

- 2024 Comprehensive Plan Update

DRAFT DEVELOPMENT REGULATIONS TITLE 16 - SUBDIVISION KITSAP COUNTY

December 2023



Prepared by:

Kitsap County
Department of Community Development



Code Section	Issue	Proposed Change
Title 16		
16.04.035	Definitions	Moved to separate, new chapter (16.10)
16.04.050.J	Applicability and exemptions	Added exemption for division of land for transfer to government or land trust for public purposes
16.10 (new chapter)	Definitions	Moved definitions related to Land Divisions from Title 21 to Title 16
16.24.040.A.4	Shared driveway review/approval authority	Add “designee” in addition to director
16.24.040.C.1.e	Rolled curbs	Standardizing language between this section and 17.420.037.A.3
16.24.040.D	Move Street Connectivity Requirements	New section 16.24.040.D. Moves public street and street connectivity requirements from Title 17 (KCC 17.420.037) to Title 16 (eliminates redundancy).
16.24.040.G.2	Street tree location	Requires street trees to be located between road and sidewalk
16.24.040.I	Changed language to reflect revised PBD to PUD	PBD to PUD
16.24.040.I.3.c.	Recreational Open Space Tracts	Amended to clarify that Recreational Open Space Tracts must be centrally located.
16.40.040.C.3.	Vesting Rights After Major Amendment	Added subsection stating that major amendments shall cause the application to lose its vesting.
16.40.040.D.1	Amendments to Site Development Activity Permits for Subdivisions	New section allows for administrative approval of amendments to SDAPs related to subdivisions in certain situations
16.40.050.C	Submittal Requirements	Must show setbacks on plat.
16.48.020.C.10	Minimum 25-Foot-Wide Native Vegetation Buffer	Clarify 25 foot wide vegetation buffer requirement in LAMIRDs.
16.48.020.C.13	Submittal requirements	Must show setbacks on plat

16.48.030.C.3	Vesting Rights After Major Amendment	Added subsection stating that major amendments shall cause the application to lose its vesting.
16.48.030.D.1	Amendments to Site Development Activity Permits for Subdivisions	New section allows for administrative approval of amendments to SDAPs related to subdivisions in certain situations
16.52.030.C.3	Vesting Rights After Major Amendment	Added subsection stating that major amendments shall cause the application to lose its vesting.
16.56.020.B	Binding Site Plans	Updated Binding Site Plan language to reflect a State Law regarding Condominiums: <u>B. Condominiums subject to RCW 64.32 or RCW 64.34. A binding site plan is required for the division of land through a condominium process subject to Chapters 64.32 or 64.43 RCW, pursuant to RCW 58.17.040(7).</u>
16.60.015	Applicability of alteration of land segregations	New language clarifying when alteration of land segregation is required
16.64	Planned Unit Development	New chapter, replaces 17.450 Performance Based Development.

Chapter 16.04

GENERAL PROVISIONS

Sections:

[16.04.010 Title.](#)

[16.04.020 Purpose.](#)

[16.04.030 Authority.](#)

~~[16.04.035 Definitions.](#)~~

[16.04.040 Interpretation.](#)

[16.04.050 Applicability and exemptions.](#)

[16.04.060 Conformity with other codes.](#)

[16.04.070 Fees.](#)

[16.04.080 General requirements.](#)

[16.04.090 Appeals.](#)

[16.04.100 Expiration of preliminary approval.](#)

[16.04.110 Recording requirements.](#)

[16.04.120 Phased development.](#)

[16.04.130 Dedications.](#)

[16.04.140 Surveys.](#)

[16.04.150 Violations.](#)

[16.04.160 Prohibition on development.](#)

[16.04.170 Poulsbo Urban Transition Area.](#)

[16.04.180 List of qualified consultants.](#)

16.04.010 Title.

The ordinance codified in this title may be cited as either “Kitsap County Land Division and Development Ordinance” or “Title [16](#), Kitsap County Code.”

(Ord. 489 (2012) § 2 (part), 2012: Ord. 483 (2012) § 2 (Att. 1), 2012)

16.04.020 Purpose.

This title governs the division and redivision of land into lots, tracts, parcels, sites or other divisions for the purpose of sale, lease or other transfer by utilizing one of the following processes: subdivision, short subdivision, large lot subdivision, binding site plan and condominium. The purpose of this title is to regulate the segregation of land and to promote the public health, safety and general welfare in accordance with standards established by the state and county to prevent the overcrowding of land; to lessen congestion in the streets and highways; to promote effective use of land; to promote safe and convenient travel by the public on streets and highways; to provide for adequate light and air; to facilitate adequate provision for water, sewerage, parks and recreation areas, open space areas, sidewalks, nonmotorized trails, sites for schools and school grounds and other public facilities and services; to provide

for proper ingress and egress; to provide for the expeditious review and approval of proposed land segregations which conform to zoning standards and local plans and policies; to adequately provide for the housing and commercial needs of the citizens of the county; and to require uniform monumenting of land segregations and conveyancing by accurate legal description. The intent of this title is to carry out the goals and policies of the Kitsap County Comprehensive Plan, the Countywide Planning Policies and the laws of the state of Washington relating to land division.

16.04.030 Authority.

These regulations are adopted pursuant to the authority of the State Constitution, Article 11, Section 11; Chapters [36.70](#), [36.70A](#) and [58.17](#) RCW.

16.04.035 Definitions.

~~Words and phrases appearing in this title shall be given the meaning attributed to them by Chapter [21.02](#). When not inconsistent with the context, words used in the present tense shall include the future; the singular shall include the plural, and the plural the singular; the word "shall" is always mandatory, and the word "may" indicates a use of discretion in making a decision. Terms, phrases and words used in the masculine gender include the feminine and the feminine the masculine. Where terms, phrases and words are not defined, they shall have their ordinary accepted meanings within the context in which they are used and the most current version of Merriam-Webster's Collegiate Dictionary shall be considered as providing ordinary accepted meanings.~~

16.04.040 Interpretation.

This title shall be liberally interpreted and construed to secure the public health, safety and welfare and the rule of strict construction shall have no application.

16.04.050 Applicability and exemptions.

The provisions of Chapters [16.40](#), Subdivisions; 16.48, Short Subdivisions; and 16.52, Large Lot Subdivisions, shall apply to all divisions and redivisions of land for the purposes of sale, lease or other transfer of ownership except:

- A. A division of land for cemeteries and other burial plots while used for that purpose;
- B. A division of land into lots or tracts, as follows: one-thirty-second of a section or larger, or twenty acres or larger if the land is not capable of description as an aliquot part of a section. Lots within a rural zoning designation may include, for the purposes of area calculation, the portion of county right-of-way fronting the lot; said portion of county right-of-way shall be bounded by the right-of-way centerline, the front property line and the side lot lines of the lot running perpendicular to such centerline;
- C. A division of land made by testamentary provision, or the laws of descent. Development of such divisions of land is subject to the zoning regulations set forth at Title [17](#);
- D. A division of land into lots, or tracts classified for industrial or commercial use when the county has approved a binding site plan for the use of the land in accordance with this title;
- E. A division for the purpose of lease when no residential structure other than mobile homes or travel trailers is permitted to be placed upon the land when the county has approved a binding site plan for the use of the land in accordance with local regulations;
- F. A division of land into lots or tracts if: (1) Such division is the result of subjecting a portion of a parcel or tract of land to either Chapter [64.32](#) or [64.34](#) RCW subsequent to the recording of a binding site plan for all such land; (2) the improvements constructed or to be constructed thereon are required by the provisions of the binding site plan to be included in one or more condominiums or owned by an association or other legal entity in which the owners of units therein or their owners' associations have a membership or other legal or beneficial interest; (3) the county has approved the binding site plan for all such land; (4) such approved binding site plan is recorded with the county auditor; and (5) the binding site plan contains thereon the following statement:

All development and use of the land described herein shall be in accordance with this binding site plan, as it may be amended with the approval of the county having jurisdiction over the development of such land, and in accordance with such other governmental permits, approvals, regulations, requirements, and restrictions that may be imposed upon such land and the development and use thereof. Upon completion, the improvements on the land shall be included in one or more condominiums or owned by an association or other legal entity in which the owners of the units therein or their owners' associations have a membership or other legal or beneficial interest. This binding site plan shall be binding upon all now or hereafter having any interest in the land described herein.

The binding site plan may depict or describe the boundaries of the lots or tracts resulting from subjecting a portion of the land to either Chapter [64.32](#) or [64.34](#) RCW. A binding site plan shall be deemed to have been approved if the binding site plan was approved by the county pursuant to Chapter [16.56](#);

G. A division made for the purpose of alteration by adjusting boundary lines, between platted or unplatted lots or both, that does not create any additional lot, tract, parcel, site or division, nor result in any lot, tract, parcel, site or division that contains insufficient area and dimension to meet minimum requirements for width and area for a building site;

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; and

I. A division of land into lots of less than three acres that is recorded in accordance with Chapter [58.09](#) RCW and is used or to be used for the purpose of establishing a site for construction and operation of consumer-owner or investor-owned electric utility facilities. For purposes of this subsection, “electric utility facilities” means unstaffed facilities, except for the presence of security personnel, that are used for or in connection with or to facilitate the transmission, distribution, sale, or furnishing of electricity including, but not limited to, electric power substations. This subsection does not exempt a division of land from the zoning and permitting laws and other regulations set forth in the Kitsap County Code. Furthermore, this subsection only applies to electric utility facilities that will be placed into service to meet the electrical needs of a utility’s existing and new customers. New customers are defined as electric service locations not already in existence as of the date that electric utility facilities subject to the provisions of this subsection are planned and constructed.

[J. A division of land made for the purpose of transferring land to a governmental entity and/or nonprofit land trust to accomplish any public purpose.](#)

16.04.060 Conformity with other codes.

All citations in this title to Kitsap County Code, state law or other jurisdictional regulations shall be construed to mean as now or hereafter amended, unless otherwise specifically stated.

Land segregation applications may be approved, approved with conditions or denied in accordance with the provisions of this title and all other ordinances and laws now existing or hereafter amended. Such ordinances and laws include, but are not limited to, the following:

- A. Title [6](#), Business Licenses and Regulations;
- B. Title [9](#), Health, Welfare and Sanitation;
- C. Title [11](#), Roads, Highways and Bridges;

- D. Title [12](#), Storm Water Drainage;
- E. Title [13](#), Water and Sewers;
- F. Title [14](#), Buildings and Construction;
- G. Title [15](#), Flood Hazard Areas;
- H. Title [17](#), Zoning;
- I. Title [18](#), Environment;
- J. Title [19](#), Critical Areas Ordinance;
- K. Title [20](#), Transportation;
- L. Title [21](#), Land Use and Development Procedures;
- M. Title [22](#), Shoreline Management Master Program;
- N. Kitsap Countywide Planning Policies;
- O. Kitsap County Comprehensive Plan and Sub-Area Plans;
- P. Kitsap County Buildable Lands Report;
- Q. Kitsap County Greenways, Bicycle and Mosquito Fleet Trail Plan;
- R. Kitsap County Parks, Recreation and Open Space Plan;
- S. Kitsap County Comprehensive Solid Waste Plan;
- T. Kitsap County Comprehensive Water and Sewerage Plans;
- U. Kitsap County board of health regulations;
- V. Chapter [36.70A](#) RCW, Growth Management Act (GMA);
- W. Chapter [36.70B](#) RCW, Local Project Review;
- X. Chapter [43.21](#) RCW, State Environmental Policy Act (SEPA); and
- Y. Chapter [58.17](#) RCW, Plats – Subdivisions – Dedications.

