

Ordinance No. 384-2007

Ordinance Repealing and Amending Portions of Kitsap County Code Title 17 (Zoning) Relating to the Urban Holding Area (UHA) Zone and the Kitsap County Zoning Map

BE IT ORDAINED:

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

1. On December 11, 2006, the Kitsap County Board of Commissioners adopted Ordinance 367-2006 as part of its 10-year update to the Comprehensive Plan. This Ordinance amended the Kitsap County Zoning Code and adopted certain revisions pertaining to the Industrial Multi-Purpose Recreation Area and the Urban Holding Area Zone.
2. On December 20, 2006, Kitsap County published a notice of adoption with the newspaper of record. This notice initiated the 60-day appeal period for the 10-year update to the Comprehensive Plan and the associated development regulations.
3. On January 22, 2007, these revisions relating to the Industrial Multi-Purpose Recreation Area and the Urban Holding Zone were appealed to the Central Puget Sound Growth Management Hearings Board (CPSGMHB) in the case *CHECK et al. v. Kitsap County*, CPSGMHB No. 07-3-0009 ("*CHECK*");
4. As part of a settlement agreement with the petitioners in *CHECK*, the Board wished to evaluate all options, including consideration of repealing the revisions related to the UHA Zoning regulations.
5. On May 14, 2007, the Board approved a settlement agreement with the petitioners in *CHECK* to repeal, with conditions, the IMPRA/UHA designation and zoning in the Comprehensive Plan and development regulations.
6. On May 15, 2007, notice of intent to adopt was submitted to the Department of Community, Trade, and Economic Development. The notice requested expedited review under RCW 36.70A.106 for the development regulations amendments.
7. On May 16, 2007, Kitsap County published, with the newspaper of record, a Statement Environmental Policy Act (SEPA) Determination of Non-significance, and a notice of intent to adopt and public hearing. These notices were mailed to interested parties of record, agencies, and affected tribes.
8. On May 30, 2007, the SEPA comment and appeal period closed.

9. On June 11, 2007, the Board, following a timely and effective notice, held a public hearing to consider testimony on the proposed repeal of the IMPRA Comprehensive Plan policies and land use designation, as well as associated UHA zoning classification.

Section 2. Kitsap County Code Table of Contents for Title 17 is amended as follows:

**Title 17
ZONING**

Chapters:

- 17.100 General Provisions.
- 17.110 Definitions.
- 17.200 Establishment of Zones and Maps.
- 17.300 Forest Resource Lands (FRL).
- 17.301 Rural Wooded (RW)
- 17.305 Rural Protection Zone (RP).
- 17.310 Rural Residential Zone (RR).
- 17.315 Urban Reserve Zone (URS).
- 17.321 Limited Areas of More Intensive Rural Development (LAMIRD).
 - 17.321A Suquamish Rural Village.
 - 17.321B Port Gamble Rural Historic Town.
 - 17.321C Manchester Rural Village.
- ~~17.322 Urban Holding Area Zone (UHA).~~
- 17.325 Urban Restricted Zone (UR).
- 17.330 Urban Low Residential Zone (UL).
- 17.335 Urban Cluster Residential Zone (UCR).
- 17.340 Urban Medium Residential Zone (UM).
- 17.350 Urban High Residential Zones (UH).
- 17.351 Multi-Family Development - Design Criteria.
- 17.352 Mixed Use Zone (MU).
- 17.353 Urban Center Zones.
- 17.354 Urban Center Zones - Design Criteria.
- 17.355 Commercial Zones.
- 17.360 Business Park Zone (BP).
- 17.365 Business Center Zone.
- 17.370 Industrial Zone (IND).
- 17.375 Airport Zone (A).
- 17.377 Parks Zone (P).
- 17.380 Mineral Resource Overlay (MR).
- 17.381 Allowed Uses.
- 17.382 Density, Dimensions and Design.
- 17.385 Landscaping.
- 17.400 Land Use Review.
- 17.415 Master Planning.
- 17.420 Conditional Use Permit- Administrative (ACUP)
- 17.421 Conditional Use Permit - Hearing Examiner (C).

