installation of any structure, or the connection to a public storm drainage facility, or the discharge to a public storm drainage facility, or grading, or any other activity that violates the provisions of this title shall be and the same is declared to be unlawful and a public nuisance. As such, any person who causes, aids or abets a violation of this title has committed a civil infraction and shall be subject to

the citations, orders, sanctions and remedies adopted in this chapter and the Civil Enforcement Ordinance (Chapter 2.116 KCC) as now or hereafter amended. Additionally, any person who willfully or knowingly causes, aids or abets a code violation of this title by any act of commission or omission is guilty of a misdemeanor.

Violations of this title may be abated through the use of the Civil Enforcement Ordinance (Chapter 2.116), through civil or criminal penalties, through stop work orders, or through any other remedies set forth in this title, including, but not limited to, revocation of any permits. Each violation shall constitute a separate violation 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. Such choice will also not preclude the department's ability to also pursue other actions.

(Ord. 433 (2009) § 55, 2009: Ord. 199-A (1997) § 1, 1997: Ord. 199 (1996) § 11.10, 1996)

12.32.020 Inspection.

(1) Routine Inspections. The director shall have access to any site for which a site development activity permit has been issued pursuant to this title during regular business hours for the purpose of on-site review and to ensure compliance with the terms of such permit. The applicant for any such permit shall agree in writing, as a condition of issuance thereof, that such access shall be permitted for such purposes; however, consent shall first be requested as per Section 12.32.030 KCC.

(2) Inspection for Cause. Whenever there is cause to believe that a violation of this title has been or is being committed, the director is authorized to inspect the property associated with the alleged violation, and any part thereof reasonably related to the violation, during regular business hours, and at any other time reasonable in the circumstances in accordance with Section 12.32.030 KCC. The applicant for any site development activity permit issued under this title shall, as a condition of issuance of such permit, agree in writing that such access to the project site is allowed for this purpose and that any action, that inhibits the collection of information relevant to enforcement of the provisions of this title, shall be grounds for issuance of a stop work order by the director.

(3) Inspection. Projects where work is completed, but not inspected, shall receive a stop-work order. No further work or inspections will be authorized until all required inspections for completed work have been approved. Testing, including infiltration and other non-destructive tests, may be required to verify compliance with Kitsap County Code.

(Ord. 433 (2009) § 56, 2009: Ord. 199 (1996) § 11.15, 1996)

12.32.030 Inspection procedures.

Prior to making any inspections, the director shall present identification credentials, state the reason for the inspection and request entry.

(1) If the property or any building or structure on the property is unoccupied, the director shall first make a reasonable effort to locate the owner or other person(s) having charge or control of the property or portions of the property and request entry.

(2) If after reasonable effort, the director is unable to locate the owner or other person(s) having charge or control of the property, the director shall enter as allowed by written consent pursuant to the permit or as

otherwise allowed by law. If the director has reason to believe the condition of the site or of the stormwater drainage system creates an imminent hazard to persons or property, he or she may enter.

(Ord. 433 (2009) § 57, 2009; Ord. 199 (1996) § 11.16, 1996)

12.32.035 Special enforcement provisions.

(1) **Analysis Conducted by State-Certified Laboratory.** As part of any investigation of a potential violation of this chapter, water samples shall be analyzed by a State-certified water quality laboratory capable of conducting the necessary analyses.

(2) **Assessment for Laboratory Costs.** If a violation of this chapter is found to exist through the use of water quality testing, the person responsible for the violation may be assessed the County's actual costs in conducting the laboratory analyses described in subsection 1 of this section.

12.32.040 Stop work orders.

"Stop work order" means a written notice, signed by the director, that is posted on the site of a construction activity, stating that a violation of a Kitsap County ordinance has occurred and that all construction-related activity, except for erosion and sedimentation control activities authorized by the director, is to cease until further notice. The director may cause a stop work order to be issued whenever the director has reason to believe that there is a violation of the terms of this title. The effect of such a stop work order shall be to require the immediate cessation of such work or activity until authorization is given by the director to proceed.