16.04.070 Fees.

Upon submittal of any application pursuant to this title, the applicant shall pay a fee pursuant to Kitsap County Development Permit Fee Schedule authorized by Title [21](#).

16.04.080 General requirements.

For all types of land segregations, appropriate provisions shall be made for the public health, safety and general welfare, including but not limited to: open spaces, drainage ways, streets or roads, alleys, other public ways, nonmotorized access, road and pedestrian connectivity, parking, transit stops, fire protection facilities, potable water supplies, sanitary sewage wastes, solid wastes, landscaping, parks and recreation, playgrounds, sites for schools and school grounds, sidewalks or other planning features that assure safe walking conditions for students who only walk to and from school. The public use and interest will be served by the proposed land segregation. The following general requirements shall be met for all land segregations proposed under this title. In addition, all specific requirements relevant to each individual type of land segregation are found in their respective chapters of this title.

- A. The proposed land segregation shall comply with the applicable provisions of the Kitsap County Comprehensive Plan and Kitsap County Code.
- B. Adequacy of Access. Each lot within a land segregation shall have approved access to a street conforming to county road or access standards, unless an alternative standard has been approved by the director. To assure safe and adequate access, the director:
 - 1. Shall require a developer to dedicate, establish, or deed right-of-way to the county for road purposes as a condition of approval of a land segregation, when to do so is reasonably necessary as a direct result of a proposed land segregation, for improvement, use or maintenance of the road system serving the development;
 - 2. Shall determine if road connectivity between the land segregation and adjacent properties is required. In cases where the dedication, establishment, or deeding of additional right-of-way cannot be reasonably required as a direct result of the proposed development but such right-of-way is necessary for future expansion of the public road system, the director shall require reservation of the area needed for right-of-way for future conveyance to the county. Building setbacks and all other zoning code requirements will be established with respect to the reservation line rather than the deeded, established, or dedicated right-of-way line. The area reserved for right-of-way may be donated to the county or will be purchased by the county through a county road project;

3. Shall be satisfied that the applicant has demonstrated sufficient access rights for the entire access route, where access to the segregation is gained via private easements;
4. Shall require that newly established easements for access purposes not be contiguous to an existing access easement, unless there is no other feasible access point as determined by the director;
5. Shall require that off-site improvements be made to public or private streets, if needed to provide adequate access from the land segregation to a road acceptable to the director;
6. May approve private streets, and may require that adequate provision is made for access to the private street to accommodate future segregations, where the county finds the following:
 - a. Vacant or underutilized land abuts the proposed land segregation or development; and
 - b. The location of said access easement is reasonable based upon the design needs for future streets; and
 - c. The establishment of said easement will further the extension of the street system within the urban growth area; and
 - d. The extension of the street system is reasonably foreseeable; and
 - e. The establishment of said easement furthers the goals and policies of the Comprehensive Plan;
7. May limit direct access to certain streets and require on-site public or private streets in lieu of individual driveways, in accordance with the county road standards.

C. Safe Walking Conditions.

The applicant shall be required to provide information regarding pedestrian needs generated by the proposed land segregation. Where deemed necessary by the department, safe walkways shall be required.

1. School Children. In cases where a school is located within one mile of a land segregation and/or where it is likely the children will walk to school, safe walkways shall be required along roads interior to the land segregation and along existing roads fronting the site.

2. Pedestrian Safety. Any land segregation within a UGA shall provide sidewalks along existing public roads fronting the subject property(ies). Residential segregations creating more than four lots in UGAs shall provide sidewalks internal to the segregation.

3. When sidewalks are required, they shall be constructed to comply with all applicable standards, including but not limited to county road standards and shall apply the federal American with Disabilities Act (ADA) standards for sidewalk ramps at all intersections, pedestrian crossings and transit stops.

4. When reasonably necessary for public convenience, pedestrian ways may be required to connect to cul-de-sacs or to pass through unusually long or oddly shaped blocks.

D. Lot Configuration. The side lines of lots, as far as practicable, should run at right angles to the street upon which the lots face.

E. Homeowners' Associations. Land segregations of five or more lots within a UGA that propose roads and/or storm water facilities to be privately maintained shall form a homeowners' association, registered with the state of Washington. Conditions, covenants and restrictions (CCR) document shall address, at a minimum, ownership of and maintenance responsibilities for any private roads and any private storm water facilities. In rural zones where private roads and/or storm water facilities are proposed, road and storm facility maintenance agreements may suffice.

16.04.090 Appeals.

The approval or denial of a preliminary decision may be appealed pursuant to the process outlined in Title [21](#). Such appeal shall automatically stay any deadlines required by this title.

16.04.100 Expiration of preliminary approval.

A. Short Subdivisions and Large Lot Subdivisions. Unless otherwise provided by state statute, preliminary approval shall automatically expire five years from the date of the notice of decision, unless a complete final short subdivision or large lot subdivision application is submitted to the department prior to that date.

B. Subdivisions. Unless otherwise provided by state statute, preliminary approval shall automatically expire five years from the date of the notice of decision, unless a complete final subdivision application is submitted to the department prior to that date.

C. An extension to preliminary approval may be granted, as set forth in Section [21.04.270\(B\)](#).

D. It is the responsibility of the applicant to remain aware of expiration dates. Failure to file within the stated time, and any approved extension, will void the preliminary approval and a new application will be required.

16.04.110 Recording requirements.

A. In order to effect the segregation of land, the final plat or binding site plan shall be recorded with the county auditor within one year of the date of final approval. Any associated documents, including but not limited to covenants, conditions and restrictions (CCRs), road maintenance agreements (RMAs) and easement documents, shall be recorded concurrently with and be cross-referenced on the face of the final plat or binding site plan. Recordings shall be at the expense of the applicant. A paper copy of the final plat or binding site plan shall be provided by the department to the county assessor.

B. Any final plat or binding site plan presented for recording shall contain on its face the approvals required, as set forth in their respective chapters within this title.

16.04.120 Phased development.

A. Phased development may be proposed in conjunction with a preliminary subdivision application or with a site development activity permit (SDAP) associated with said preliminary subdivision application. When phased development is proposed, a phasing plan shall be submitted with the preliminary subdivision application or the SDAP application that clearly sets forth the density proposed for each phase, and identifies each amenity, including infrastructure, traffic mitigation, parks, open space, etc., proposed for each phase.

B. Review of the phasing plan shall occur as follows:

1. When phasing is proposed with the preliminary subdivision application, conditions regarding the phasing schedule, installation of required amenities and bonding requirements shall be included in the staff report to the hearing examiner.
2. When phasing is proposed with the SDAP, conditions regarding the phasing schedule, installation of required amenities and bonding requirements shall be included in the SDAP administrative decision.
3. If phasing is proposed after the administrative decision on the SDAP, the applicant is required to meet with department staff to ensure that both the applicant and department staff have a clear understanding of the details of the proposed phasing. Fees shall be

assessed at the hourly rates set forth at Title [21](#). A phasing plan shall be submitted as an addendum to the SDAP and department staff shall provide to the applicant written documentation regarding the phasing schedule, installation of required amenities and bonding requirements.

C. The first phase submitted for final plat approval must be submitted prior to the expiration of the preliminary plat, and each subsequent phase shall be submitted within three years of the date of final approval of the previous phase. No subsequent phase may be submitted until the preceding phase is finally approved or bonding is increased to two hundred percent of the cost to complete the preceding phase.

16.04.130 Dedications.

A. The dedication of land for appropriate provision of services may be required.

1. The dedication of land to a public body may be required where necessary for the appropriate provision of services, as a condition of land segregation approval.

2. Public Street Rights-of-Way, Greenways, Bicycle Lane, and Mosquito Fleet Trail. All development must be consistent with the Greenways, Bicycle Lane and Mosquito Fleet Trail Plan (Mosquito Fleet Trail Plan), as adopted, and Chapter [16.24](#). The dedication or deeding of land to the county for a public right-of-way, or a portion thereof for vehicular, bicycle lane or multipurpose trail purposes, shall be required within or along the boundaries of all land segregations where the county finds all of the following:

- a. Such dedication or deeding is reasonably necessary as a result of the impact created by the proposed development; and
- b. Such dedication or deeding mitigates the impact; and
- c. One or more of the following circumstances are met:
 - i. A county plan indicates the necessity of a new or additional right-of-way or portion thereof for street, bicycle lane or multipurpose trail purposes;
 - ii. The dedication or deeding is necessary to extend or to complete an existing or future neighborhood street, bicycle lane or multipurpose trail pattern;
 - iii. The dedication or deeding is necessary to comply with county road and Mosquito Fleet Trail Plan standards and all Kitsap County transportation plans; or

iv. The dedication or deeding is necessary to provide a public transportation system that supports future development of abutting property consistent with the Kitsap County Comprehensive Plan, Kitsap County Zoning Code and adopted Kitsap County transportation plans.

B. Indication of Dedication to Be Shown. All dedications of land shall be clearly and precisely indicated on the face of the plat.

C. Conveyance to Other Entities. If the public interest will be served thereby, land may be conveyed to a homeowners' association or nonprofit corporation in lieu of dedicating the land to a public body, provided all of the following are met:

1. All governing documents, e.g., articles of incorporation and bylaws, are supplied to the county at or prior to submitting a final plat;
2. Evidence of the conveyance or a binding commitment to convey is supplied to the county prior to submitting a final plat;
3. The governing documents provide that membership in the organization shall be appurtenant to ownership of land in the segregation; that the entity is empowered to assess the land for costs of construction and maintenance of the improvements and property owned by the entity, and that such assessments shall be a lien upon the land.

The county may impose such other conditions as it deems appropriate to assure that property and improvements owned by the organization will be adequately constructed and maintained.

D. Other Public Agency Acquisition.

1. Notification of Public Intention to Acquire. Any public agency with power to acquire land by condemnation or otherwise for public uses may, at any time prior to final plat approval, notify the county and the subdivider of its intent to acquire some or all of the land in a proposed segregation for public uses.
2. Request to Reserve for Delayed Public Acquisition. In the event that the land is not dedicated for said uses, the public agency may request that the county require the reservation of such land for a stated period, not to exceed one year following the county's approval of the final plat, during which the agency may acquire the land.
3. Reservation for Delayed Public Acquisition. If the county finds that the public health, safety or general welfare will be served by such reservation, the county may require, as a condition precedent to approval of the final plat, that the land or appropriate portion thereof be designated on the plat as reserved land. Further, the county may require that the reserved land not be developed for uses other than the contemplated public use for the period requested by the public agency or for a shorter period, as the county deems

sufficient. A public agency may accelerate the expiration date of a reservation period by filing written notice of its intention to abandon its right to acquire the reserved land with the county auditor.

4. **Reserved Land to Show on Plat.** The subdivider may indicate on the plat that if the reserved land is not acquired for public use it shall be divided and, if the subdivider does so, the plat shall show the configuration and dimensions of proposed lots, blocks, roads, easements and like features in the reserved area.

5. **No Development Permits to Be Issued for Improvements on Reserved Land.** No building permit, on-site sewage system permit or other development permit shall be accepted or issued for improvements on reserved land during the period of reservation except as expressly authorized by the county at the time of final plat approval.

6. **Development on Reserved Land if Not Acquired.** If the public agency has not acquired or commenced proceedings to acquire reserved land within the period set by the county, the subdivider or the subdivider's successors may proceed to develop land lying within the reserved area in conformity with the plat.

16.04.140 Surveys.

A. The survey of every proposed segregation, and the preparation of preliminary and final plats thereof, shall be made by or under the supervision of a land surveyor registered in the state of Washington who shall certify on the plat that it is a true and correct representation of the lands actually surveyed. All surveys shall conform to standard practices and principles for land surveying as set forth in the laws of the state.