Ordinance Repealing and Amending Portions of Kitsap County Code Title 17 (Zoning) Relating to the Urban Holding Area (UHA) Zone and the Kitsap County Zoning Map

- 17.425 Performance Based Development (PBD).
- 17.428 Master Planning Requirements for the South Kitsap UGA/ULID #6 Sub-Area.
- 17.430 Transfer of Development Rights (TDR).
- 17.435 Off-Street Parking and Loading Special.
- 17.445 Signs.
- 17.450 View Blockage Requirements.
- 17.455 Interpretations and Exceptions.
- 17.460 Nonconforming Uses and Structures.
- 17.470 Wireless Communication Facilities.
- 17.500 Variances.
- 17.510 Changes to Zones, Rezones, Amendments, Alterations.
- 17.525 Revocation of Permits or Variances.
- 17.530 Enforcement.
- 17.640 (Repealed).

Section 3. Kitsap County Code Section 17.200.010, last amended by Ordinance 367-2006, is amended as follows:

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

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

Comprehensive Plan Land Use Designation	Zones-Classification	Map Symbol	Density
Urban Low Commercial/-Intensity Mixed Use ¹	Urban Village Center	UVC	Up to 18 dwelling units / acre
	Neighborhood Commercial	NC	10-30 dwelling units / acre
Urban High Commercial/-Intensity Mixed Use ¹	Urban Town Center	UTC	Reserved
	Highway/Tourist Commercial	HTC	10-30 dwelling units / acre
	Regional Commercial	RC	10-30 dwelling units / acre
	Mixed Use	MU	10-30 dwelling units / acre
Urban Industrial ²	Business Park	CP	Not applicable
	Industrial	I	Not applicable
	Business Center	BC	Not applicable
	Airport	A	Not applicable
Industrial Multi-Purpose Recreational Area	Urban Holding Area	UGA	Not applicable
Public Facilities	Parks	P	Not applicable
Mineral Resource	Mineral Resource Overlay	MR	Not applicable
Limited Area of More Intensive Rural Development (LAMIRD)	Manchester Village Commercial	MVC	10 – 24 dwelling units / acre
LAMIRD	Manchester Village Low Residential	MVLR	2 dwelling units / acre
LAMIRD	Manchester Village Residential	MVR	4 dwelling units / acre
LAMIRD	Port Gamble Rural Historic Town Commercial	RHTC	2.5 dwelling units / acre
LAMIRD	Port Gamble Rural Historic Town Residential	RHTC	2.5 dwelling units / acre
LAMIRD	Port Gamble Rural	RHW	2.5 dwelling units /

Comprehensive Plan Land Use Designation	Zones-Classification	Map Symbol	Density
	Historic Waterfront		acre
LAMIRD	Suquamish Village Commercial	SVC	Not applicable
LAMIRD	Suquamish Village Low Residential	SVLR	2 dwelling units / acre
LAMIRD	Suquamish Village Residential	SVR	2 dwelling units / acre

¹ Includes commercially zoned properties located outside of the urban growth areas.

² Includes Industrial and Business Park zoned lands located outside of urban growth areas.

Section 4. Kitsap County Code Chapter 17.322, adopted by Ordinance 367-2006, is repealed.

Section 5. Kitsap County Code Section 17.360.020, last amended by Ordinance 367-2006, is amended as follows:

Uses shall be allowed in accordance with Chapter 17.381 and 17.381.040.C, Airport, and Industrial and Urban Holding Area Zones Use Table. Properties with these zoning classifications located outside of urban growth areas are allowed the same uses as their urban counterparts.

