

ORDINANCE NO. 519-2014ADOPTING KITSAP COUNTY'S SHORELINE MASTER PROGRAM,  
TITLE 22 KCC AND AMENDING PROVISIONS OF  
TITLE 17 KCC FOR CONSISTENCY**BE IT ORDAINED:**

**Section 1. General Findings.** The Kitsap County Board of Commissioners makes the following findings regarding the update of the Kitsap County Shoreline Master Program:

1. Kitsap County's Shoreline Master Program, Title 22 KCC (SMP), implements the requirements of Chapter 90.58 RCW, the Shoreline Management Act of 1971 (SMA or the Act), and Chapter 36.70A RCW, the Growth Management Act (GMA).
2. RCW 90.58.080 directs local governments to develop and administer local shoreline master programs for the regulation of uses on shorelines of the state. RCW 36.70A.480 provides that the goals and policies contained in a local shoreline master program shall be considered an element of the local comprehensive plan required by GMA. All other portions of the local shoreline master program, including the regulations, are to be considered a part of the local development regulations required by GMA.
3. RCW 90.58.050 provides that the Act is intended to establish a cooperative program between local government and the state. Local governments have primary responsibility for planning and administering the regulatory program, and the state, through the Department of Ecology (Ecology), has a supportive and review role with an emphasis on providing assistance and ensuring compliance with the Act.
4. In Ecology's supportive role, RCW 90.58.060 and RCW 90.58.200 authorize Ecology to adopt guidelines as necessary and appropriate to carry out the provisions of the Act. Chapter 173-26 WAC provides these guidelines as the minimum procedural requirements for updating local programs, but recognizes that some procedural systems can be based on local needs and circumstances. RCW 90.58.080 requires a local SMP be consistent with these guidelines.
5. In 2003, Ecology substantially revised Chapter 173-26 WAC to address advancements in science and shoreline management practices. In 2011, Ecology further amended the guidelines to address geoduck aquaculture, as required by RCW 43.21A.681.
6. Also in 2003, the Legislature established a timeline for more than 260 local jurisdictions to conduct comprehensive updates of their local master programs in accordance with the newly applicable guidelines.
7. Pursuant to the Shoreline Management Act, the Department of Ecology must approve master programs prepared by local governments or adopt them by rule consistent with the Act.
8. Kitsap County's local master program was first adopted in 1976, and last amended in 1999.

9. This update is prepared in accordance with Chapter 173-26 WAC to satisfy the requirements therein and in the Act.

**Section 2. General Procedural Findings.** The Kitsap County Board of Commissioners makes the following findings regarding the process and public participation for amending Kitsap County's Shoreline Master Program (SMP):

1. RCW 90.58.130 and WAC 173-26-090 require that local governments provide the public and interested agencies with full opportunities for involvement in the development and implementation of the SMP. This means not only making all reasonable efforts to invite participation, but to "actively encourage" early and continuous participation.
2. From July to December 2009, Kitsap County held over fifteen "Road Show" events throughout the county and with various community groups to alert the community of the upcoming update and encourage participation.
3. In November 2009, a Public Participation Plan, as required by WAC 173-26-090 and RCW 36.70A.130, was formally prepared and disseminated.
4. In early 2010, a dedicated SMP website was established to share information related to the update ([www.kitsapshoreline.org](http://www.kitsapshoreline.org)). The website served as a hub for SMP Task Force, Planning Commission and County Commissioner meeting materials, schedules and timelines, informational fact sheets and draft documents. A comment portal allowed for submittal of public comments via the website.
5. From 2010 to 2012, County staff conducted monthly SMP coordination meetings with local cities, tribes, and state agencies, including but not limited to the Washington State Departments of Ecology, Fish and Wildlife, and Natural Resources.
6. Throughout 2010, County staff conducted initial outreach efforts through individual letter mailings to shoreline property owners, a display booth with surveys at the Kitsap Home and Garden Show on October 1-3, 2010, outreach meetings with community and professional groups, and updates to the SMP website.
7. On March 8, 2010, following effective and timely public notice, the Kitsap County Board of Commissioners (Board) passed Resolution 052-2010, "Establishing and appointing members to the Shoreline Master Program Update Task Force." The 20 member Task Force included a wide variety of members representing various perspectives, including shoreline property owners, Kitsap Alliance of Property Owners, conservation groups, port districts, tribes, Kitsap Home Builders Association, the aquaculture industry and various interested citizens. Department of Ecology staff also participated in the Task Force meetings.
8. Also in March 2010, Kitsap County issued and disseminated a Community Visioning Plan with goals and strategies designed to guide the community visioning process associated with the SMP update.