B. The exterior boundary of the land segregation shall be referenced to section corners and monuments. Complete subdivision of the section or sections, or as much thereof as necessary to properly orient the segregation, shall be delineated on the final plat. Corners of adjoining segregations or portions thereof shall be identified and ties shown.

C. Permanent control monuments shall be established at:

1. All controlling corners on the boundaries of the segregation;
2. The intersections of centerlines of roads within the segregation;
3. The beginnings and ends of curves on road centerlines; alternatively, control monuments for road centerline curves may be established at points of intersection of tangents if placement falls within the paved area.

Permanent control monuments may be placed on offset lines. The position and type of every permanent monument shall be noted on all plats. Permanent control monuments shall be set in two-inch pipe, twenty-four inches long, filled with concrete, or shall be constructed of an equivalent approved by the county.

D. Permanent control monuments within the streets shall be set after the roads are paved. In the event a final plat is approved before roads are paved, the surety deposited to secure paving shall be sufficient to pay the costs of setting such monuments.

E. Every lot corner shall be monumented by a three-quarter-inch galvanized iron pipe or equivalent approved by the county, driven into the ground and marked or tagged with the certificate number of the surveyor setting said monument.

F. If any land in a segregation is contiguous to a meandered body of water, the meander line shall be reestablished and shown on the plat. Tidelands platted shall clearly show courses and lengths of side lot lines extending into the tidelands. If the thread of a stream lies within a segregation and/or forms the boundary of the subject property or proposed lots, such thread shall be defined by bearings and distances as it exists at the time of the survey.

16.04.150 Violations.

A. Any person, firm, corporation, or association, or any agent of any person, firm, corporation, or association, who violates any provisions of this title relating to the sale, offer for sale, lease, or transfer of any lot, tract or parcel of land, is guilty of a misdemeanor. Each sale, offer for sale, lease or transfer of each separate lot, tract, or parcel of land in violation of any provision of this title shall be deemed a separate and distinct offense.

B. Except as provided in subsection (D) of this section, if any parcel of land is divided into two or more lots, tracts, or parcels of land and any person, firm or corporation or any agent thereof sells or transfers, or offers or advertises for sale or transfer, any such lot, tract, or parcel without having a final plat of such land segregation filed for record, such action is unlawful and a public nuisance. The prosecuting attorney shall commence an action to restrain and enjoin further land segregations or sales, or transfers, or offers of sale or transfer and compel compliance with this title. The costs of such action shall be taxed against the person, firm, corporation or agent selling or transferring the property.

C. In addition to or as an alternative to any other penalty provided in this title or by law, any violation of this chapter shall constitute a Class I civil infraction. Each violation shall constitute a separate infraction for each and every day or portion thereof during which the violation is committed, continued or permitted. Infractions shall be processed in accordance with the provisions of the Civil Enforcement Ordinance (Chapter [2.116](#)).

D. If performance of an offer or agreement to sell, lease or otherwise transfer a lot, tract, or parcel of land following preliminary approval is expressly conditioned on the recording of the final plat containing the lot or parcel under this title, the offer or agreement is not subject to this section. All payments on account of an offer or agreement conditioned as provided in this subsection shall be deposited in an escrow or other regulated trust account, and no disbursement to sellers shall be permitted until the final plat is recorded.

E. The provisions in this section are cumulative and not intended to limit enforcement remedies available to the county. In addition to the provisions in this section, the county may take any and all enforcement actions available to it under law.

16.04.160 Prohibition on development.

Development of any lot, tract or parcel of land divided in violation of state law or this title is prohibited. No building permit, on-site sewage system permit or other development permit shall be issued for any such lot, tract or parcel, except in the following circumstances:

A. Public Interest Determination Exception. The authority authorized to issue such permit makes the following specific findings:

1. The health officer has certified that the proposed means of sewage disposal and water supply on and to the lot, tract or parcel are adequate;
2. The director has certified that the lot, tract or parcel is served with an adequately designed means of ingress and egress, and with adequate drainage facilities, none of which interfere with or impair existing or planned public roads and drainage facilities in the vicinity;
3. The director has certified that the proposed development conforms to the Comprehensive Plan and all zoning regulations;
4. The proposed development will not adversely affect the safety, health or welfare of adjacent property owners, or interfere with their enjoyment of their property.

B. Innocent Purchaser Exception.

1. A development permit may be issued for a lot divided in violation of state law or this title if the applicant can sufficiently prove the following:

- a. The applicant purchased the lot, tract or parcel for value; and

b. The applicant did not know, and could not have known by the exercise of care which a reasonable purchaser would have used in purchasing the land, that the lot, tract or parcel had been part of a larger lot, tract or parcel divided in violation of state law or this title.

2. All contiguous lots created in violation of this title that are under the same ownership at the time of application for innocent purchaser status shall be recognized only as a single lot and shall be combined through a boundary line adjustment.

16.04.170 Poulsbo Urban Transition Area.

Any development within the Poulsbo Urban Transition Area (PUTA), shall comply with the provisions of Chapter [16.68](#).

16.04.180 List of qualified consultants.

As a resource to applicants, the department will maintain a list of arborists, habitat biologists, hydrogeologists, geological engineers, geologists, land surveyors, and wetlands scientists who, at the time of listing, are licensed in the state of Washington and meet the minimum qualifications of Kitsap County Code to prepare certain documents required by this title. The list will contain those consultants who have responded to Kitsap County's call to be listed. Kitsap County makes no representation or guarantee as to the quality of services performed by those listed, and reserves the right to discontinue the list at any time.

16.10 Definitions.

When not inconsistent with the context, words used in the present tense shall include the future; the singular shall include the plural, and the plural the singular; the word “shall” is always mandatory, and the word “may” indicates a use of discretion in making a decision. Terms, phrases and words used in the masculine gender include the feminine and the feminine the masculine. Where terms, phrases and words are not defined, they shall have their ordinary accepted meanings within the context in which they are used and the most current version of Merriam-Webster’s Collegiate Dictionary shall be considered as providing ordinary accepted meanings.

16.10.xx Aliquot part.

“Aliquot part” means a quarter division of a section of land in the public domain.

16.10.xx Alteration of a land segregation.

“Alteration of a land segregation” means a revision to any type of segregation, requested after the recording of the final plat of said segregation.

16.10.xx Alteration of a land segregation.

“Alteration of a land segregation” means a revision to any type of segregation, requested after the recording of the final plat of said segregation.

16.10.xx Amendment of a land segregation.

“Amendment of a land segregation” means a revision to any type of segregation, requested following preliminary approval, but prior to recording the final plat of said segregation.

16.10.xx Boundary line adjustment.

“Boundary line adjustment” means an adjustment of boundary lines between two or more abutting platted or unplatted properties or both which does not create any additional lot, tract, parcel, site or division, nor create any lot, tract, parcel, site or division that does not meet minimum requirements for width and area.

16.10.xx Condominium.

“Condominium” means real property, portions of which are designated for separate ownership and the remainder of which is designated for common ownership solely by the owners of those portions as defined in Chapters [64.32](#) and [64.34](#) RCW. Real property is not a condominium unless the undivided interests in the common elements are vested in the unit owners and unless a declaration, survey map and plans have been recorded pursuant to Chapter [64.32](#) or [64.34](#) RCW.

16.10.xx Cul-de-sac.

“Cul-de-sac” means a way of travel that dead-ends with provisions for turning around vehicles, including large emergency apparatus and utility vehicles.

16.10.xx Dedication.

“Dedication” means the deliberate appropriation of land by an owner for any general and public uses, reserving to himself no rights other than such as are compatible with the full exercise and enjoyment of the public uses to which the property has been devoted. The intention to dedicate shall be evidenced by the owner by the presentment for filing of a final plat showing the dedication thereon; and the acceptance by the public shall be evidenced by the approval of such plat for filing by Kitsap County, except that where the dedication is for roadways or improvements for which a surety is obtained, there shall be no acceptance of the dedication unless and until said improvement is completed and approved by Kitsap County.

16.10.xx Easement.

“Easement” means a right granted by a property owner of burdened property (grantor) to specific benefitting properties or to the public for the use of certain land for a specific purpose or purposes, including but not limited to road access, pedestrian or bicycle pathways, minerals, utilities, drainage and open spaces.

16.10.xx Engineer.

“Engineer” means the county road engineer designated by Section [2.32.030](#).

16.10.xx Final plat.

“Final plat” means the final drawing of a land segregation and/or dedication prepared for filing for record with the county auditor and containing all elements and requirements of Title [16](#), Land Division and Development.

16.10.xx Kitsap public health district.

“Kitsap public health district” means the local health district organized pursuant to Chapters [70.05](#) and [70.46](#) RCW.

16.10.xx Kitsap public health officer.

“Kitsap public health officer” means the health officer of the Kitsap County public health district or his/her designees.

16.10.xx Land segregation.

“Land segregation” means a division or redivision of land into lots, tracts, parcels, sites or divisions for the purpose of development, sale, lease or transfer of ownership when accomplished through any of the following processes. Land segregations include, but are not limited to, subdivisions, large lot subdivisions, short subdivisions, binding site plans, and divisions of land through condominiums.

16.10.xx Large lot subdivision.

“Large lot subdivision” means the division or redivision of land occurring outside urban growth area (UGA) boundaries into two or more lots, tracts, parcels, sites or divisions for the purpose of development, sale, lease or transfer of ownership where each lot is five acres or 1/128th of a section or larger; provided, this shall not include divisions or redivisions of land where all lots are equal to or greater than twenty acres or 1/32nd of a section.

16.10.xx Legal lot of record.

“Legal lot of record” means a parcel that is in compliance with the land use laws in effect at the time it was created.

16.10.xx Lot.

“Lot” means a fractional part of divided lands having fixed boundaries, being of sufficient area and dimension to meet minimum zoning requirements for width, depth, and area. Where the context so indicates, lots may refer to subdivided lands not conforming to, or in violation of, zoning or subdivision regulations.

16.10.xx Lot area.

“Lot area” means the horizontal area within the boundary lines of a lot excluding public and private streets (but including private access easements), tidelands, lakes, streams, and lands covered regularly or continuously by water (ordinary high water mark), except as otherwise provided in code, as well as the panhandle of a flag lot if the panhandle is less than thirty feet in width. Lots within a rural zoning designation shall be considered five acres if the lot is one one-hundred-twenty-eighth of a section, ten acres if the lot is one sixty-fourth of a section, and twenty acres if the lot is one thirty-second of a section. Lots within a rural zoning designation may include, for the purposes of area calculation, the portion of county right-of-way fronting the lot; said portion of county right-of-way shall be bounded by the right-of-way centerline, the front property line and the side lot lines running perpendicular to said centerline.

16.10.xx Open space.

“Open space” means land used for outdoor active and 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 surfaces not related to the open space uses and yards required by Title [17](#) for such dwellings or impervious surfaces. “Open space” is further divided into the following categories:

A. “Common open space” means 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” means 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" means 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.

16.10.xx Owner.

"Owner" means any person or persons having a legal or equitable property right or interest in land, including a fee owner, contract purchaser or seller, mortgagor or mortgagee, optioner or optionee, and beneficiary or grantor of a trust and deed of trust.

16.10.xx Parcel.

"Parcel" means platted or unplatted portions of land carrying an assessor's tax account number. "Parcels" may be, but are not necessarily, legal lots of record.

16.10.xx Plat.

"Plat" means a map or representation of a land segregation, showing thereon the division of property into lots, blocks, tracts, parcels, roads and alleys or other divisions and dedications.