Section 6. Kitsap County Code Section 17.365.020, last amended by Ordinance 367-2006, is amended as follows:

Uses shall be allowed in accordance with Chapter 17.381 and 17.381.040.C, Airport, and Industrial and IMPRA Zones Use Table.

Section 7. Kitsap County Code Section 17.370.020, last amended by Ordinance 367-2006, is amended as follows:

Uses shall be allowed in accordance with Chapter 17.381 and 17.381.040.C, Airport, and Industrial and IMPRA Zones Use Table. Properties with these zoning classifications located outside of urban growth areas are allowed the same uses as their urban counterparts.

Section 8. Kitsap County Code Section 17.375.020, last amended by Ordinance 367-2006, is amended as follows:

Uses shall be allowed in accordance with Chapter 17.381 and 17.381.040.C, Airport, and Industrial and IMPRA Zones Use Table.

Ordinance Repealing and Amending Portions of Kitsap County Code Title 17 (Zoning) Relating to the Urban Holding Area (UHA) Zone and the Kitsap County Zoning Map

Page 5 of 14

June 11, 2007

Section 9. Kitsap County Code Section 17.381.040, adopted by Ordinance 367-2006, is amended as follows:

There are five (5) separate tables addressing the following general land use categories and zones:

- A. Urban Residential Zones (UCR, UR, UL, UM, UH)
- B. Urban Commercial and Mixed Use Zones (NC, UVC, UTC, HTC, RC, MU)
- C. Airport, and Industrial and IMPRA Urban Holding Area Zones (A, BP, BC, IND, UHA)
- D. Rural Sub-Areas (MVC, MVL, MVR, RHTC, RHTR, RHTW, SVC, SVLR, SVR)
- E. Parks, Rural and Resource Zones (P, FRL, MR, RP, RR, RW, URS)

Section 10. Kitsap County Code Section 17.381.040.C, adopted by Ordinance 367-2006, is amended as follows:

Airport, and Industrial and IMPRA Urban Holding Area Zones

Use	Airport	Urban Industrial			IMPRA
	A	BC (31)(42)	BP	IND (32)(42)	UHA (41)
Residential Uses					
Accessory dwelling units (1)	X	X	X	X	R
Accessory living quarters (1)	X	X	X	X	R
Accessory use or structure (1)(17)	P	P	ACUP	ACUP	R
Adult Family Home	X	X	X	X	R
Bed and breakfast house	X	X	X	X	R
Caretaker's dwelling	ACUP	P	P	P	R
Convalescent home or congregate care facility	X	X	X	X	R
Cottage housing developments	X	X	X	X	R
Dwelling, duplex	X	X	X	X	R
Dwelling, existing	P	P	P	P	R
Dwelling, multi-family	X	X	X	X	R
Dwelling, single-family attached	X	X	X	X	R
Dwelling, single-family	X	X	X	X	R

Use	Airport	Urban Industrial			IMPRA
	A	BC (31)(42)	BP	IND (32)(42)	UHA (41)
detached					
Home business (1)	X	X	X	X	R
Hotel/Motel	X	X	X	X	R
Manufactured homes	X	X	X	X	R
Mixed use development (44)	X	X	X	X	R
Mobile homes	X	X	X	X	R
Residential care facility	X	X	X	X	R
COMMERCIAL / BUSINESS USES					
Accessory use or structure (1) (17)	P	P	ACUP	ACUP	R
Adult entertainment (1)	X	C	X	C	R
Ambulance service	X	P	ACUP	ACUP	R
Auction house	X	X	X	X	R
Auto parts and accessory stores	X	X	X	X	R
Automobile and equipment rentals	ACUP	P	ACUP	ACUP	R
Automobile service and repair and car washes	X	P	ACUP	ACUP	R
Automobile service station (6)	X	C (33)	C (33)	C (33)	R
Automobile, recreational vehicle or boat sales	X	ACUP (35)	X	ACUP (35)	R
Boat/marine supply stores	X	X	X	X	R
Brew pubs	X	X	X	X	R
Clinic, Medical	X	P	ACUP	C	R
Conference Center	X	X	X	X	R
Custom art and craft stores	X	X	X	X	R
Day-care center (14)	X	P (33)	ACUP (33)	ACUP (33)	R
Day-care center, family (14)	X	P (33)	ACUP (33)	ACUP (33)	R
Drinking establishments	C	P (33)	C (33)	ACUP (33)	R