9. A survey associated with the visioning process was distributed through each Citizen Advisory Committee in the county, four farmers markets, three rural outreach meetings, and the Peninsula Home and Garden Show on March 19-21, 2010. The survey was also available to take online for 73 days, and 7,200 shoreline property owners were sent post cards encouraging survey participation. As a result, 1,387 surveys were completed.
10. Between April 2010 and January 2012, the SMP Task Force met over twenty times on various topics related to the SMP update. Additional subcommittee meetings were conducted to assist with topics, such as general SMP goals and policies, and specific policies and regulations for bulkheads, buffers and docks. The public was invited to attend, and a brief public comment period was held at the end of each Task Force meeting.
11. In April 2010, the County released a draft of the *Shoreline Inventory and Characterization Report* for public, tribal and agency review. This report was prepared from existing documents and studies on shoreline land use and environments, and from current field studies of the local shoreline. Between April and October 2010 the *Report* was available for public comment and was also reviewed by the Task Force. Approximately 50 public comments and six resource agency and tribal comments were received.
12. On July 31 and August 1, 2010, an SMP Update booth was manned and a panel discussion occurred at The Great Peninsula Future Festival at the Kitsap County Fairgrounds.
13. On December 7, 2010, following earlier work studies and following effective and timely public notice, the Planning Commission held a public hearing on the draft *Shoreline Inventory and Characterization Report*. The Task Force participated in this public hearing.
14. At regularly scheduled meetings throughout 2011, the Kitsap County Planning Commission was briefed on SMP topics, held work-study sessions to review and discuss those topics and was regularly briefed on Task Force progress.
15. On January 6, 2011, the Planning Commission deliberated on and recommended approval of a final draft *Shoreline Inventory and Characterization Report*.
16. On February 16, 2011, following effective and timely public notice, the Kitsap County Board of Commissioners passed Resolution 022-2010, "Kitsap County 'Science and Technical Information for the Shoreline Master Program Update' Policy." This Policy ensured that the SMP Update was based on the most current, accurate and complete existing scientific information, as required by RCW 90.58.100 and WAC 173-26-201(2)(a).
17. On May 23, 2011, following effective and timely public notice, the Kitsap County Board of Commissioners held a public hearing on the Planning Commission's recommended *Shoreline Inventory and Characterization Report*.
18. On June 13, 2011, following effective and timely public notice, the Kitsap County Board of Commissioners passed Resolution 093-2011, "Approval of the Shoreline Inventory and Characterization in Support of the Kitsap County Shoreline Management Master Program (SMP) Update."

19. In January 2012, a technical memorandum for the proposed SMP buffers was issued.
20. Between January and July of 2012, County staff conducted 17 SMP public outreach events:
- |   |   |
|---|---|
| a. West Sound Conservation Council                    | j. Manchester Citizen Advisory Committee                  |
| b. Kingston Citizen Advisory Council                  | k. League of Women Voters                                 |
| c. Central Kitsap Community Council                   | l. SMP Open House #2 (North Kitsap Fire and Rescue)       |
| d. Kitsap Home Builders Ass'n                         | m. Greater Hansville Advisory Committee                   |
| e. DCD Advisory Committee                             | n. Kingston Town Hall                                     |
| f. Suquamish Citizen Advisory Council                 | o. SMP Open House #3 (County Administration Building)     |
| g. Kitsap County Ass'n of Realtors                    | p. SMP Open House #4 (Poulsbo City Hall Council Chambers) |
| h. Seabeck Town Hall Meeting                          | q. Hood Canal Environmental Council                       |
| i. SMP Open House #1 (County Administration Building) |   |
21. Since February 2012, electronic notification of important SMP update information occurred via Kitsap County's "GovDelivery" electronic notification system. The SMP update list has in excess of 900 subscribers, and interested parties continue to be added to the subscriber list upon request.
22. During February and March 2012, County staff briefed the Planning Commission on a draft SMP in a series of four work studies (February 7, February 21, March 6 and March 20, 2012).
23. On May 17, 2012, the Kitsap County SMP *Cumulative Impact Analysis Report* (CIA) was issued. The CIA assesses the proposed SMP policies and regulations in relation to current shoreline conditions documented in the *Shoreline Inventory and Characterization Report* to assess if future development approved under the proposed SMP could achieve no net loss of ecological function.
24. On May 18, 2012 the First Draft of the SMP was issued for public review and comment. This draft outlined protections such as new environmental designations, buffers, mitigation options, regulated uses and required technical reports. An informational video was also produced in coordination with Bremerton-Kitsap Access Television, the local cable access channel, to accompany the release of the First Draft SMP.
25. On June 5, 2012, following effective and timely public notice, at the County Commissioner Chambers in Fort Orchard, the Planning Commission held the first of two public hearings on the First Draft SMP. The second hearing was held on June 11, 2012 at the City Hall Council Chambers in Poulsbo. Following these hearings, the Planning Commission extended the public comment period to June 28, 2012. Notice for these hearings was given by legal advertisement in the Kitsap Sun, posting on the SMP website, and notification to SMP subscribers via GovDelivery.
26. During the Planning Commission hearings and comment period on the First Draft of the SMP, oral testimony was given and thirty-six written comments and/or summaries of oral testimony were received. A three-part comment matrix with twelve primary comment themes was prepared for Planning Commission deliberations.
27. On June 28, 2012, Ecology provided the County with comments on the First Public SMP Draft through an SMP Checklist. The checklist is generally used to track and explain how a locally-