16.10.xx Plat certificate.

“Plat certificate” means a certificate from a title company showing, for particularly described proposed land segregation, the record owners and all encumbrances.

16.10.xx Preliminary plat.

“Preliminary plat” means a neat and approximate drawing of a proposed land segregation showing the general layout of lots, blocks, tracts, parcels, roads and alleys, and other elements that shall furnish a basis for the approval or disapproval of the general layout of segregation.

16.10.xx Road.

“Road” means:

- A. For addressing purposes, a “road” means a way of travel that has been designated as a road or is an extension of an existing road.
- B. For all other purposes, a “road” is a public right-of-way or an approved private roadway that provides vehicular circulation or principal means of access to abutting properties, and that may also include provisions for public utilities, pedestrian walkways, cut and fill slopes, and drainage.

16.10.xx Road maintenance agreement.

“Road maintenance agreement” means a covenant attached to all lots within the land segregation that addresses the responsibility of road maintenance.

16.10.xx Segregation.

“Segregation” is synonymous with “land segregation.”

16.10.xx Short subdivision.

“Short subdivision” means:

- A. For property located inside urban growth area (UGA) boundaries, a division or redivision of land into nine or fewer lots, tracts, parcels, sites or divisions for the purpose of development, sale, lease or transfer of ownership;
- B. For property located outside urban growth area boundaries, a division or redivision of land into four or fewer lots, tracts, parcels, sites or divisions for the purpose of development, sale, lease or transfer of ownership.

16.10.xx Tract.

“Tract” means land reserved for specified uses, including, but not limited to, reserve tracts, access tracts, recreation, open space, common areas, critical areas, stormwater facilities, or utilities. Tracts are not considered lots or building sites for purposes of residential dwelling or commercial building construction.

16.10.xx Vacation of a land segregation or plat vacation.

“Vacation of a land segregation” means the extinguishment of all or portions of a recorded segregation, resulting in the property, or the portion thereof subject to vacation, being returned to its original configuration.

16.10.xx Way of travel.

“Way of travel” means a roadway of any definition, including, but not limited to, avenues, boulevards, circles, courts, drives, loops, places, lanes, roads, streets, and ways, which is capable of carrying vehicular traffic.

Chapter 16.24

LAND SEGREGATION STANDARDS

Sections:

[16.24.010 Purpose.](#)

[16.24.020 Applicability.](#)

[16.24.030 \(Reserved\)](#)

[16.24.040 Urban standards.](#)

[16.24.050 Rural standards.](#)

[16.24.060 \(Repealed\)](#)

[16.24.070 Land segregations within the shoreline jurisdiction.](#)

[16.24.080 Land segregations containing or bordering critical areas.](#)

16.24.010 Purpose.

The purpose of this chapter is to provide standards for the orderly development of land segregations that adequately provides for the health, safety and general welfare of the citizens of Kitsap County. Additionally, this chapter's purpose is to provide for flexibility in the development of land when utilizing low impact development (LID) techniques.

16.24.020 Applicability.

This chapter applies to all land segregations processed through Chapters [16.40](#), Subdivisions, 16.48, Short Subdivisions, 16.52, Large Lot Subdivisions, and 16.56, Binding Site Plans.

16.24.030 (Reserved)

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 Drainage, as now or hereafter amended.

c. When accessing WSDOT right-of-way, the project approach shall meet WSDOT standards and WSDOT storm water 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, 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 [or designee](#). 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 or a bioswale, other water quality treatment facility, or landscaping berm.

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. Public Street and Street Connectivity Requirements. Dedicating or deeding property for right-of-way or a portion thereof to the county for public streets within, or along the boundaries of all single-family subdivisions, shall be required as a condition of application approval where the county demonstrates all of the following:

1. Facts support that such dedication is reasonably necessary as a result of the impact created by the proposed development;

2. Such dedication will result in mitigation of the impact in the reasonably foreseeable future;

3. Connectivity to existing public right-of-way is feasible; and

4. One or more of the following circumstances are met:

a. A county transportation plan indicates the necessity of a new or additional right-of-way or portion thereof for street purposes;

b. The dedication is necessary to provide additions of right-of-way to existing county right-of-way to meet county road standards;

c. The dedication is necessary to extend or to complete the existing or future neighborhood street pattern;

d. The dedication is necessary to comply with county road standards and Kitsap County transportation plans;

e. The dedication is necessary to provide a public transportation system that supports future development of abutting property consistent with the Kitsap County Comprehensive Plan or Kitsap County zoning code.

DE. 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.

EF. 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.

FG. 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 storm water 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. Where adequate ROW is available, street trees shall be located between roadway and sidewalk. 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).

GH. 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.

HJ. Recreation Requirements.

1. All land segregations (except those segregations proposed as a performance-based development-Planned Unit 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 centrally located within the land segregation in a manner that affords good visibility of the tract from roads, sidewalks and ~~surrounding 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 courts, exercise fitness trails, 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.

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 Drainage, as now or hereafter amended.

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

16.24.060 (Repealed)*

* **Editor's Note:** Former Section [16.24.060](#), "Low impact development," was repealed by § 8 of Ordinance 540 (2016). Section 2 (Att. 1) of Ordinance 483 (2012) and § 2 (part) of Ordinance 489 (2012) were formerly codified in this section.

16.24.070 Land segregations within the shoreline jurisdiction.

Where a land segregation occurs within the two-hundred-foot shoreline jurisdictional boundary, development shall occur in accordance with the standards at Title [22](#).

16.24.080 Land segregations containing or bordering critical areas.

Where a land segregation contains or borders a critical area, development shall occur in accordance with the appropriate standards as required by Title [19](#), including specified native vegetation buffers and construction setbacks where applicable.

Chapter 16.40

SUBDIVISIONS

Sections:

[16.40.010 Purpose.](#)

[16.40.020 \(Reserved\)](#)

[16.40.030 Preliminary subdivisions.](#)

[16.40.040 Amendments to approved preliminary subdivisions.](#)

[16.40.050 Final subdivisions.](#)

[16.40.060 Recording requirements.](#)

16.40.010 Purpose.

The purpose of this chapter is to provide requirements for the division of land that are specific to subdivisions. These requirements are in addition to those set forth in Chapters [16.04](#) and [16.24](#).

16.40.020 (Reserved)

16.40.030 Preliminary subdivisions.

Preliminary subdivisions are classified as Type III 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 plat shall consist of the following:
 1. One or more maps, to scale no less than one inch to one hundred feet, which scale shall be shown on the drawing, both graphically and textually; the horizontal and vertical scales for street and utility profiles shall be two hundred feet to the inch and twenty feet to the inch, respectively;
 2. Map signed and sealed by a surveyor registered in the state of Washington;
 3. The name of the proposed subdivision;

4. North point;
5. Lots labeled numerically;
6. The location of existing structures;
7. The location of existing road approaches;
8. The location of all existing and proposed roads, rights-of-way, and easements, labeling each of the foregoing by width;
9. The location of all other existing and proposed easements appurtenant to the property, labeled with dimensions;
10. The location of all property to be dedicated;
11. Contour lines of at least five-foot intervals or sufficient intervals to show the topography of the land to be subdivided, referenced to either the United States Coast and Geodetic Survey datum, or other datum acceptable to the county;
12. A layout of proposed lots, open space tracts, recreation areas, roads, alleys, sidewalks, other pedestrian or bicycle facilities, utility mains and parcels proposed to be dedicated or reserved for public or community school, park, playground or other uses;
13. Generalized plans of proposed street systems, water distribution systems, sewerage systems, and drainage systems, signed and sealed by a civil engineer, licensed in the state of Washington;
14. 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;
15. 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](#);
16. The location of existing on-site sewage systems, and wells with their protective well radii within and contiguous to the proposal; and
17. In subdivisions proposed to be served by individual or community septic systems, the location of soil log holes together with data regarding soil type and depth;

- 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 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. 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.

Approval of the preliminary subdivision shall constitute authorization for the subdivider to develop the required facilities and improvements in strict accordance with standards set forth in this title and in accordance with all conditions of approval.

16.40.040 Amendments to approved preliminary subdivisions.

This section provides the criteria and limitations for amending an approved preliminary subdivision, including amendments to conditions of approval.

- A. Notification. Any requested amendment to an approved preliminary plat shall require a notice of application to all parties who received the notice of application of the original preliminary subdivision, all property owners within the notification radii required in Title 21 and all parties of record, in accordance with Title [21](#).
- B. Minor Amendment.
 - 1. General Requirements. Minor amendments are classified as Type II applications under Chapter [21.04](#) and address those changes to an approved preliminary subdivision that fall within the scope of the original approval and/or do not significantly increase impacts to surrounding properties. For these purposes, “significant” shall mean a greater than ten percent increase when the impact is quantifiable.

2. Written Findings. A proposed minor subdivision amendment may be approved if the director makes written findings that all of the following are satisfied. If one or more are not satisfied, the application must proceed as a major amendment.

- a. The proposal does not result in significant adverse impacts to the subdivision or the surrounding property. Impacts may include, but are not limited to, stormwater, traffic, open space, landscaping, screening, on-street or set-aside parking, or noise;
- b. The proposal satisfies the applicable general requirements of this title;
- c. The proposal does not result in a change of use;
- d. The proposal falls within the scope of the original approval and complies with the intent of the conditions originally imposed;
- e. The proposal does not expand the perimeter boundary of the original plat, or the boundary of any phases within the original plat;
- f. The proposal does not increase residential density by greater than ten percent, provided the density requirements of the zone are maintained;
- g. The proposal does not increase the intensity of housing types; for example, from detached single-family to attached one- and two-family dwellings;
- h. The proposal does not reduce the designated perimeter buffers, recreation or open space areas by more than ten percent;
- i. The proposal does not reduce or increase the number of access points or significantly alter the location of access points;
- j. The proposal does not reduce required setbacks; and
- k. The proposal does not reduce any street frontage improvements (e.g., sidewalks, curb/gutter, and bicycle lanes).

C. Major Amendments.

1. General Requirements. Major amendments are classified as Type III applications under Chapter [21.04](#) and address those amendments not otherwise classified as minor. Any amendment that requires a discretionary permit other than those granted in conjunction with the original preliminary subdivision application shall require the approval of such permit before or with the decision on the proposed major subdivision amendment.

2. Written Findings. A proposed major amendment shall not be approved unless the hearing examiner makes written findings that the public use and interest are served by the amendment and that the amendment complies with all development regulations in effect at the time of preliminary subdivision approval.

3. Vesting. Major amendments proposed by an applicant shall cause the application to lose its vesting and be reviewed under the regulations in effect at the time of the revised project permit application. Minor amendments are amendments that do not qualify as major and shall not affect vesting.

D. Amendments to Site Development Activity Permits for Subdivisions

1. An applicant may propose an amendment(s) to a Site Development Activity Permit (SDAP) for a subdivision that does not warrant a Type II or III change, when in the determination of the Director the amendment will not affect the layout or conditions of approval of the preliminary subdivision. Such amendments will be noted during the SDAP review and may be considered staff, applicant, or field amendments.

16.40.050 Final subdivisions.

At any time within the time periods set forth at Section [16.04.100\(B\)](#), the subdivider may submit the final subdivision application that is consistent with the approved preliminary subdivision. Final subdivisions are classified as Type I applications under Chapter [21.04](#). The director shall review the application to ascertain if it conforms to the following requirements. If approved, the director shall sign the approval line on the face of the final plat.