(Ord. 433 (2009) § 58, 2009; Ord. 199 (1996) § 11.20, 1996)

12.32.050 Cumulative civil penalty.

Every person who violates this title, or the conditions of an accepted site development activity permit plan, may incur a civil penalty. The penalty shall not be less than \$100.00 or exceed \$1,000.00 for each violation. This penalty shall be in addition to any other penalty provided by law. Each and every such violation shall be a separate and distinct offense, and each day of continued or repeated violation shall constitute a separate violation.

(Ord. 199 (1996) § 11.30, 1996)

12.32.060 (Repealed)*

* Editor's Note: Former Section 12.32.060, "Aiding or abetting," was repealed by Ordinance 433 (2009). Section 11.31 of Ordinance 199 (1996) was formerly codified in this section.

12.32.070 Order to maintain or repair.

The director shall have the authority to issue to an owner or person an order to maintain or repair a component of a stormwater facility or BMP to bring it in compliance with this title. The order shall include:

- (1) A description of the specific nature, extent and time of the violation and the damage or potential damage that reasonably might occur;
- (2) A notice that the violation or the potential violation cease and desist and, in appropriate cases, the specific corrective actions to be taken; and
- (3) A reasonable time to comply, depending on the circumstances.

(Ord. 433 (2009) § 59, 2009; Ord. 199 (1996) § 11.40, 1996)

12.32.080 Notice of violation – Assessment of penalty.

Whenever the director has found that a violation of this title has occurred or is occurring, the director is authorized to issue a notice of violation directed to the person or persons identified by the director as the violator.

(1) The notice of violation shall contain:

(A) The name and address of the property owner;

(B) The street address, when available, or a legal description sufficient to identify the building, structure, premises or land upon or within which the violation is occurring;

(C) A statement of the nature of such violation(s);

(D) A statement of the action that is required to be taken within twenty-one days from the date of service of the notice of violation, unless the director has determined the violation to be hazardous and to be requiring immediate corrective action, or unless the corrective action constitutes a temporary erosion control measure;

(E) A statement that a violation is (1) a misdemeanor if willingly or knowingly committed and may be prosecuted as such or (2) a civil infraction subject to a cumulative civil penalty in the amount of not less than one hundred dollars and not exceeding one thousand dollars per day for each and every day following the date set for correction on which the violation continues; and

(F) A statement that the director's determination of violation may be appealed to the Kitsap County hearing examiner by filing written notice of appeal, in accordance with Chapter 21.04. The per diem civil penalty shall not accrue during the pendency of such administrative appeal unless the violation was determined by the director to be hazardous and to require immediate corrective action or was determined by the director to constitute a temporary erosion control measure.

(2) The notice of violation shall be served upon the person(s) to whom it is directed either personally or by complaint in superior court proceedings or by mailing a copy of the notice of violation by certified mail.

(Ord. 433 (2009) § 60, 2009; Ord. 199 (1996) § 11.41, 1996)

12.32.090 Appeal and disposition.

A notice of violation issued pursuant to this chapter is a Type 1 decision that may be appealed as provided in Section 21.04.120.

(Ord. 433 (2009) § 61, 2009; Ord. 199 (1996) § 11.42, 1996)

12.32.100 Liability for costs of investigation.

Any person found to be in violation of this title shall be responsible for the costs of investigation by the county. Such cost may include the analytical services of a certified laboratory.

(Ord. 199 (1996) § 11.50, 1996)

12.32.110 Collection of civil penalty.

The civil penalty constitutes a personal obligation of the person(s) to whom the notice of violation is directed. Penalties imposed under this chapter shall become due and payable thirty days after receiving notice of penalty unless an appeal is filed. The prosecuting attorney, on behalf of the county, is authorized to collect the civil penalty by use of appropriate legal remedies, the seeking or granting of which shall neither stay nor terminate the accrual of additional per diem penalties so long as the violation continues.