Use	Airport	Urban Industrial			IMPRA
	A	BC (31)(42)	BP	IND (32)(42)	UHA (44)
Engineering and construction firms	X	P (33)	ACUP (33)	ACUP (33)	R
Espresso stands	X	P (33)	ACUP (33)	ACUP (33)	R
Farm and garden equipment and sales	X	X	X	X	R
Financial, banking, mortgage and title institutions	X	P (33)	C (33)	ACUP (33)	R
General office and management services – less than 2,000 s.f.	X	P	P	ACUP	R
General office and management services – 2,000 to 4,999 s.f.	X	P	P	ACUP	R
General office and management services – 5,000 to 9,999 s.f.	X	X	P	X	R
General office and management services – 10,000 s.f. or greater	X	X	P	X	R
General retail merchandise stores – less than 5,000 s.f.	X	P (33)	X	ACUP (33)	R
General retail merchandise stores – 5,000 to 9,999 s.f.	X	X	X	X	R
General retail merchandise stores – 10,000 to 24,999 s.f.	X	X	X	X	R
General retail merchandise stores – 25,000 s.f. or greater	X	X	X	X	R
Kennels or Pet Day-Cares	X	P	ACUP	ACUP	R

Use	Airport	Urban Industrial			IMPRA
	A	BC (31)(42)	BP	IND (32)(42)	UHA (41)
(1)					
Kennels, hobby	X	X	X	X	R
Laundromats and laundry services	X	P	ACUP	ACUP	R
Lumber and bulky building material sales	X	P	X	ACUP	R
Mobile home sales	X	X	X	X	R
Nursery, retail	X	X	X	X	R
Nursery, wholesale	X	X	X	X	R
Off-street private parking facilities	X	X	X	X	R
Personal services - skin care, massage, manicures, hairdresser/barber	X	X	X	X	R
Pet shop - retail and Grooming	X	X	X	X	R
Research Laboratory	X	P	ACUP	ACUP	R
Restaurants	ACUP	P (33)	C (33)	ACUP	R
Restaurants, Drive-In	X	X	X	X	R
Restaurants, High-turnover	X	X	X	X	R
Temporary offices and model homes (27)	X	X	X	X	R
Tourism facilities, including outfitters, guides, and seaplane and tour-boat terminals	X	P	ACUP	ACUP	R
Transportation terminals	ACUP	P	X	ACUP	R
Veterinary clinics/Animal hospitals	X	P	ACUP	ACUP	R
RECREATIONAL / CULTURAL USES					
Accessory use or structure (1)(17)	P	P	ACUP	ACUP	R
Amusement centers	X	X	X	C	R

Use	Airport	Urban Industrial			IMPRA
	A	BC (31)(42)	BP	IND (32)(42)	UHA (41)
		(11)	(11)	(11)	
Carnival or Circus	X	X (11)	X (11)	ACUP (11)	R
Club, Civic or Social (12)	ACUP	ACUP	X	ACUP	R
Golf courses	X	X	X	X	R
Marinas	X	X	X	C	R
Movie Theaters, indoor	X	X	X	X	R
Movie Theaters, outdoor	X	X	X	X	R
Museum, performing arts theaters, galleries, aquarium, zoo, historic or cultural exhibits	ACUP	P	ACUP	X	R
Parks and open space	P	P	P	P	R
Race track (auto or motorcycle)	X	X	C	C	R
Recreational facilities, private	X	P	C	C	R
Recreational facilities, public	C	P	C	C	R
Recreational vehicle camping parks	X	X	X	X	R
INSTITUTIONAL USES					
Accessory use or structure (1) (17)	P	P	ACUP	ACUP	R
Government/Public structures	P	P	P	P	R
Hospital	X	X	X	X	R
Places of worship (12)	X	C	X	C	R
Private or Public Schools (20)	X	P	ACUP	ACUP	R
Public facilities and electric power and natural gas utility facilities, substations, ferry terminals, and commuter park-and-ride lots (16)	C	ACUP	ACUP	ACUP	R