- A. Chapter [16.04](#), General Provisions;
- B. Chapter [16.24](#), Land Segregation Standards;
- C. The final plat shall consist of the following:
 - 1. The original map that is drawn in permanent black ink on mylar, suitable for producing legible prints through scanning, microfilming or other standard copying procedures, and that is in compliance with WAC [332-130-050](#). The map shall be drawn to scale no less than one inch to one hundred feet, which scale shall be shown on the drawing both graphically and textually;
 - 2. The first sheet shall contain the following information:

a. Surveyor's certificate, stamped, signed and dated by a registered land surveyor, that reads as follows:

I, _____, registered as a professional land surveyor by the State of Washington, certify that this plat is based on an actual survey of the land described herein, conducted by me or under my supervision, during the period of _____, 20__, through _____, 20__; that the distances, courses and angles are shown hereon correctly; and that lot corners have been staked on the ground as depicted hereon.

b. Signature and date lines for the county auditor, along with space to insert recording information;

3. Signature and date lines for approval by the director;
4. Signature and date lines for approval by the county engineer;
5. Signature and date lines for approval by the Kitsap public health officer;
6. Treasurer's certificate that reads as follows:

I hereby certify that real property taxes on the above-described property have been paid, satisfied or discharged up to and including the year 20__.

along with signature and date lines;

7. North point and origin of meridian or basis of bearings;
8. Lots labeled numerically;
9. Lot addresses, as assigned per Section [16.66.015\(G\)](#);
10. The perimeter (which shall be shown by heavier lines) of the proposal, together with all internal lots and blocks;
11. The dimensions of the perimeter and all lots;
- ~~12.~~ 12. [Approved setbacks of all lots;](#)
- ~~13.~~ 13. Ties to permanent monuments;
- ~~14.~~ 14. Controlling reference points or monuments;
- ~~15.~~ 15. The bearing and length of lines;
- ~~16.~~ 16. The legal description of the real property to be divided;

- ~~1617.~~ The names and locations of adjacent segregations;
- ~~1718.~~ The location of all existing structures;
- ~~1819.~~ The location of all existing and proposed roads, rights-of-way and access easements within and adjacent to the proposal, labeling each of the foregoing by width;
- ~~1920.~~ The location of all other existing and proposed easements appurtenant to the property, labeled with dimensions;
- ~~2021.~~ The location of all property to be dedicated. Where the dedication is for roadways or improvements for which a surety is obtained, there shall be no acceptance of the dedication by the county unless and until said improvement is completed and approved by Kitsap County;
- ~~2122.~~ The location of all critical areas identified during the preliminary subdivision process, along with required buffers and construction setbacks;
- ~~2223.~~ The location of existing on-site sewage systems, and wells with their protective well radii within and contiguous to the proposal;
- ~~2324.~~ The location of soil logs, if the subdivision is not required to connect to public sewer;
- ~~2425.~~ A declaration or dedication statement, as applicable, by all persons having interest in the subdivided land, with name(s) printed and signed by said person(s) and acknowledged before a notary public, consenting to the dedication and/or subdivision of land;
- ~~2526.~~ Notes depicting articles of encumbrances as noted in Schedule B of the plat certificate; and
- ~~2627.~~ Conditions relevant to the development of the subdivision, as set forth in the hearing examiner's decision granting preliminary approval;

- D. The final subdivision meets all standards established by state and local law;
- E. The final subdivision is in compliance with the conditions of preliminary approval for the subdivision;
- F. The title insurance report provided by the subdivider confirms the title of the land in the proposed subdivision is vested in the name(s) of the owner(s) whose signatures appear on the plat declaration or dedication statement; and

G. The required road and storm water facilities and improvements, if such are to be privately maintained, have been completed by the subdivider. When required road and storm water facilities and improvements are to be maintained by the county, that they have been completed by the subdivider or, alternatively, that the subdivider has provided a performance surety in accordance with Section [12.12.040](#).

16.40.060 Recording requirements.

The final plat shall be recorded in accordance with the provisions set forth at Section [16.04.110](#).

Chapter 16.48

SHORT SUBDIVISIONS

Sections:

[16.48.010 Purpose.](#)

[16.48.020 Preliminary short subdivisions.](#)

[16.48.030 Amendment to preliminary short subdivisions.](#)

[16.48.040 Final short subdivisions.](#)

[16.48.050 Road disclaimer.](#)

[16.48.060 Declaration regarding further segregation.](#)

[16.48.070 Recording requirements.](#)

16.48.010 Purpose.

The purpose of this chapter is to provide requirements for the division of land that are specific to short subdivisions. These requirements are in addition to those set forth in Chapters [16.04](#) and [16.24](#). Pursuant to RCW [58.17.020\(6\)](#), short subdivisions within the UGA boundaries may contain up to nine lots; short subdivisions outside the UGA boundaries are limited to contain up to four lots.

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. Where a Short Subdivision is inside a Limited Area of More Intense Rural Development (LAMIRD), only that part of a lot or tract that abuts a rural zone outside of the LAMIRD is required to have a twenty-five-foot-wide native vegetation buffer.
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. Approved setbacks of all lots;
- ~~14.~~ The location of existing on-site sewage systems, and wells with their protective well radii within, contiguous to and adjacent to the proposal; and
- ~~15.~~ 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.

16.48.030 Amendment to preliminary short subdivisions.

This section provides the criteria and limitations for amending an approved preliminary short subdivision, including amendments to conditions of approval.

A. Notification. Any requested amendment to an approved preliminary short subdivision shall require a notice of application to all parties who received the notice of application of the original preliminary short subdivision, all property owners within the notification radii required in Title [21](#) and all parties of record, in accordance with Title [21](#).

B. Minor Amendment.

1. General Requirements. Minor amendments are classified as Type II applications under Chapter [21.04](#) and address those changes to an approved preliminary short subdivision that fall within the scope of the original approval and do not significantly increase impacts to surrounding properties. For these purposes, “significant” shall mean a greater than ten percent increase when the impact is quantifiable.
2. Written Findings. A proposed minor short subdivision amendment may be approved if the director makes written findings that all of the following are satisfied. If one or more are not satisfied, the application must proceed as a major amendment.
 - a. The proposal does not result in significant adverse impacts to the short subdivision or the surrounding property. Impacts include, but are not limited to, stormwater, traffic, open space, landscaping, on-street or set-aside parking, or noise;
 - b. The proposal satisfies the applicable general requirements of this title;

- c. The proposal does not result in a change of use;
- d. The proposal falls within the scope of the original approval and complies with the intent of the conditions originally imposed;
- e. The proposal does not expand the perimeter boundary of the original short plat;
- f. The proposal does not increase residential density by greater than ten percent, provided the density requirements of the zone are maintained;
- g. The proposal does not increase the intensity of housing types; for example, from single-family to duplex;
- h. The proposal does not reduce the designated perimeter buffers, recreation or open space areas by more than ten percent;
- i. The proposal does not reduce, increase or significantly alter access points;
- j. The proposal does not reduce required setbacks; and
- k. The proposal does not reduce any street frontage improvements (e.g., sidewalks, curb/gutter, and bicycle lanes).

C. Major Amendments.

1. General Requirements. Major amendments address those amendments not otherwise classified as minor.
 - a. Major amendments to preliminary short plats that were approved after a public hearing are classified as Type III applications under Chapter [21.04](#). Such amendments shall require a hearing and shall satisfy the requirements of Section [16.40.040\(C\)](#).
 - b. Major amendments to preliminary short plats that were approved administratively are classified as Type II applications. Such amendments shall satisfy the requirements of this section.
 - c. Any amendment that requires a discretionary permit other than those granted in conjunction with the original preliminary short subdivision application shall require the approval of such permit before or with the decision on the proposed major short subdivision amendment.
2. Written Findings. A proposed major amendment shall not be approved unless the director makes written findings that the public use and interest are served by the

amendment and that the amendment complies with all development regulations in effect at the time of preliminary short subdivision approval.

3. Vesting. Major amendments proposed by an applicant shall cause the application to lose its vesting and be reviewed under the regulations in effect at the time of the revised project permit application. Minor amendments are amendments that do not qualify as major and shall not affect vesting.

D. Amendments to Site Development Activity Permits for Subdivisions

1. An applicant may propose an amendment(s) to a Site Development Activity Permit (SDAP) for a subdivision that does not warrant a Type II or III change, when in the determination of the Director the amendment will not affect the layout or conditions of approval of the preliminary subdivision. Such amendments will be noted during the SDAP review and may be considered staff, applicant, or field amendments.

16.48.040 Final short subdivisions.

At any time within five years following a notice of decision for preliminary approval, the subdivider may submit a final short subdivision application to the director that is consistent with the approved preliminary short subdivision. The director shall review the application to ascertain if it conforms to the following requirements. If approved the director shall sign the approval line on the face of the final short plat.

- A. Chapter [16.04](#), General Provisions;
- B. Chapter [16.24](#), Land Segregation Standards;
- C. The final short plat shall consist of the following:
 - 1. The original map that is drawn in permanent black ink on mylar, suitable for producing legible prints through scanning, microfilming or other standard copying procedures, and that is in compliance with WAC [332-130-050](#). The map shall be drawn to scale no less than one inch to one hundred feet, which scale shall be shown on the drawing both graphically and textually;
 - 2. The first sheet shall have a vertical title block on the right side that contains the following information:
 - a. The disclaimer set forth in Section [16.48.050](#);

- b. The declaration set forth in Section [16.48.060](#);
- c. Signature and date lines for approval by the director;
- d. Treasurer's certificate that reads as follows:

I hereby certify that real property taxes on the above-described property have been paid, satisfied or discharged up to and including the year 20__.

along with signature and date lines;

- e. Surveyor's certificate, stamped, signed and dated by a registered land surveyor, that reads as follows:

I, _____, registered as a professional land surveyor by the State of Washington, certify that this short plat is based on an actual survey of the land described herein, conducted by me or under my supervision, during the period of _____, 20__, through _____, 20__; that the distances, courses and angles are shown hereon correctly; and that lot corners have been staked on the ground as depicted hereon.

and

- f. Signature and date lines for the county auditor, along with space to insert recording information;
3. North point and origin of meridian or basis of bearings;
 4. Lots labeled alphabetically;
 5. Lot addresses, as assigned per Section [16.66.015\(G\)](#);
 6. The perimeter (which shall be shown by heavier lines) of the proposal, together with all internal lots and blocks;
 7. The dimensions of the perimeter and all lots;
 8. Ties to permanent monuments;
 9. Controlling reference points or monuments;
 10. The bearing and length of lines;
 11. The legal description of the real property to be divided;
 12. The names and locations of adjacent segregations;

13. The location of all existing structures;
 14. The location of all existing and proposed roads, rights-of-way and access easements within and adjacent to the proposal, labeling each of the foregoing by width;
 15. The location of all other existing and proposed easements appurtenant to the property, labeled with dimensions;
 16. The location of all property to be dedicated and a textual declaration of the dedication;
 17. For short subdivisions within a rural zoning designation, a native vegetation buffer around the perimeter of the short subdivision, minimum twenty-five feet wide or as conditioned with the notice of decision;
 18. The location of all critical areas identified during the preliminary short subdivision process, along with required buffers and construction setbacks;
 19. The location of existing on-site sewage systems, and wells with their protective well radii within, contiguous to and adjacent to the proposal;
 20. The location of soil logs, if the short subdivision is not required to connect to public sewer;
 21. A declaration or dedication statement, as applicable, by all persons having interest in the subdivided land, with name(s) printed and signed by said person(s) and acknowledged before a notary public, consenting to the dedication and/or subdivision of land;
 22. Notes depicting articles of encumbrances as noted in Schedule B of the plat certificate; and
 23. Conditions relevant to the development of the short subdivision, as set forth in the decision granting preliminary approval;
- D. The final short subdivision meets all standards established by state and local law;
- E. The final short subdivision is in compliance with the conditions of preliminary approval for the short subdivision;
- F. The title insurance report provided by the subdivider confirms the title of the land in the proposed short subdivision is vested in the name(s) of the owner(s) whose signatures appear on the short plat declaration or dedication statement; and

G. The required road and storm water facilities and improvements have been completed by the subdivider.

16.48.050 Road disclaimer.

Roads within a short subdivision will not be constructed or maintained by the county unless such roads have been improved to current county road standards and have been accepted into the county road system. Therefore, unless so improved and accepted, the responsibility for maintenance shall lie with the owners of the lots within the short subdivision. In such case, the face of the short plat shall contain the following disclaimer:

Responsibility and expense for maintenance of roads leading to or serving lots within this short subdivision (unless and until such roads have been accepted into the county's road system) shall rest with the lot owners.