(Ord. 199 (1996) § 11.60, 1996)

12.32.120 Hazards.

(1) Whenever the director determines that any existing construction site, erosion/sedimentation problem or drainage facility poses a hazard to public safety or substantially endangers property, or adversely affects the condition or capacity of the drainage facilities, or adversely affects the safety and operation of county right-of-way, or violates state water pollution laws, the person to whom the permit was issued, or the person or persons holding title to the property within which the drainage facility is located, shall, upon receipt of notice in writing from the director, repair or otherwise address the cause of the hazardous situation in conformance with the requirements of this title.

(2) Should the director have reasonable cause to believe that the situation is so adverse as to preclude written notice, he or she may take the measures necessary to eliminate the hazardous situation; provided, that he or she shall first make a reasonable effort to locate the owner before acting, in accordance with Section 12.32.030. In such instances, the person or persons holding title to the subject property shall be obligated for the payment to Kitsap County of all costs incurred by the county. If costs are incurred and a bond pursuant to this chapter or other county requirement has been posted, the director shall have the authority to collect against the bond to cover costs incurred.

12.32.130 Violations and abatement.

(1) The violation of or failure to comply with any of the provisions of this chapter is unlawful. The remedies and penalties provided in this section, whether civil or criminal, shall be cumulative and shall be in addition to any other remedy provided by law. Authority to enforce provisions of this chapter is granted to the public works director.

(2) Abatement. If a violation of this chapter presents an imminent and material risk of danger to persons, property or the public health, safety, welfare, or the environment, the county may summarily and without prior notice take any lawful action necessary to abate the violation. The county may assess any costs incurred by the county against the person responsible for the violation. Notice of such abatement, including the reason for it, shall be mailed or given to the person responsible for the violation as soon as reasonably possible after the abatement. No right of action shall lie against the county or its agents, officers, or employees for actions reasonably taken to prevent or cure any such immediate risks.

(Ord. 433 (2009) § 62, 2009; Ord. 199 (1996) § 11.80, 1996. Formerly 12.32.130)

Chapter 12.36
STORMWATER MANAGEMENT PROGRAM

Sections:

- 12.36.010 Title.**
- 12.36.020 Purpose.**
- 12.36.040 Program creation and authority.**
- 12.36.050 Stormwater management program elements.**
- 12.36.060 Administration.**
- 12.36.070 Program coordination.**
- 12.36.080 Program funding.**
- 12.36.090 Right-of-entry.**
- 12.36.100 Enforcement.**
- 12.36.110 Appeals.**

12.36.010 Title.

This chapter shall be titled "Stormwater Management Program."

(Ord. 521 (2015) § 2, 2015; Ord. 156 (1993) § 1, 1993)

12.36.020 Purpose.

The purpose of this chapter is to promote and protect the public health, safety and welfare by ensuring a comprehensive approach to stormwater management pursuant to Chapter 36.89 RCW. The Stormwater Management Program seeks to protect life and property from storm, waste, flood or surplus surface waters, protect water quality by preventing siltation, contamination and erosion of the county's waterways, protect aquifers, provide shellfish protection, assure compliance with federal and state surface water management and water quality regulations and legislation, increase public education and citizen involvement, and encourage the preservation of natural drainage systems.

(Ord. 521 (2015) § 3, 2015; Ord. 156 (1993) § 2, 1993)

12.36.040 Program authority and administration.

The Stormwater Management Program (Program) is a program within the Kitsap County Department of Public Works that implements the County's comprehensive county-wide stormwater management policies and practices. The Program shall be administered by the Stormwater Division of Kitsap County Department of Public Works, and the director thereof shall have the authority, subject to approval by the county commissioners, to implement this chapter and exercise all lawful powers necessary and appropriate for the construction, acquisition and condemnation of property rights, maintenance, management, operations and regulation of storm drainage and surface water runoff systems including, without limitation, all lawful powers to fix, alter, regulate and control the rates and charges for the use thereof.

No provision of this chapter shall prevent municipalities, county agencies departments or special districts from adopting, administering or enforcing other ordinances and regulations to protect stormwater quality.