Use	Airport	Urban Industrial			IMPRA
	A	BC (31)(42)	BP	IND (32)(42)	UHA (41)
INDUSTRIAL USES					
Accessory use or structure (1)(17)	P	P	ACUP	ACUP	R
Air pilot training schools	ACUP	P	X	P	R
Assembly and packaging operations	ACUP	ACUP	X	ACUP	R
Boat Yard	X	P	ACUP	ACUP	R
Cemeteries, mortuaries, and crematoriums (10)	X	ACUP	X	ACUP	R
Cold storage facilities	X	X	SPR	ACUP	R
Contractor's storage yard (21)	X	P	X	ACUP	R
Fuel distributors	X	C	X	C	R
Helicopter pads (13)	P	ACUP	X	ACUP	R
Manufacturing and fabrication, light	ACUP	P	ACUP	P	R
Manufacturing and fabrication, medium	ACUP	ACUP	ACUP	ACUP	R
Manufacturing and fabrication, heavy	X	X	X	C	R
Manufacturing and fabrication, hazardous	X	X	X	C	R
Recycling centers	X	X	X	C	R
Rock crushing	X	X	X	C	R
Slaughterhouse or animal processing	X	X	X	C	R
Storage, hazardous materials	X	X	X	C	R
Storage, indoor	C	ACUP	ACUP	ACUP	R
Storage, outdoor	C	C	X	ACUP	R
Storage, self-service	X	ACUP	X	ACUP	R
Storage, vehicle and equipment (1)	X	ACUP	X	ACUP	R
Top soil production, stump grinding	X	X	X	ACUP	R
Transshipment facilities,	X	P	C	C	R

Use	Airport	Urban Industrial			IMPRA
	A	BC (31)(42)	BP	IND (32)(42)	UHA (41)
including docks, wharves, marine rails, cranes, and barge facilities					
Uses necessary for airport operation such as runways, hangars, fuel storage facilities, control towers, etc. (13)	P	X	X	C	R
Warehousing and distribution	ACUP	X	X	ACUP	R
Wrecking yards and junk yards (1)	X	X	X	C	R
RESOURCE LAND USES					
Accessory use or structure (1) (17)	P	P	ACUP	ACUP	R
Aggregate extractions sites	X	P	X	C	R
Agricultural uses (15)	X	P	P	P	P
Aquaculture practices	X	P	X	C	R
Forestry	P	P	P	P	P
Shellfish/fish hatcheries and processing facilities	X	X	X	C	R
Temporary stands not exceeding 200 square feet in area and exclusively for the sale of agricultural products grown on site (27)	P (2)	P (2)	P (2)	P (2)	R

Section 11: Kitsap County Code Section 17.381.050(41), adopted by Ordinance 367-2006, is hereby repealed.