16.48.060 Declaration regarding further segregation.

A. Land in a short subdivision may not be further divided in any manner within a period of five years after the recording of the final short plat without the filing of a final plat pursuant to Chapter [16.40](#), except that when the short plat contains fewer than four lots, nothing in this section shall prevent the owner who filed the original short plat from filing an alteration within the five-year period to create up to a total of four lots within the original short plat boundaries.

B. Short subdivisions shall not be used, either by a person alone or by persons acting together, at one time or over a period of time, as a means to circumvent compliance with the more stringent subdivision requirements as set forth in this title. When an application for a short subdivision is filed within five years after the approval of a short subdivision on a contiguous lot, a rebuttable presumption of an attempt to circumvent subdivision requirements may be invoked by the director as a basis of further investigation to assure compliance with the intent of this provision.

C. The face of the short plat shall contain the following declaration:

No lot in a short subdivision can be divided further without following Kitsap County Code in effect at the time of application for said further division.

16.48.070 Recording requirements.

The final plat shall be recorded in accordance with the provisions set forth at Section [16.04.110](#).

Chapter 16.52

LARGE LOT SUBDIVISIONS

Sections:

[16.52.010 Purpose.](#)

[16.52.020 Preliminary large lot subdivisions.](#)

[16.52.030 Amendment to preliminary large lot subdivisions.](#)

[16.52.040 Final large lot subdivisions.](#)

[16.52.050 Road disclaimer.](#)

[16.52.060 Declaration regarding further segregation.](#)

[16.52.070 Recording requirements.](#)

16.52.010 Purpose.

The purpose of this chapter is to provide requirements for the division of land that are specific to large lot subdivisions. These requirements are in addition to those set forth in Chapters [16.04](#) and [16.24](#).

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.

16.52.030 Amendment to preliminary large lot subdivisions.

This section provides the criteria and limitations for amending an approved preliminary large lot subdivision, including amendments to conditions of approval.

A. Notification. Any requested amendment to an approved preliminary large lot subdivision shall require a notice of application to all parties who received the notice of application of the original preliminary large lot subdivision, all property owners within the notification radii required in Title [21](#) and all parties of record, in accordance with Title [21](#).

B. Minor Amendment.

1. General Requirements. Minor amendments are classified as Type II applications under Chapter [21.04](#) and address those changes to an approved preliminary large lot subdivision that fall within the scope of the original approval and do not significantly increase impacts to surrounding properties. For these purposes, “significant” shall mean a greater than ten percent increase when the impact is quantifiable.

2. Written Findings. A proposed minor large lot subdivision amendment may be approved if the director makes written findings that all of the following are satisfied. If one or more are not satisfied, the application must proceed as a major amendment.

- a. The proposal does not result in significant adverse impacts to the large lot subdivision or the surrounding property. Impacts may include, but are not limited to, stormwater, traffic, open space, landscaping, on-street or set-aside parking, or noise;
- b. The proposal satisfies the applicable general requirements of this title;
- c. The proposal does not result in a change of use;
- d. The proposal falls within the scope of the original approval and complies with the intent of the conditions originally imposed;
- e. The proposal does not expand the perimeter boundary of the original large lot plat;
- f. The proposal does not increase residential density by greater than ten percent, provided the density requirements of the zone are maintained;

- g. The proposal does not increase the intensity of housing types; for example, from single-family to duplex;
- h. The proposal does not reduce the designated perimeter buffers, recreation or open space areas by more than ten percent;
- i. The proposal does not reduce, increase or significantly alter access points;
- j. The proposal does not reduce required setbacks; and
- k. The proposal does not reduce any street frontage improvements (e.g., sidewalks, curb/gutter, and bicycle lanes).

C. Major Amendments.

1. General Requirements. Major amendments address those amendments not otherwise classified as minor.

a. Major amendments to preliminary large lot plats that were approved after a public hearing are classified as Type III applications under Chapter [21.04](#). Such amendments shall require a hearing and shall satisfy the requirements of Section [16.40.040\(C\)](#).

b. Major amendments to preliminary large lot plats that were approved administratively are classified as Type II applications. Such amendments shall satisfy the requirements of this section.

c. Any amendment that requires a discretionary permit other than those granted in conjunction with the original preliminary large lot subdivision application shall require the approval of such permit before or with the decision on the proposed major large lot subdivision amendment.

2. Written Findings. A proposed major amendment shall not be approved unless the director makes written findings that the public use and interest are served by the amendment and that the amendment complies with all development regulations in effect at the time of preliminary large lot subdivision approval.

3. Vesting. Major amendments proposed by an applicant shall cause the application to lose its vesting and be reviewed under the regulations in effect at the time of the revised project permit application. Minor amendments are amendments that do not qualify as major and shall not affect vesting.

16.52.040 Final large lot subdivisions.

At any time within five years following a notice of decision for preliminary approval, the subdivider may submit a final large lot subdivision application to the director that is consistent with the approved preliminary large lot subdivision. The director shall review the application to ascertain if it conforms to the following requirements and, if approved, shall sign the approval line on the face of the final large lot plat.

- A. Chapter [16.04](#), General Provisions;
- B. Chapter [16.24](#), Land Segregation Standards;
- C. The final large lot plat shall consist of the following:
 - 1. The original map that is drawn in permanent black ink on mylar, suitable for producing legible prints through scanning, microfilming or other standard copying procedures and that is in compliance with WAC [332-130-050](#). The map shall be drawn to scale no less than one inch to one hundred feet, which scale shall be shown on the drawing both graphically and textually;
 - 2. The first sheet shall have a vertical title block on the right side that contains the following information:
 - a. The disclaimer set forth in Section [16.52.050](#);
 - b. The declaration set forth in Section [16.52.060](#);
 - c. Signature and date lines for approval by the director;
 - d. Treasurer's certificate that reads as follows:

I hereby certify that real property taxes on the above-described property have been paid, satisfied or discharged up to and including the year 20____.

along with signature and date lines;

- e. Surveyor's certificate, stamped, signed and dated by a registered land surveyor, that reads as follows:

I, _____, registered as a professional land surveyor by the State of Washington, certify that this large lot plat is based on an actual survey of the land described herein, conducted by me or under my supervision, during the period of _____, 20__, through _____, 20__; that the distances, courses and angles are shown hereon correctly; and that lot corners have been staked on the ground as depicted hereon.

and

- f. Signature and date lines for the county auditor, along with space to insert recording information;
3. North point and origin of meridian or basis of bearings;
4. Lots labeled numerically;
5. The perimeter (which shall be shown by heavier lines) of the proposal, together with all internal lots and blocks;
6. The dimensions of the perimeter and all lots;
7. Ties to permanent monuments;
8. Controlling reference points or monuments;
9. The bearing and length of lines;
10. The legal description of the real property to be divided;
11. The names and locations of adjacent segregations;
12. The location of all existing structures;
13. The location of all existing and proposed roads, rights-of-way and access easements within and adjacent to the proposal, labeling each of the foregoing by width;
14. The location of all other existing and proposed easements appurtenant to the property, labeled with dimensions;
15. The location of all property to be dedicated and a textual declaration of the dedication;
16. A native vegetation buffer around the perimeter of the large lot subdivision, minimum twenty-five feet wide or as conditioned with the notice of decision;
17. The location of all critical areas identified during the preliminary large lot subdivision process, along with required buffers and construction setbacks;
18. The location of existing on-site sewage systems, and wells with their protective well radii within, contiguous to and adjacent to the proposal;

19. The location of soil log holes, if the large lot subdivision is not required to connect to public sewer;

20. A declaration or dedication statement, as applicable, by all persons having interest in the subdivided land, with name(s) printed and signed by said person(s) and acknowledged before a notary public, consenting to the dedication and/or subdivision of land;

21. Notes depicting articles of encumbrances as noted in Schedule B of the plat certificate; and

22. Conditions relevant to the development of the large lot subdivision, as set forth in the decision granting preliminary approval;

D. The final large lot subdivision meets all standards established by state and local law;

E. The final large lot subdivision is in compliance with the conditions of preliminary approval for the large lot subdivision;

F. The title insurance report provided by the subdivider confirms the title of the land in the proposed large lot subdivision is vested in the name(s) of the owner(s) whose signatures appear on the large lot plat declaration or dedication statement;

G. The required road and storm water facilities and improvements have been completed by the subdivider.

16.52.050 Road disclaimer.

Roads within a large lot subdivision will not be constructed or maintained by the county unless such roads have been improved to current county road standards and have been accepted into the county road system. Therefore, unless so improved and accepted, the responsibility for maintenance shall lie with the owners of the lots within the large lot subdivision. In such case, the face of the large lot plat shall contain the following disclaimer:

Responsibility and expense for maintenance of roads leading to or serving lots within this large lot subdivision (unless and until such roads have been accepted into the county's road system) shall rest with the lot owners.

16.52.060 Declaration regarding further segregation.

The face of the final large lot plat shall contain the following declaration:

No lot in a large lot subdivision can be divided further without following Kitsap County Code in effect at the time of application for said further division.

16.52.070 Recording requirements.

The final plat shall be recorded in accordance with the provisions set forth at Section [16.04.110](#).

Chapter 16.56

BINDING SITE PLANS

Sections:

[16.56.010 Purpose.](#)

[16.56.020 Applicability.](#)

[16.56.030 General requirements.](#)

[16.56.040 Binding site plan contents and approval criteria.](#)

[16.56.050 Recording requirements.](#)

16.56.010 Purpose.

The purpose of this chapter is to provide an alternative method of dividing land as authorized by RCW [58.17.035](#) and by RCW [58.17.040](#)(4) and (7).

16.56.020 Applicability.

The provisions of this chapter apply to the following:

- A. Binding Site Plan – Commercial and Industrial Land Use. A binding site plan may be utilized for the divisions of land lying within any commercial or industrial zoning designation.
- B. Binding Site Plan – ~~Condominium. A binding site plan is required for the division of land through a condominium subject to Chapter 64.32 or 64.34 RCW, pursuant to RCW 58.17.040(7). For the purpose of approval of condominium developments, the provisions of this chapter shall apply when a land division is proposed as a condominium that results in the subdivision of land into separately owned lots, and that will subject the land to Chapter 64.34 RCW (the Condominium Act). Condominiums subject to RCW 64.32 or RCW 64.34. A binding site plan is required for the division of land through a condominium process subject to Chapters 64.32 or 64.43 RCW, pursuant to RCW 58.17.040(7).~~

16.56.030 General requirements.

- A. Legally existing structures are not required to meet current zoning regulations as a condition of binding site plan approval. Proposed lots or units without legally existing structures or uses must meet current zoning regulations.