(Ord. 521 (2015) § 5, 2015; Ord. 156 (1993) § 4, 1993)

12.36.050 Program elements.

The Program includes the following elements: basin and watershed planning, education, capital improvements, operations and maintenance, monitoring, source control and shellfish protection (the “program”).

- (1) **Basin and Watershed Planning.** The Program develops, coordinates and implements basin and watershed action plans to control surface and stormwater runoff in the county.
- (2) **Education.** The Program develops and implements activities to educate the public about land use and human activities that impact water quality and stormwater management. The Program also develops citizen involvement opportunities to monitor streams and implement restoration programs consistent with approved basin and watershed action plans.
- (3) **Capital Improvements.** The Program develops six-year capital improvement plans that define the activities related to the acquisition, construction, replacement or renovation of capital facilities or equipment needed to address the storm-water management program objectives of the county. Each capital improvement plan shall be submitted to the county commissioners for review and approval along with a plan and budget for implementation.
- (4) **Operations and Maintenance.** The Program develops and implements operations and maintenance activities, including inspection and enforcement, to assure that all public and private drainage and stormwater control facilities in the county are functional and effective. The Program also performs the operations and maintenance of all county-owned stormwater control facilities, and coordinates the transfer of county maintenance responsibility for private residential stormwater control facilities to the County.
- (5) **Monitoring.** The Program develops and implements activities to monitor the ambient water quality of rivers, streams, lakes and wetlands, and evaluates the effectiveness of source controls and BMPs implemented under the basin and watershed action plans. Water quality monitoring activities are coordinated between agencies within the county, and the results of monitoring activities shall be communicated to residents, agencies and other interested persons.
- (6) **Source Control.** The Program develops and implements source control activities to improve water quality and focuses on reducing herbicide and pesticide usage, strengthening the on-site sewage system correction and wellhead protection programs, and strengthening the use of BMPs. The Program may also provide financial assistance through low-interest loans, grants and cost sharing for the restoration of streams, repair on-site sewage disposal systems, on-site low impact development BMPs and agricultural practice improvements.
- (7) **Shellfish Protection.** The Program develops and implements shellfish protection activities to accomplish the purposes outlined in Chapter 90.72 RCW. The Program also coordinates the implementation of activities that provide increased shellfish protection with other counties, municipalities or special purpose districts that may establish shellfish protection programs or districts. This section, however, shall not be construed to establish a shellfish protection district.

(Ord. 521 (2015) § 6, 2015: Ord. 156 (1993) § 5, 1993)

(Ord. 521 (2015) § 7, 2015: Ord. 156 (1993) § 6, 1993)

12.36.060 Program coordination.

Program activities and services may be coordinated through agreements with other departments, governmental entities or special districts in order to achieve a comprehensive approach to stormwater management. The Program shall endeavor to eliminate or reduce duplication and to achieve the maximum program benefit in the most efficient manner. The director shall submit an operating plan, budget and an annual report to the county commissioners for review and approval.

(Ord. 521 (2015) § 8, 2015; Ord. 156 (1993) § 7, 1993)

12.36.080 Program funding.

The Program shall be funded by rates and service charges established through chapter 12.40 KCC. The Program and any participating municipality, agency, department or special districts may solicit additional funds through grants, if available, to supplement program funding.

(Ord. 521 (2015) § 9, 2015; Ord. 156 (1993) § 8, 1993)

12.36.090 Right-of-entry.

Whenever necessary to examine the property characteristics of a particular parcel for the purposes of implementing this chapter, the director may enter any property at reasonable times in compliance with the following procedures:

- (1) If such property is occupied, the director shall present identification credentials, state the reason for entry and request entry.
- (2) If such property is unoccupied, the director shall first make a reasonable effort to locate the owner or other person having charge or control of the property and request entry.
- (3) Unless entry is consented to by the owner or person in control of any property, the director, prior to entry, shall obtain a search warrant as authorized by the laws of the state of Washington.