Section 12: Kitsap County Code Section 17.382.040, adopted by Ordinance 367-2006, is amended to read as follows:

There are five (5) separate tables addressing the following general land use categories and zones:

- A. Urban Residential Zones (UCR, UR, UL, UM, UH)
- B. Urban Commercial and Mixed Use Zones (NC, UVC, UTC, HTC, RC, MU)
- C. Industrial Zones (A, BP, BC, IND, UHA)
- D. Rural Sub-Areas (MVC, MVLR, MVR; RHTC, RHTR, RHTW; SVC, SVLR, SVR)
- E. Parks, Rural and Resource Zones (FRL, MR, RP, RR, RW, URS)

Section 13. Kitsap County Code Section 17.382.080, adopted by Ordinance 367-2006, is amended as follows:

Airport and Industrial Density and Dimensions Table

Standard	Airport	Urban Industrial			IMPRA
	A	BC	BP	IND (36) (5)	UHA
Minimum lot size (39)	None	7 ac	None	None	Reserved
Maximum height (feet) (40)	35 feet, except aircraft hangars (37)	35 (17)	35 (17)	35 (17)	Reserved
Maximum Impervious Surface Coverage	NA	50%	NA	NA	Reserved
Maximum Lot Coverage	None	NA	Determined by master plan process	60%	Reserved
Setbacks, Generally (34) (38)					
Front (feet) (41) (42) (43)	20 (37)	20 (23) (26)	20 (23) (26)	20 (27)	Reserved
Side (feet) (42) (43)	50 feet when abutting residential (37)	20 (23) (26)	20 (23) (26)	None (27)	Reserved
Rear (feet) (42) (43)	50 feet when abutting residential (37)	20 (23) (26)	20 (23) (26)	None (27)	Reserved

Section 14. The Kitsap County Zoning Map is amended as shown in Attachment A.

Section 15. This ordinance is in response to an appeal filed with the Central Puget Sound Growth Management Hearings Board order and is enacted as an exception to the schedule set forth in RCW 36.70A.130(2) and Kitsap County Code Chapter 21.08.

Ordinance Repealing and Amending Portions of Kitsap County Code Title 17 (Zoning) Relating to the Urban Holding Area (UHA) Zone and the Kitsap County Zoning Map

Section 16. Should any amendment to Kitsap County Code Title 17 that was passed by the Board during its deliberations on June 11, 2007 be inadvertently left out upon publication, the explicit action of the Board as discussed and passed shall prevail upon subsequent review and verification by the Board.

Effective Date: This ordinance is effective immediately.

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

DATED this 11th day of JUNE, 2007.