B. A binding site plan shall depict building envelopes and all existing and proposed land use(s) for each lot on the face of the binding site plan.

C. A parking lot plan is required for the binding site plan. The plan shall allocate parking to each lot or condominium unit or specify joint use parking. Proposed lots containing legally existing structures and uses may maintain parking as originally approved for the uses, but if changes are made the parking must meet current parking requirements for the use.

D. Access to each lot or condominium unit within the binding site plan shall be depicted. Emergency vehicle access shall be provided in accordance with the applicable provisions of Title [14](#), Buildings and Construction, and Chapter [11.22](#), Kitsap County Road Standards.

E. Binding site plans shall be reviewed for storm drainage, roads, road frontage improvements, water supply, sanitary sewage disposal, access or easement for vehicles, utilities, fire protection and zoning requirements. Binding site plan review shall also consider previous decisions affecting the property, accuracy of legal description, ownership, lot dimensions, improvements on each lot and compliance with Chapter [58.09](#) RCW and Chapter [332-130](#) WAC.

F. A binding site plan cannot amend or conflict with previously granted use permit approvals or conditions of approval. Amendments to said use permit approvals or conditions shall be accomplished through the appropriate amendment process prior to an application for a binding site plan.

G. Proposed uses must comply with the underlying zone classification. Should a proposed use require a use permit, such as a conditional use permit, said permit shall be requested and reviewed concurrently or prior to approval of the binding site plan. Binding site plan approval does not constitute approval for other required permits.

16.56.040 Binding site plan contents and approval criteria.

Binding site plans are classified as Type II applications under Chapter [21.04](#). The director shall review the application for conformity with the following requirements. If approved, the director shall sign the approval line on the face of the binding site plan.

- A. Chapter [16.04](#), General Provisions;
- B. Chapter [16.24](#), Land Segregation Standards;
- C. The binding site plan shall consist of the following:

1. The original map that is drawn in permanent black ink on mylar, suitable for producing legible prints through scanning, microfilming or other standard copying procedures and that is in compliance with WAC [332-130-050](#). The map shall be drawn to scale no less than one inch to one hundred feet, which scale shall be shown on the drawing;

2. The first sheet shall have a vertical title block on the right side that contains the following information:

a. Signature and date lines for approval by the director;

b. Treasurer's certificate that reads as follows:

I hereby certify that real property taxes on the above-described property have been paid, satisfied or discharged up to and including the year 20__.

along with signature and date lines;

c. Surveyor's certificate, stamped, signed and dated by a registered land surveyor, that reads as follows:

I, _____, registered as a professional land surveyor by the State of Washington, certify that this binding site plan plat is based on an actual survey of the land described herein, conducted by me or under my supervision, during the period of _____, 20__, through _____, 20__; that the distances, courses and angles are shown hereon correctly; and that property corners have been staked on the ground as depicted hereon.

and

d. Signature and date lines for the county auditor, along with space to insert recording information;

3. North point and origin of meridian or basis of bearings;

4. Lots labeled alphabetically;

5. Lot addresses, as assigned per Section [16.66.015\(G\)](#);

6. The perimeter boundary (which shall be shown by heavier lines) of the proposal, surveyed by a land surveyor licensed in the state of Washington pursuant to Chapter [18.43](#) RCW, together with all internal lots and blocks. The map may, but need not, depict or describe the boundaries of the lots or tracts to result from subjecting a portion of the land to either Chapter [64.32](#) or [64.34](#) RCW subsequent to the recording of the binding site plan;

7. The dimensions of the perimeter and all lots;
8. Ties to permanent monuments;
9. Controlling reference points or monuments;
10. The bearing and length of lines;
11. The legal description of the real property to be divided;
12. The names and locations of adjacent subdivisions;
13. The location of all existing structures and proposed building envelopes, along with their existing and proposed uses;
14. The location of all existing and proposed roads, rights-of-way and access easements within and adjacent to the proposal, labeling each of the foregoing by width;
15. The location of all road frontage improvements;
16. The location of all other existing and proposed easements appurtenant to the property, labeled with dimensions;
17. The location of all property to be dedicated and a textual declaration of the dedication;
18. For binding site plans within a rural zoning designation, a native vegetation buffer around the perimeter of the binding site plan, minimum twenty-five feet wide or as set forth in Title [17](#);
19. 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;
20. The location of geologically hazardous areas and their associated buffers and construction setbacks. Delineate 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](#);
21. The location of existing on-site sewage systems, and wells with their protective well radii within, contiguous to and adjacent to the proposal;
22. The location of soil logs, if the binding site plan is not required to connect to public sewer;

23. A declaration or dedication statement, as applicable, by all persons having interest in the land, with name(s) printed and signed by said person(s) and acknowledged before a notary public, consenting to the dedication and/or segregation of land;

24. Notes depicting articles of encumbrances as noted in Schedule B of the plat certificate;

25. Conditions relevant to the development of the binding site plan; and

26. One of the following statements:

a. A binding site plan for commercial and/or industrial use, as set forth at Section [16.56.020\(A\)](#):

All development and use of the land described herein shall be in accordance with this binding site plan, or as it may be amended with the approval of Kitsap County, and in accordance with such other governmental permits, approvals, regulations, requirements, and restrictions that may be imposed upon such land and the development and use thereof. This binding site plan shall be binding upon all now or hereafter having any interest in the land described herein.

b. A binding site plan for a proposed condominium development, as set forth at Section [16.56.020\(B\)](#):

All development and use of the land described herein shall be in accordance with this binding site plan, or as it may be amended with the approval of Kitsap County, and in accordance with such other governmental permits, approvals, regulations, requirements, and restrictions that may be imposed upon such land and the development and use thereof. Upon completion, the improvements on the land shall be included in one or more condominiums or owned by an association or other legal entity in which the owners of units therein or their owners' associations have a membership or other legal or beneficial interest. This binding site plan shall be binding upon all now or hereafter having any interest in the land described herein.

D. The binding site plan must meet all standards established by state and local law;

E. The binding site plan is in compliance with the conditions of approval of any previously granted use permit approval.

16.56.050 Recording requirements.

The binding site plan shall be recorded in accordance with the provisions set forth at Section [16.04.110](#).

Chapter 16.60

ALTERATIONS AND VACATIONS

Sections:

[16.60.010 Purpose.](#)

[16.60.020 Alterations of final plats.](#)

[16.60.030 Alterations of final short plats, large lot plats and binding site plans.](#)

[16.60.040 Vacations of final plats, final short plats, final large lot plats and final binding site plans.](#)

[16.60.050 Recording requirements.](#)

16.60.010 Purpose.

The purpose of this chapter is to provide the procedures for alterations and vacations of recorded final plats, short plats, large lot plats, and binding site plans. Procedures for revisions following preliminary approval, but prior to recording (land segregation amendments) are set forth in the chapters addressing each segregation type.

16.60.015 Applicability.

Alteration of a land segregation shall be required for proposals including, but not limited to:

A. Revisions to easements that were created with the original land segregation, including revising the location of an access, utility, or other easement, extinguishment of an easement or granting or eliminating rights of use of an easement; or

B. Elimination of or revision to any conditions stated on the face of the land segregation plat; or

C. Elimination of or revision to buffers, open space, or other commonly-owned tracts or parcels established on the face of the land segregation plat.

D. In no case shall a proposed plat alteration result in a plat that reduces current development standards.

16.60.020 Alterations of final plats.

A. Alterations after a final plat has been recorded shall be processed in accordance with RCW [58.17.215](#) through [58.17.218](#); provided, that when an application for plat alteration is submitted more than seven years after final plat approval, the altered portions of the plat shall

comply with regulations in effect at the time the alteration application was determined complete.

- B. An application for an alteration of a recorded final plat shall be processed as a Type III application.
- C. Alteration applications and documents to be recorded shall contain the signatures of a majority of those persons having an ownership interest in lots, tracts, parcels or divisions in the subject subdivision or portion to be altered.
- D. Any features contained on the original subdivision that have been relied upon in subsequent land development or county planning decisions shall be retained and depicted on the alteration map.
- E. If the final plat is subject to restrictive covenants that were filed at the time of the recording of the final plat, and the application for alteration would result in the violation or alteration of a covenant, the application shall contain an agreement signed by all parties required by the provisions of the covenants, providing that the parties agree to terminate or alter the relevant covenants to accomplish the purpose of the alteration.
- F. The hearing examiner shall determine the public use and interest in the proposed alteration and may deny or approve the application for alteration. If any land within the alteration is part of an assessment district, any outstanding assessments shall be equitably divided and levied against the remaining lots, parcels or tracts, or be levied equitably on the lots resulting from the alteration. If any land within the alteration contains a dedication to the general use of persons residing within the subdivision, such land may be altered and divided equitably between the adjacent properties.
- G. Any easement established by dedication cannot be extinguished or altered without the approval of the easement owner or owners, unless the plat or other document creating the dedicated easement provides for an alternative method to extinguish or alter the easement.
- H. After approval of an alteration, the applicant shall submit a drawing of the approved alteration of the final subdivision, to be processed, approved and recorded in the same manner as set forth for final subdivisions at Chapter [16.40](#).

16.60.030 Alterations of final short plats, large lot plats and binding site plans.

- A. Except as provided herein, alterations for final short plats, final large lot plats and binding site plans shall be accomplished by following the same process required for new applications as set forth in Chapters [16.48](#), [16.52](#) and [16.56](#), respectively. An application for an alteration of a

recorded final short subdivision, large lot subdivision or binding site plan shall be processed as a Type II application, unless the short subdivision, large lot subdivision or binding site plan was approved through a process requiring a public hearing in the first instance. In such case, the alteration shall be processed as a Type III application.

B. Alteration applications and documents to be recorded shall contain the signatures of a majority of those persons having an ownership interest in lots, tracts, parcels or divisions in the subject short subdivision, large lot subdivision or binding site plan, or portion to be altered.

C. Any features contained on the original short subdivision, large lot subdivision or binding site plan that have been relied upon in subsequent land development or county planning decisions shall be retained and depicted on the alteration map.

D. If the final short plat, large lot plat or binding site plan is subject to restrictive covenants that were filed at the time of the recording, and the application for alteration would result in the violation or alteration of a covenant, the application shall contain an agreement signed by all parties required by the provisions of the covenants, providing that the parties agree to terminate or alter the relevant covenants to accomplish the purpose of the alteration.

E. The department (in the case of a Type II application) or hearing examiner (in the case of a Type III application) shall determine the public use and interest in the proposed alteration and may deny or approve the application for alteration. If any land within the alteration is part of an assessment district, any outstanding assessments shall be equitably divided and levied against the remaining lots, parcels, or tracts, or be levied equitably on the lots resulting from the alteration. If any land within the alteration contains a dedication to the general use of persons residing within the subdivision, such land may be altered and divided equitably between the adjacent properties.

F. Any easement established by dedication cannot be extinguished or altered without the approval of the easement owner or owners, unless the plat or other document creating the dedicated easement provides for an alternative method to extinguish or alter the easement.

G. After approval of an alteration, the applicant shall submit a revised drawing of the altered final short plat, large lot plat or binding site plan, to be processed, approved and recorded in the same manner as set forth for final short subdivisions at Chapter [16.48](#), final large lot subdivisions at Chapter [16.52](#) or binding site plans at Chapter [16.56](#).