(Ord. 156 (1993) § 9, 1993)

12.36.100 Enforcement.

(1) **Notice of Violation.** Where stormwater control facilities not maintained by the county have been abandoned, neglected or are not functioning adequately as designed, the KCPW shall have the authority to inspect the facility and advise the property owner(s) in writing of the duty to repair and/or maintain the facility. If the property owner(s) fails to repair and/or maintain the facility within thirty days, public works may issue a notice of violation providing the property owner(s) with a written description of the corrective action that must be taken, the time period in which the corrective action must be performed, and the civil penalty for failure to perform the corrective action. In the event that the property owner(s) fails to take the required corrective action, public works shall report the violation to the county prosecutor, who shall have the authority to collect the civil penalty by use of appropriate legal remedies.

(2) **Negotiation.** In addition to, or as an alternative to, the above procedure for notice of violation, the department of public works shall have the authority to negotiate with a property owner(s) to obtain the owner's consent for public works to perform the corrective repair or maintenance action, at the property owner's sole expense.

(3) Transfer of maintenance. If stormwater control facilities on or serving private residential property meet the criteria in chapter 12.24 KCC, the county may accept the maintenance responsibility for the stormwater control facilities.

(4) Emergencies. Whenever the director determines that a stormwater control facility poses a hazardous condition to public health, life or property, or adversely affects the condition or capacity of the drainage facilities, or adversely affects the safety or operation of county right-of-way or other property owned or maintained by the county, and the director has reasonable cause to believe that the hazardous condition is so adverse as to preclude the written notice of violation procedure described above, the director may take measures limited to those necessary to eliminate the hazardous condition, provided that the director takes reasonable steps to locate and advise the property owner(s) of the hazardous condition. In such event, the property owner(s) shall be obligated to reimburse the county for the reasonable costs of performing the corrective action.

(Ord. 521 (2015) § 10, 2015; Ord. 156 (1993) § 10, 1993)

12.36.110 Appeals.

Disputes and appeals pertaining to a notice of violation shall be processed pursuant to this section:

- (1) Within twenty days after receipt of a notice of violation, the property owner(s) shall request in writing a meeting with the director to attempt to informally resolve the dispute.
- (2) If the dispute is not resolved pursuant to subsection (1) of this section, the property owner(s) shall submit a written explanation of his or her position to the director within ten days following the meeting with the director. Such written materials must fully explain the position of the property owner(s) and must, as appropriate, include engineering or other supporting data, drawings, field information and argument concerning the applicable legal authorities. The written materials submitted to the director must indicate that the property owner(s) is invoking the review process set forth in this section.
- (3) Upon receipt of the materials described in subsection (2), the director shall review such materials and shall within ten days set forth the county's position on the dispute in writing. This report shall be transmitted to the property owner(s) by certified mail.
- (4) If the property owner(s) is dissatisfied with the position set forth by the director, he or she may appeal the dispute to the Kitsap County board of commissioners by filing a written notice of appeal with the director within ten days of receipt of the written report.
- (5) Upon receipt of an appeal, the director shall transmit to the board a copy of the written explanation as described in subsection (2) and the report of the county's position as described in subsection (3), which shall constitute the record.
- (6) Upon receipt of the materials as set forth in subsection (5), the board shall schedule a public hearing at which to consider the appeal and shall notify the property owner(s) at least ten days prior to the public hearing. The board's decision shall be based on the record transmitted by the director, and both the director and the property owner(s) shall be permitted to present ten minutes of oral argument. The board shall notify the property owner(s) and the director of its decision in writing by certified mail within fifteen days upon completion of the hearing.

(Ord. 156 (1993) § 11, 1993)

**Chapter 12.40
STORMWATER MANAGEMENT PROGRAM RATE STRUCTURE**

Sections:

- 12.40.010 Title.**
- 12.40.020 Purpose.**
- 12.40.030 Applicability.**
- 12.40.040 Definitions.**
- 12.40.050 Rate structure.**
- 12.40.055 Unit rates.**
- 12.40.060 Billing.**
- 12.40.070 Service charge adjustments and appeals.**
- 12.40.080 Use of funds.**
- 12.40.090 Lien for delinquent charges and foreclosures.**

12.40.010 Title.

The ordinance codified in this chapter shall be titled "Stormwater Management Program Rate Structure."