- approved SMP complies with the Act and the guidelines in accordance with WAC 173-26-201(3)(a).
28. In July and August, 2012, following effective and timely public notice, the Planning Commission deliberated on the draft SMP at the County Commissioner Chambers (July 24, August 1, August 7, and August 21, 2012).
  29. In August 2012, Ecology provided the County with additional comments through an updated SMP Checklist.
  30. On September 18, 2012, following effective and timely public notice, the Planning Commission conducted its final deliberation and voted on the draft SMP. The vote was 8 to 0 (one absent) to recommend approval of the First Draft SMP, incorporating the text and map revisions voted on during the deliberation meetings. This meeting was held at 6 p.m., rather than the usual 9 a.m., to encourage public involvement.
  31. On September 20 and 25, 2012, individual postcard notices were mailed to 249 shoreline property owners whose shoreline environmental designations were recommended to be changed by the Planning Commission decision.
  32. On September 28, 2012, the County issued to the Washington State Department of Commerce its Notice of Intent to Adopt the SMP Update in accordance with RCW 36.70A.106 and WAC 173-26-100(5).
  33. On October 2, 2012, following effective and timely public notice, the Planning Commission issued its Findings of Fact, Conclusion and Recommendation to approve the draft SMP with modification. The Planning Commission acknowledged that its recommendation would be merged with comments made by Ecology before presentation to the Kitsap County Board of Commissioners.
  34. On October 11, 2012, a Second Public Draft was issued for public review and comment. This version merged the Planning Commission recommendations with those changes requested by Ecology through the SMP Checklist.
  35. On October 12, 2012, the Kitsap County SEPA Official issued a Determination of Non-Significance for the SMP Update. Comments were accepted through November 5, 2012.
  36. On October 22 and 29, 2012, Public Open Houses on the Second Draft SMP were held immediately preceding each of the public hearings noted below. Staff presented the elements of the updated draft and answered questions from the public.
  37. Following effective and timely public notice, on October 22, 2012 at the County Commissioner Chambers in Port Orchard, the Kitsap County Board of Commissioners held the first of two public hearings on the Second Draft SMP. The second hearing was held on October 29, 2012 at the City Hall Council Chambers in Poulsbo. Notice for these hearings was given by legal

advertisement in the Kitsap Sun, posting on the SMP website, and notification to SMP subscribers via GovDelivery. Comments were accepted through November 5, 2012.

38. At the Kitsap County Board of Commissioner hearings and during the subsequent comment period, oral testimony was given and 93 written comments and/or summaries of oral testimony were received.
39. On November 19 and 21, 2012, following effective and timely public notice, the Kitsap County Board of Commissioners began deliberations on the Second Draft SMP. A 5-part, multi-page comment matrix was issued for the Board's initial deliberations. It quickly became clear, however, that due to the extensive nature of the comments the County would need more time to review and carefully consider them. Deliberations were continued to January 14, 2013.
40. On January 8, 2013, an additional three-part, multi-page comment matrix was issued for the Board's deliberations.
41. On January 28 and 30, 2013, following effective and timely public notice, the Board concluded its deliberations and voted on the SMP update, thereby approving a locally adopted SMP through Ordinance 502-2013 on January 30, 2013.
42. On April 1, 2013, Kitsap County formally submitted the locally adopted SMP to Ecology in accordance with RCW 90.58.090 and WAC 173-26-120.
43. In a letter dated May 30, 2013, Ecology notified Kitsap County that its SMP submittal was complete and that Ecology was initiating their review.
44. On June 6, 2013, Ecology issued News Release 13-146 on their website, notifying the public of a comment period through July 12 as well as an open house 5:30pm on June 20 with a public hearing to follow at 6:30pm.
45. On June 7, 2013, Ecology published notice in the Kitsap Sun of the public comment period as well as the June 20 open house and public hearing. Notice was also provided to over 700 individuals listed as regional or local "interested parties."
46. During the comment period, Ecology received written comments from 54 individual or groups and received oral testimony from four individuals at the hearing. These comments, and responses to those comments, are shown in Attachment D to Ecology's Conditional Approval Letter dated October 2, 2014.
47. Following Ecology's review, Ecology issued a letter on October 2, 2014 conditionally approving Kitsap County's locally adopted SMP subject to making the required changes identified in Attachment B to Ecology's letter. With these changes, Ecology concluded that Kitsap County's updated SMP would be consistent with the policy and standards of the Shoreline Management Act, chapter 90.58 RCW, and the applicable SMP guidelines in chapter 173-26 WAC. Ecology

