

ID	Topic	KCC Section	Department recommended Change	Staff Review and Reason for Change	Planning Commission Recommendation
Title 17					
1	Revising definition of "Multiple-family"	17.110.50 4	"Multiple-family" means a building or portion thereof containing three or more dwelling units constructed with units above other units, or <u>side-by-side units</u> , and designed for occupancy by three or more families.	Revising the definition to include side-by-side units. 17.100.040 references 17.520, which has been repealed. 17.110.504 specifies that multiple-family is for units "on top of one another" but multiple-family apartment buildings could be built as townhomes.	
2	Correcting grammar of the allowed use standards of "Club"	17.415.11 5	In rural protection (RP), rural residential (RR), or parks (P) zone, all buildings and activities shall be set back a minimum of fifty feet from a side or rear lot line. In all other zones, the minimum setback shall be <u>and</u> thirty-five feet in all other zones from a side or rear lot line . All such uses shall access directly to a county right-of-way determined to be adequate by the county engineer and be able to provide access without causing traffic congestion on local residential streets. Any such use shall not be materially detrimental to any adjacent (existing or future) residential development due to excessive traffic generation, noise, light or other circumstances. The director may increase setback, buffer and landscaping standards or impose other conditions to address potential impacts.	The first sentence in the definition of Club (17.415.115) is awkward and potentially ambiguous because it omits a comma.	

3	Correcting the grammar of the allowed use standards of "Places of Worship"	14.415.395	In the rural protection (RP) or rural residential (RR) zones, all buildings and activities shall be set back a minimum of fifty feet from a side or rear lot line. In all other zones, the minimum setback shall be and thirty-five feet in all other zones from a side or rear lot line . All such uses shall access directly to a county right-of-way determined to be adequate by the county engineer and be able to provide access without causing traffic congestion on local residential streets. Any such use shall not be materially detrimental to any adjacent (existing or future) residential development due to excessive traffic generation, noise, light or other circumstances. The director may increase setback, buffer and landscaping standards or impose other conditions to address potential impacts.	The first sentence in the definition of Places of Worship (17.415.395) is awkward and potentially ambiguous because it omits a comma.	
4	Master planning code removal	17.440	Remove entire 17.440 chapter.	The Master Planning code has not been used. Recommended to remove it.	
5	Tree canopy requirements clarification	17.495.020	A. Tree canopy requirements shall apply to commercial uses , subdivision of land, or single-family and multi-family development creating four or more developable lots or units or on a property of one-half acre or more within unincorporated urban growth areas.	Section 17.495 Tree Canopy applies to residential and commercial uses, but commercial uses are not mentioned until table 17.495.030-1. Its application to both residential (with minimum thresholds) and commercial projects should be more clear.	

6	Deciduous tree credit math update in footnote	17.495.030	Diameter at breast height (DBH) is used in determining the diameter of existing trees. For example: On a seven thousand five-hundred-square-foot lot in ULR zone (three credits needed) with one twenty-four-inch DBH tree, one twelve-inch DBH tree, and two six-inch DBH trees, the minimum tree unit credits are met by retaining the twenty-four-inch DBH tree only, or retaining the twelve-inch DBH tree and one <u>both</u> of the six-inch DBH trees, or remove all trees on site and plant six <u>three</u> new deciduous or three new conifers to meet the minimum tree density units for the lot.	The deciduous tree credit was updated from 0.5 to 1, but the example math in the footnote of table 17.495.030-2 was not updated.	
7	Director's Interpretation - Cell Tower	16.04.050	H. A division for the purpose of leasing land for facilities providing personal wireless services while used for that purpose. For the purposes of this subsection “personal wireless services” means any federally licensed personal wireless service; and “facilities” means unstaffed facilities that are used for the transmission or reception, or both, of wireless communication services including, but not necessarily limited to, antenna arrays, transmission cables, equipment shelters, and support structures. <u>The division shall comply with Kitsap County Code Title 17 ‘Zoning’;</u> and	https://www.kitsap.gov/dcd/CodeInterpretations/T16%20-%20DI%20Cell%20Tower.pdf	

8	Director's Interpretation - Cell Tower	17.530.060(A) <i>New Section. Subsequent renumbering.</i>	<p><u>7. Leasehold Division of Property</u></p> <p><u>a. Subject to meeting all other requirements of this chapter an applicant may divide land in accordance with RCW 58.17.040(8) to prepare a leasehold interest in property where a wireless communications facility (WCF) is proposed. Such division shall be a Type 1 permit action by DCD. A leasehold division may result in a parcel exempt from minimum lot sizes established by KCC 17.420, provided:</u></p> <p><u>i. The owner provides a binding assurance that the leasehold parcel shall be aggregated with one or more of the other parcels that were modified by the leasehold division, upon (a) denial of land use approval required by KCC Chapter 17.530, (b) revocation of such land use approval, or (c) abandonment of use of the leasehold parcel;</u></p> <p><u>ii. All other requirements, including but not limited to, KCC titles 17 Zoning, 18 Environment, 19 Critical Areas Ordinance, 21 Land Use and Development Procedures, and 22 Shoreline Master Program shall apply to the leasehold parcel; and</u></p> <p><u>iii. A legally enforceable document, such as a covenant, shall be recorded. The document shall prescribe the enforceability of the leasehold parcel conditions.</u></p>	<p>https://www.kitsap.gov/dcd/CodeInterpretations/T16%20-%20DI_Cell%20Tower.pdf</p>	
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9	Director's Interpretation - Replacement of Certain Nonconforming Homes	17.570.050(D)	<p>D. Destruction of Nonconforming Use of Structure. If any nonconforming use of structure is destroyed by any cause, it shall be allowed to be reconstructed as a nonconforming structure up to the same size (total square footage of structure, square footage of footprint of the building and height) and appearance; provided, however, the director has the discretion to allow a different appearance if he finds that it would be more compatible with the zone in which it is located. A complete application for such reconstruction must be filed with the department within a one-year period from the date the structure was destroyed. <u>When requested by the applicant, the replacement square footage of a mobile or manufactured home under this section may be exceeded by no greater than 10% in size if they can demonstrate they meet the variance criteria noted in 17.105.010.</u></p>	https://www.kitsap.gov/dcd/CodeInterpretations/CBO%20-%20DI%20Formal-Replacement%20of%20Certain%20Nonconforming%20Homes.pdf	
Title 22					

10	Correcting incorrect reference.	22.400.135	<p>1. Siting Accessory Structures. Accessory structures may be sited within the shoreline structure setback area; provided, that they do not substantially obstruct the view of adjacent principal buildings and they comply with applicable buffer provisions. Fences six feet or less, unenclosed decks eighteen inches or less from average grade, and structures less than ten feet in height from grade level and under two hundred square feet do not constitute view blockage but are still subject to the other provisions of this title including vegetation conservation buffers. Water-oriented storage structures that meet the requirements in Section 22.400.120(D)(1)(e) 22.400.120(D)(1)(f) do not constitute a view blockage.</p>	<p>Fixing error. 22.400.120(D)(1)(e) is the incorrect reference and should be replaced with 22.400.120(D)(1)(f).</p>	
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