(Ord. 521 (2015) § 11, 2015; Ord. 165 (1994) § 1.0, 1994)

12.40.020 Purpose.

The purpose of this chapter is to establish the regulatory fees necessary to carry out the Stormwater Management Program by fixing rates and charges pursuant to RCW 36.89.080. These fees are for the furnishing of service to those served or receiving benefits, or to be served or to receive benefits from any drainage facility, or contributing to surface water runoff within Kitsap County. This authority is being invoked in order to minimize property damage, promote and protect the public health, safety and welfare, minimize water quality degradation by preventing siltation, contamination and erosion of the county's waterways, protect aquifers, ensure the safety of county roads and rights-of-way, increase educational and recreational opportunities, encourage the retention of open space and foster other beneficial public uses.

(Ord. 521 (2015) § 12, 2015; Ord. 165 (1994) § 2.0, 1994)

12.40.030 Applicability.

The requirements of this chapter shall apply to all parcels of real property in unincorporated Kitsap County, including public and private property.

(Ord. 165 (1994) § 3.0, 1994)

Editor's Note: 12.40.040, Definitions, moved/merged with 12.08 Definitions.

12.40.050 Rate structure.

(1) The rates and service charges shall be based on the service provided and relative contribution of stormwater runoff from a given parcel to the stormwater control facilities. The average estimated percentage of impervious surfaces on the parcel, the land use classification, the total parcel acreage and/or measured

impervious surface area will be used to determine the relative contribution of stormwater runoff from the parcel.

(2) The board of county commissioners shall establish from time to time, by resolution, the unit rate applied to each class of property identified below:

| Class of Property | Basis of Service Charge |
|-----------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| (1) Single-family residence | A unit rate per single-family residence based on one ESU. |
| (2) Multifamily residence | Number of dwelling units times the unit rate. |
| (3) Apartments | Estimated or measured impervious surface area divided by the square footage of one ESU, rounded to the nearest ESU but not less than one, times the unit rate. In the absence of measured impervious surface area, impervious surface area shall be estimated by multiplying the gross parcel size by a density of development factor of fifty-one percent. |
| (4) Commercial uses | Estimated or measured impervious surface area divided by the square footage of one ESU, rounded to the nearest ESU but not less than one, times the unit rate. In the absence of measured impervious surface area, impervious surface area shall be estimated by multiplying the gross parcel size by a density of development factor of sixty-two percent. |
| (5) Industrial uses | Estimated or measured impervious surface area divided by the square footage of one ESU, rounded to the nearest ESU but not less than one, times the unit rate. In the absence of measured impervious surface area, impervious surface area shall be estimated by multiplying the gross parcel size by a density of development factor of thirty-four percent. |
| (6) Institutional uses | Estimated or measured impervious surface area divided by the square footage of one ESU, rounded to the nearest ESU but not less than one, times the unit rate. In the absence of measured impervious surface area, impervious surface area shall be estimated by multiplying the gross parcel size by a density of development factor of forty-one percent. |
| (7) Undeveloped land | No charge. |
| (8) County roads | Estimated or measured impervious surface area divided by the square footage of one ESU, rounded to the nearest ESU times the unit rate. |
| (9) State roads | Thirty percent of the base rate for impervious surface area divided by the square footage of one ESU, rounded to the nearest ESU times the unit rate. |

(3) Rainwater Harvesting Rate Reduction. Any new or remodeled commercial building (as defined by subsections (2)(3) through (6) of this section) that utilizes rainwater harvesting may receive a fifty percent rate reduction for those surfaces from which the rain is harvested. In order to obtain the rate reduction, the proponent must demonstrate through an analysis prepared by a licensed professional engineer that the system will result in zero surface water discharge for all storm events contained in the Ecology Manual, using the

hydrologic methods described in KCC 12.20.020. The proponent is responsible for requesting the credit. The rate reduction will become effective for the calendar year following the request.