also issued recommended changes in Attachment C to the letter, the Responsiveness Summary to public comment in Attachment D, and Findings and Conclusions in Attachment A.

48. On October 9, 2014, Ecology posted the conditional approval letter and attachments to their website. On October 10th, Kitsap County also added this information to the SMP website, and Ecology distributed the information through an Interested Party letter sent to all 900 SMP subscribers. The Kitsap Sun also ran an article to provide this information.
49. On October 15, 2014, the Kitsap County Board of Commissioners held a work study session to be advised of Ecology's conditional approval letter and the required changes. The Board requested an additional public outreach event regarding the changes.
50. On November 5, 2014, Kitsap County provided notice on its website and through the GovDelivery system about an informational open house to be held at the Silverdale Community Center on November 17, 2014 to advise the public of the required and recommended changes and to answer questions.
51. At the open house held on November 17, and on November 10 through a formal notice, Kitsap County advertised a public hearing on the required and recommended changes to be held on November 24, 2014.
52. At the November 24, 2014 hearing, the Kitsap County Board of Commissioners heard public testimony regarding the proposed changes to Kitsap County's locally adopted SMP, deliberated and voted on the proposed updated SMP.

**Section 3. General Substantive Findings.** The Kitsap County Board of Commissioners makes the following findings regarding the policy and text amendments to Kitsap County's Shoreline Master Program (SMP):

1. The updated SMP attached hereto is consistent with the 14 statewide planning goals contained within the Growth Management Act, the 14th being the policy and goals of the Shoreline Management Act.
2. The updated SMP is consistent with the County Wide Planning Policies and with the goals and policies contained in the Kitsap County Comprehensive Plan. The Kitsap County Comprehensive Plan projects an increase of approximately 80,000 people in Kitsap County by the year 2025. As population increases, associated development activities will continue to create greater challenges for the preservation and protection of Kitsap County's shoreline resources. Without appropriate planning and management, land use activities can create potential impacts that may threaten both shoreline resources and the public welfare.
3. The updated SMP is supported by the Capital Facilities Plan, which concludes that projected levels of service standards for shoreline public access are currently being met. In addition, the SMP contains a shoreline environment designation system designed to reflect current and future Urban Growth Area boundaries.

4. Based on information compiled in the Kitsap County *Shoreline Inventory and Characterization Report*, the updated SMP reflects current local circumstances.
5. The goals, objectives, shoreline area designations, policies, regulations, and procedures set forth in the updated SMP are essential to and promote the protection of the public health, safety and general welfare of the people of Kitsap County.
6. In the development of the updated SMP, Kitsap County actively encouraged early and continuous public involvement consistent with the Act, the Guidelines and GMA, including RCW 90.58.130, RCW 36.70A.035, RCW 36.70A.130, WAC 173-26-090 and WAC 173-26-100.
7. Kitsap County has complied with the State Environmental Policy Act, Ch. 43.21C RCW.
8. Shoreline jurisdiction under the updated SMP is consistent with the Act. The SMP will apply to all shorelines of the state within unincorporated Kitsap County (marine shorelines, rivers and streams with more than 20 cubic feet per second mean annual flow, lakes and reservoirs over 20 acres in surface area, associated wetlands), shorelands within 200 feet from the ordinary high water mark, and any such buffers that necessary to protect critical areas that are located within shoreline jurisdiction as authorized by WAC 173-26-221(2)(a). Kitsap County's SMP will not apply to shorelines within cities or tribal reservation boundaries.
9. The updated SMP map amendments have been applied to the shoreline following review and consideration of multiple factors, including information presented in the *Shoreline Inventory and Characterization Report*, existing and planned development patterns, policies of the Act, and public ownership, and are generally consistent with the Act's Guidelines, the official Kitsap County Zoning map, and the Kitsap County Comprehensive Plan Map.
10. The adoption and implementation of the updated SMP is expected to result in no net loss of shoreline ecological functions over time.