H. Alterations of short plats that involve a public dedication shall be processed according to RCW [58.17.215](#).

16.60.040 Vacations of final plats, final short plats, final large lot plats and final binding site plans.

- A. Plat vacations shall be processed as a Type III application.
- B. Short plat, large lot plat and binding site plan vacations shall be processed as a Type II permit, unless the short subdivision, large lot subdivision or binding site plan was approved through a process requiring a public hearing in the first instance. In such case, the vacation shall be processed as a Type III application.
- C. The application for vacation shall set forth the reasons for vacation and shall contain signatures of all parties having an ownership interest in that portion of the land segregation subject to vacation. The applicant(s) must demonstrate that property within or abutting the boundaries of the subject plat or binding site plan will not be adversely impacted and the vacation will not have an adverse impact on the provision of utilities in the areas. Additionally, the vacation shall not result in a conflict with the Comprehensive Plan or applicable sub-area plan.
- D. If the land segregation is subject to restrictive covenants which were filed at the time of the approval, and the application for vacation would result in the violation or alteration of a covenant, the application shall contain an agreement signed by all parties required by the provisions of the covenants, providing that the parties agree to terminate or alter the relevant covenants to accomplish the purpose of the vacation of the segregation or portion thereof. In the event the entire land segregation is proposed for vacation, the application shall contain a document, to be recorded with the segregation vacation, revoking the covenants.
- E. Legally existing structures and uses shall not be required to correct existing nonconforming features to meet current regulations as a condition of approval of a vacation.
- F. Applications for vacation of county right-of-way within the plat shall be processed in accordance with Chapter [11.42](#). The right-of-way vacation application shall be processed concurrently with the application for vacation of the plat.
- G. The department (in the case of a Type II application) or the hearing examiner (in the case of a Type III application) may approve or deny the vacation of the segregation after determining the public use and interest to be served by the vacation. If any portion of the land contained in the segregation was dedicated to the public for public use or benefit, such land, if not deeded to the county, shall be deeded to the county unless the department or hearing examiner sets forth specific findings that the public use would not be served in retaining title to those lands.
- H. Title to the vacated property shall vest with the rightful owner as shown in the county records. If the vacated land is land that was dedicated to the public, for public use other than a road or street, and the department or hearing examiner has found that retaining title to the land is not in the public interest, title thereto shall vest with the person or persons owning the property on each side thereof, as determined by the county. When the road or street that is to be vacated was contained wholly within the segregation and is part of the boundary of the

segregation, title to the vacated road or street shall vest with the owner or owners of property contained within the vacated segregation.

16.60.050 Recording requirements.

The plat alteration or plat vacation shall be recorded in accordance with the provisions set forth at Section [16.04.110](#).

NEW Chapter 16.64

PLANNED UNIT DEVELOPMENT

(Replaces 17.450 Performance Based Development)

Sections:

16.64.010	Purpose.
16.64.020	Authority.
16.64.030	Applicability.
16.64.040	Uses permitted.
16.64.050	Standards and requirements.
16.64.060	Preliminary PUD application.
16.64.070	Decision findings.
16.64.080	Public hearing and notice.
16.64.090	Amendments to planned unit development.
16.40.100	Recording requirements.

16.64.010 Purpose.

- A. To allow flexibility in design and creative site planning, while providing for the orderly development of the county. A Planned Unit Development (PUD) is to allow for a wider range of development types and layouts in dividing land to accomplish the following purposes:
 - 1. Preserve open space;
 - 2. Protect critical areas and preserve natural site features such as trees, topography, and geologic features;
 - 3. Encourage the creation of suitable buffers between differing types of development;
 - 4. Facilitate the residential densities allowed by the zone;
 - 5. Promote the opportunity for housing that is affordable to a broad range of income and age groups;
 - 6. Provide for increased efficiency in the layout of the streets, utilities and other public improvements;
 - 7. Implement the policies of the Kitsap County Comprehensive Plan;
 - 8. Encourage creative approaches to the use of land and related physical development; and
 - 9. Encourage the use of low-impact development techniques and other creative designs to create a more desirable environment than would be possible through strict application of the remainder of County Code.
- B. Standard regulations that may be modified through the use of a PUD include:
 - 1. Minimum lot size, which in Rural and Resource zones can be reduced up to 50 percent, with no lots being smaller than 2 acres;
 - 2. Lot width and depth. Lot width can be reduced by up to 25 percent to a minimum of 60 feet in Rural and Resource zones and depth can be reduced by up to 25 percent to a minimum of 100 feet in Rural and Resource zones.
 - 3. Structure height (only within designated urban growth areas).

4. Setbacks (front, side, and rear yards).
 - a. PUD lots can have front setbacks reduced to 25 feet in Rural and Resource Zones unless otherwise required by the provisions of the footnotes of Chapter 17.420 KCC.
 - b. PUD lots have a maximum front setback of 15 feet for the main structure, garages must be 20 feet, in Urban zones.
 - c. Zero lot line PUD lots with attached housing of two or more units have no minimum lot size but must be a minimum of 16 feet wide and may have zero-foot internal side setbacks along common walls. Separation between buildings must be the minimum required to meet fire code requirements.
 - d. PUD lots, including zero lot line lots with attached housing, can have reduced rear setbacks up to 25 percent, with no rear setback being smaller than 10 feet. Rear yard setbacks may be reduced to zero feet for garages if an alley is provided.
- C. Additional Modifications. An applicant may request additional dimensional, open space, street, and design standard modifications beyond those provided in this section. Granting of the requested modification(s) will be based on innovative and exceptional architectural design features and/or innovative and exceptional site design and layout that contribute to achieving the purpose of this chapter. (Street modifications may include the elimination of sidewalks on one or both sides, when alternate safe pedestrian connections are provided, and/or the movement of planter strips behind the sidewalk or the elimination of planter strips altogether, when the streetscape is enhanced to provide for a significantly more pleasing appearance.)
- D. Other Development Code Modifications. Modification of development code requirements beyond those provided for in this section may be requested through the variance process set forth in Chapter 17.560 KCC. Minimum and maximum densities and allowed uses authorized by the zone shall not be subject to modification through the use of a PUD.

16.64.020 Authority.

The hearing examiner shall have the authority to approve, approve with conditions, disapprove, or revoke PUDs, subject to the provisions of this section.

16.64.030 Applicability.

- A. Inside unincorporated Urban Growth Areas, Urban Transition Areas, and rural LAMIRDs, the provisions of this chapter can be used for any properties over two acres in size.
- B. Outside the Urban Growth Areas, Urban Transition Areas, and rural LAMIRDs, the provisions of this chapter can be used for properties over twenty (20) acres in size, except that PUDs are prohibited on rural Mineral Resource-zoned land.

16.64.040 Uses permitted.

- A. Uses permitted in a PUD are those allowed in the underlying zone, except that permissible residential uses within a PUD in an urban zone include single-family dwellings, duplexes, and attached single-family townhomes of three and four units, regardless of the underlying zoning district.
- B. At least fifty percent of the gross square footage of a PUD must be residential in nature.

16.64.050 Standards and requirements.

- A. Access, Parking and Circulation.
 - 1. General. The PUD 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, except for incentives as follow:
 - a. Vehicular parking may be provided either on street or off street within the PUD, provided the total number of available spaces is at least equal to the parking requirements specified in the parking and loading requirements.
 - b. PUDs with a commercial component may share up to 25 percent of required parking between residential and commercial uses.
 - c. Up to 50 percent of off-street parking spaces may be compact stalls in accordance with section 17.490.040 or as amended.
 - 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. Common open space is required for all PUDs.
 - 1. Urban zones must have at least fifteen percent of the gross acreage of the subject properties designated as common open space.
 - 2. 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 PUD specifically provides for an alternative use.
 - 3. Common open space may be enhanced critical area buffers, amenities, recreational, or improved vegetation-based LID BMPs.
 - 4. Common open space shall not include any of the following:
 - a. Lots, dwellings, and associated private yards, outdoor storage areas, and building setback areas;
 - b. Public or private street right-of-way including sidewalks and planter strips;

- c. Parking lots, driveways, and other areas of motorized vehicle access; or
 - d. Open drainage facilities such as detention and retention ponds, wetponds, and other drainage facilities that require fencing pursuant to the Drainage Manual or engineering design standards.
5. Land shown in the final plat 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.

- 1. All PUDs within urban zones shall provide a developed recreational area that meets the requirements of KCC 16.24.040.H multiplied by a factor of 1.5. This area may be included and count towards common open space requirement of KCC 16.54.050.B.

16.64.060 Preliminary PUD application.

Preliminary application shall include the requirements of 16.64.050 as well as the requirements of 16.40.030 Preliminary subdivisions.

16.64.070 Decision findings.

In approving the preliminary planned unit development, conditionally or otherwise, the hearing examiner shall first make a finding that all of the following conditions exist:

- A. The design of the PUD meets the requirements of this section, other sections of the county code and the goals and policies of the Comprehensive Plan and the site is adequate in size and character to accommodate the proposed development;

- B. The design of the PUD is compatible with neighboring conforming land uses. An assessment of compatibility shall include, but not be limited to, the consideration of association with adjacent land uses and the proposed project's effects on existing views, traffic, blockage of sunlight, and noise production;
- C. If the development is phased, each phase of the proposed development shall meet the requirements of this chapter;
- D. The site for the proposed use relates to streets and highways adequate in width and pavement type to carry the quantity and kind of traffic generated by the proposed use;
- E. The proposed and/or existing public facilities and utilities are adequate to serve the project; and
- F. The establishment, maintenance, and/or conduct of the use for which the development plan review is sought will not, under the circumstances of the particular case, be detrimental to the health, safety or welfare of persons residing or working in a neighborhood of such use and will not, under the circumstances of the particular case, be detrimental to the public welfare, injurious to property or improvements in said neighborhood, or contrary to orderly development.
- G. Innovations and/or public benefits shall be commensurate with the code modifications proposed.

16.64.080 Public hearing and notice.

PUDs shall be considered in a public hearing by the hearing examiner in accordance with the requirements of Title 16. Public notice shall be given as provided for in Title 21.

16.64.090 Amendments to planned unit development.

- A. Amendment of a planned unit development or of conditions of approval is permitted as follows:
 - 1. Notification. Any requested amendment to an approved PUD shall require a notice of application to all parties who received the notice of application of the original PUD submittal, all property owners within the notification radii required in Title 21, and all parties of record, in accordance with Title 21.
 - 2. Minor amendments are classified as Type II applications under Chapter 21.04 and address those changes to an approved preliminary PUD that fall within the scope of the original approval and/or do not significantly increase impacts to surrounding properties. For these purposes, "significant" shall mean a greater than ten percent increase when the impact is quantifiable.
 - 3. Major revisions shall be processed as a Type III application.
- B. Minor and major revisions are defined as follows:
 - 1. A "minor" revision means any proposed change which does not involve substantial alteration of the character of the plan or previous approval; and
 - 2. A "major" revision means any expansion of the lot area covered by the permit or approval, or any proposed change that includes any one of the following:
 - a. Substantial relocation of buildings, parking or streets;
 - b. A reduction in any perimeter setback;

- c. An increase in the gross floor area of a multifamily, commercial, industrial or commercial component of a project greater than ten percent;
 - d. Any relocation of the common open space which makes it less accessible or reduces the area greater than five percent;
 - e. Any change in the landscape buffers resulting in a reduction in width or density of planting between the development and adjoining properties;
 - f. Any substantial change in the points of access;
 - g. Any increase in structure height; or
 - h. An alteration in dwelling unit separation, e.g., attached or detached dwelling units.
3. Any increase in vehicle trip generation shall be reviewed to determine whether the revision is major or minor. The traffic analysis shall be filed by the applicant at the same time as the request for revision. The traffic analysis will follow traffic impact analysis guidelines as set forth in Chapter 20.04.

16.40.100 Recording requirements.

The final PUD shall be recorded in accordance with the provisions set forth at Section 16.04.110.