(4) **One Hundred Percent Retention/Infiltration Rate Reduction.** Any new or remodeled commercial development (as defined by subsections (2)(3) through (6) of this section) that utilizes one hundred percent infiltration of all site rain runoff water may receive a fifty percent rate reduction. In order to obtain the rate reduction, the proponent must demonstrate through an analysis prepared by a licensed professional engineer that the system will result in zero surface water discharge for all storm events contained in the Ecology Manual, using the hydrologic methods described in KCC 12.20.020. The proponent is responsible for requesting the credit. The rate reduction will become effective for the calendar year following the request.

(5) **Direct Discharge to Tidally Influenced Waters Rate Reduction.** Any new or remodeled commercial development (defined by subsections (2)(3) through (6) of this section) that discharges directly into Puget Sound, or directly into the tidally influenced areas of rivers and streams discharging into Puget Sound, may receive a fifty percent rate reduction. In order to obtain the rate reduction, the proponent must demonstrate through an analysis prepared by a licensed professional engineer that the system conforms to the requirements of the Kitsap Manual and Section 12.20.040, and that the site does not discharge surface runoff except through the direct discharge system. The proponent is responsible for requesting the credit. The rate reduction will become effective for the calendar year following the request.

(Ord. 521 (2015) § 13, 2015; Ord. 474-2011 § 1, 2011; Ord. 315 (2004) § 1, 2004; Ord. 165-A (1995) § 2.0, 1995; Ord. 165 (1994) § 5.0, 1994)

12.40.055 Unit rates.

(1) The unit rate shall be \$73.50 per year per ESU or single-family residence for property classes 1 through 6, 8 and 9 listed in Section 12.40.050(2), starting January 1, 2013.

(2) The unit rate shall be \$78.00 per year per ESU or single-family residence for property classes 1 through 6, 8 and 9 listed in Section 12.40.050(2), starting January 1, 2014.

(3) The unit rate shall be \$82.00 per year per ESU or single-family residence for property classes 1 through 6, 8 and 9 listed in Section 12.40.050(2) starting January 1, 2015.

(4) The unit rate shall be \$86.50 per year per ESU or single-family residence for property classes 1 through 6, 8 and 9 listed in Section 12.40.050(2) starting January 1, 2016.

(5) The unit rate shall be \$91.00 per year per ESU or single-family residence for property classes 1 through 6, 8 and 9 listed in Section 12.40.050(2) starting January 1, 2017.

(6) The unit rate shall be \$96.00 per year per ESU or single-family residence for property classes 1 through 6, 8 and 9 listed in Section 12.40.050(2) starting January 1, 2018.

(Ord. 497 (2012) § 2, 2012; Ord. 360 (2006) § 1, 2006; Ord. 327 (2004) § 2, 2004; Ord. 319 (2004) § 2, 2004)

12.40.060 Billing.

(1) All property subject to rates and service charges pursuant to this chapter shall be assessed annually. Billing statements shall be included on the annual property tax statements. Properties which do not receive a property tax statement will receive a separate rate and service charge billing statement.

(2) The total amount of the service charge shall be due and payable on or before the thirtieth day of April, and shall be delinquent after that date; however, if one-half of such service charge is paid on or before the thirtieth day of April, the remainder shall be due and payable on or before the thirty-first day of October and shall be delinquent after that date.

(Ord. 165 (1994) § 6.0, 1994)

12.40.070 Service charge adjustments and appeals.

(1) Any person billed for service charges may file a request for service charge adjustment with the director within thirty days of the date of the bill. However, filing of such a request does not extend the period for payment of the charge.