**BOARD OF COUNTY COMMISSIONERS
KITSAP COUNTY, WASHINGTON**

ATTEST



Opal Robertson
Opal Robertson
Clerk of the Board

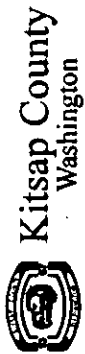
Chris Endresen
CHRIS ENDRESEN, Chair

Voted NO
JAN ANGEL, Commissioner

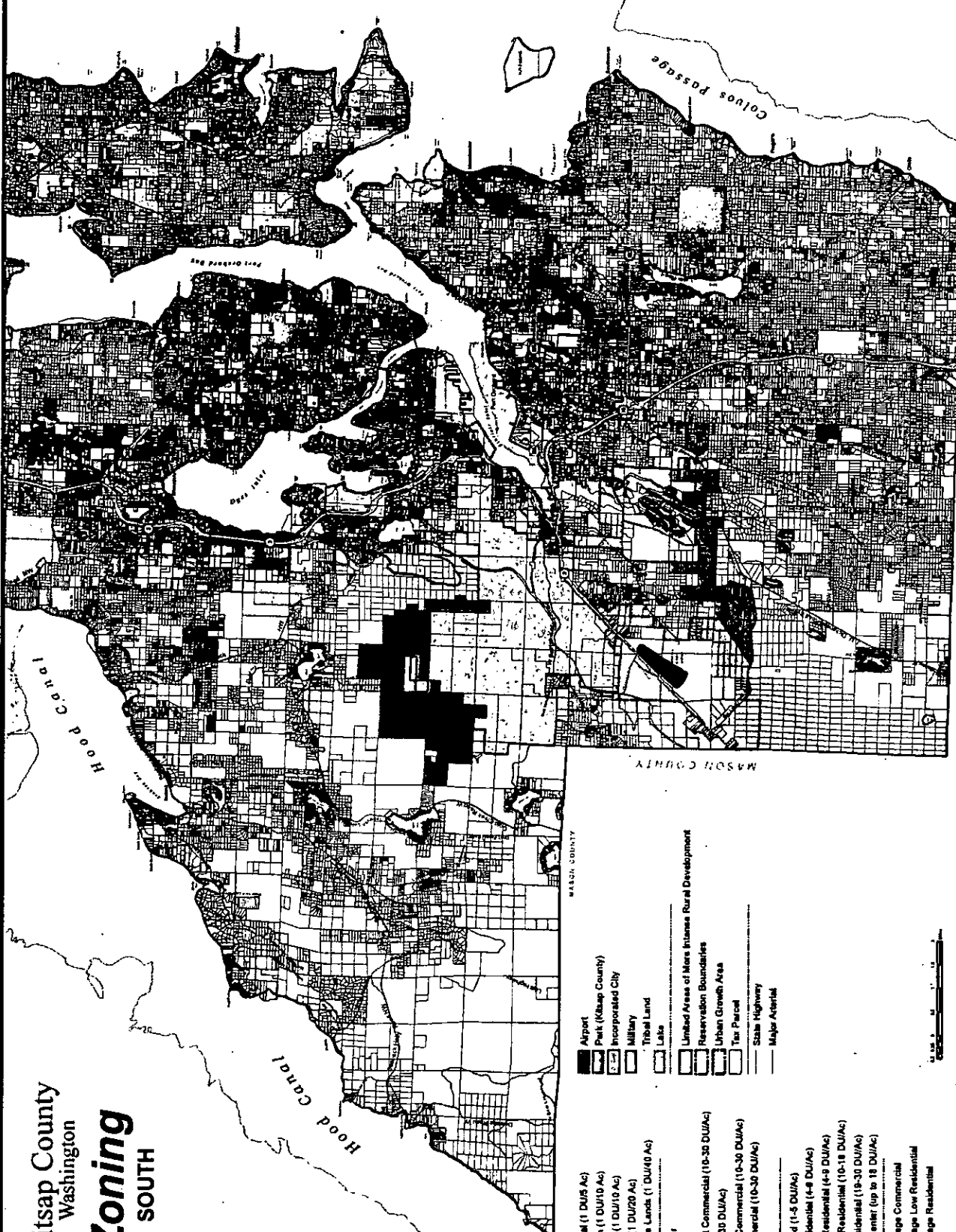
Josh Brown
JOSH BROWN, Commissioner

Approved as to form:

Deputy Prosecuting Attorney



Zoning SOUTH



- Rural Residential (1 DU/8 Ac)
- Rural Protection (1 DU/10 Ac)
- Urban Reserves (1 DU/10 Ac)
- Rural Wooded (1 DU/20 Ac)
- Forest Resource Lands (1 DU/40 Ac)
- Business Center
- Business Park
- Highway/Tourist Commercial (10-30 DU/Ac)
- Mixed Use (10-30 DU/Ac)
- Neighborhood Commercial (10-30 DU/Ac)
- Regional Commercial (10-30 DU/Ac)
- Industrial
- Urban Reshocks (1-5 DU/Ac)
- Urban Low Residential (4-8 DU/Ac)
- Urban Cluster Residential (4-9 DU/Ac)
- Urban Medium Residential (10-18 DU/Ac)
- Urban High Residential (18-30 DU/Ac)
- Urban Village Center (up to 18 DU/Ac)
- Manchester Village Commercial
- Manchester Village Low Residential
- Manchester Village Residential

- Airport
- Park (Kitsap County)
- Incorporated City
- Military
- Tribal Land
- Lake
- Unincorporated Area of More Intense Rural Development
- Reservation Boundaries
- Urban Growth Area
- Tax Parcel
- State Highway
- Major Arterial



Map Date: June, 2007

384-2007