(2) A request for service charge adjustment may be granted or approved by the director, subject to the county assessor's review if modification of the assessor's database is recommended, only when one of the following conditions exists:

(A) The parcel is owned and is the personal residence of a person or persons determined by the county assessor as qualified for a low income senior citizen exemption authorized under RCW 84.36.381; parcels qualifying hereunder shall be given the same percentage reduction in the service charge as in RCW84.36.381;

(B) The acreage of the parcel charged is in error;

(C) The parcel is non-residential and the actual impervious surface area of the parcel, as established by a licensed surveyor or engineer, is more than fifty percent of an equivalent service unit greater than or less than the estimated or measured impervious surface area used in determining the charge;

(D) Parcels owned or leased by a public school district which provides activities which directly benefit the stormwater management program. The activities may include: curriculum specific to the issues and problems of stormwater management, and student activities in the community to expose students to the efforts required to restore, monitor or enhance the stormwater management system. Pursuant to RCW 36.89.085, the amount of the service charge adjustment shall be determined by the director based upon the cost of the activities to the school district, but not to exceed the value of the activity to the stormwater management program. Determination of which activities qualify for the stormwater management service charge reduction will be made by the director. Reductions in stormwater management service charges will only be granted to school districts which provide programs that have been evaluated by the director. The service charge adjustment for the school district activity may be applied to any parcel in the service area which is owned or operated by the school district;

(E) The service charge bill was otherwise not calculated in accordance with the terms of this chapter; or

(F) The parcel exists in its natural unimproved condition and will remain in its natural unimproved condition with no allowable human activities or manmade improvements which adversely affect water quantity or quality.

(3) Service charge adjustments will only apply to the bill then due and payable, and bills subsequently issued. In the event that the county replaces estimated impervious surface area with measured impervious surface area, in the absence of an appeal, such actual impervious surface area will be used for future bills.

(4) The property owner shall have the burden of proving that the service charge adjustment should be granted.

(5) Decisions on requests for service charge adjustment shall be made by the director based on information submitted by the applicant and by the public works department within thirty days of the adjustment request, except when additional information is needed. The applicant shall be notified in writing of the director's decision. If an adjustment is granted which reduces the service charge for the current year, the applicant shall be refunded the amount overpaid in the current year.

(6) If the director finds that a service charge bill has been undercharged, then either an amended bill shall be issued which reflects the increase and service charge or the undercharged amount will be added to the next year's bill. This amended bill shall be due and payable under the provisions set forth in KCC 12.40.060.

(7) Decisions of the director on requests for service charge adjustments shall be final unless within thirty days of the date the decision was mailed, the applicant submits in writing to the director a notice of appeal setting forth a brief statement of the grounds for appeal and requesting a hearing before the Kitsap County board of county commissioners.

(Ord. 521 (2015) § 14, 2015; Ord. 165 (1994) § 7.0, 1994)

12.40.080 Use of funds.

Service charges collected under this chapter shall be deposited into a special fund or funds to be used only for the purpose of paying all or any part of the cost and expense of maintaining and operating stormwater control facilities, all or any part of the cost and expense of planning, designing, establishing, acquiring, developing, constructing, maintaining and improving the stormwater management program and drainage facilities.

(Ord. 521 (2015) § 15, 2015; Ord. 165 (1994) § 8.0, 1994)

12.40.090 Lien for delinquent charges and foreclosures.

(1) Delinquent service charges shall bear interest as provided in RCW 36.89.090 and 36.89.092 at the rate of twelve percent per annum, or such rate as may hereafter be authorized by law, computed on a monthly basis from the date of delinquency until paid. Interest shall be calculated at the rate in effect at the time of payment of the charges regardless of when the charges were first delinquent.

(2) The county shall have a lien for delinquent service charges, including interest thereon, against any property subject to service charges; the lien shall be superior to all other liens and encumbrances except general taxes and local and special assessments. Such liens shall be effective and shall be enforced and foreclosed in the manner provided by RCW 36.94.150; except that the service charge lien shall be effective for a total not to exceed one year's delinquent service charges without the necessity of any writing or recording of the lien with the county records and elections division, as provided for in RCW 36.89.093. In accordance with RCW 36.89.094, the county may commence to foreclose a stormwater management service charge lien after three years from the date stormwater management charges become delinquent, in lieu of the provisions provided for in RCW 36.94.150.

(Ord. 521 (2015) § 16, 2015; Ord. 165 (1994) § 9.0, 1994)