#### Section 4. Adoption.

The Kitsap County Shoreline Master Program, attached hereto as Exhibit I, is the County's locally adopted SMP updated to incorporate all of the Department of Ecology's required and recommended changes as provided in Ecology's October 2, 2014 conditional approval letter, including Attachments A-D. Other than format modifications to match Kitsap County Code, the County has made no changes beyond what was required or recommended by Ecology. Exhibit I is hereby adopted as Kitsap County's new Shoreline Master Program and will be replacing current Kitsap County Code (KCC) Title 22.

Section 5. For consistency, Kitsap County Code Section 17.381.050(A), last amended by Ordinance No. 511-2013, is amended as follows.

- A. Where noted on the preceding use tables, the following additional restrictions apply:
  1. Where applicable subject to Section 17.381.060, Provisions applying to special uses.



2. Minimum setbacks shall be twenty feet from any abutting right-of-way or property line; provided, however, advertising for sale of products shall be limited to two on-premises signs each not exceeding six square feet.
3. When located within urban growth areas (except UR), duplexes shall require five thousand square feet of minimum lot area. Duplexes located in the UR zone or outside of urban growth areas shall require double the minimum lot area required for the zone.
4. No greater than two acres for the purpose of construction and maintenance of a timber management road system, provided the total parcel is at least twenty acres.
5. Provided public facilities do not inhibit forest practices.
6. Where permitted, automobile service stations shall comply with the following provisions:
  - a. Sale of merchandise shall be conducted within a building, except for items used for the maintenance and servicing of automotive vehicles;
  - b. No automotive repairs other than incidental minor repairs or battery or tire changing shall be allowed;
  - c. The station shall not directly abut a residential zone; and
  - d. All lighting shall be of such illumination, direction, and color as not to create a nuisance on adjoining property or a traffic hazard.
7. In rural wooded (RW), rural protection (RP), or rural residential (RR) zones:
  - a. Animal feed yards and animal sales yards shall be located not less than two hundred feet from any property line; shall provide automobile and truck ingress and egress; and shall also provide parking and loading spaces so designed as to minimize traffic hazards and congestion. Applicants shall show that odor, dust, noise, and drainage shall not constitute a nuisance, hazard, or health problem to adjoining property or uses.
  - b. All stables and paddocks shall be located not closer than fifty feet to any property line. Odor, dust, noise, flies, or drainage shall not be permitted to create or become a nuisance to surrounding property.
8. A veterinary clinic or animal hospital shall not be located within fifty feet of a lot line in the rural protection (RP) or rural residential (RR) zones. In addition, the applicant may be required to provide additional measures to prevent or mitigate offensive noise, odor, light and other impacts.
9. Veterinary clinics and animal hospitals are allowed, provided a major part of the site fronts on a street and the director finds that the proposed use will not interfere with reasonable use of residences by reason of too close proximity to such residential uses, or by reason of a proposed exterior too different from other structures and character of the neighborhood. All activities shall be conducted inside an enclosed building.
10. A cemetery, crematorium, mausoleum, or columbarium shall have its principal access on a county roadway with ingress and egress so designed as to minimize traffic congestion, and shall provide required off-street parking spaces. No mortuary or crematorium in conjunction with a cemetery is permitted within two hundred feet of a lot in a residential zone.
11. A circus, carnival, animal display, or amusement ride may be allowed through administrative review in all industrial zones and any commercial zones, except neighborhood commercial (NC), for a term not to exceed ninety days, with a written approval of the director. The director may condition such approval as appropriate to the site. The director's decision may be appealed to the hearing examiner.
12. All buildings and activities shall be set back a minimum of fifty feet in FRL, MR, RW, RP,

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

13. Public use airports and heliports are allowed only within the airport (A) zone established by this title. Heliports for the purpose of medical emergency facilities may be permitted in certain zones subject to a conditional use permit. All private landing strips, runways, and heliports shall be so designed and oriented that the incidences of aircraft passing directly over dwellings during their landing or taking off patterns is minimized. They shall be located so that traffic shall not constitute a nuisance to neighboring uses. The proponents shall show that adequate controls or measures will be taken to prevent offensive noise, vibrations, dust, or bright lights.
14. In those zones that prohibit residential uses, family day-care centers are only allowed in existing residential structures. Day-care centers shall have a minimum site size of ten thousand square feet and shall provide and thereafter maintain outdoor play areas with a minimum area of seventy-five square feet per child of total capacity. A sight-obscuring fence of at least four feet in height shall be provided, separating the play area from abutting lots. Adequate off-street parking and loading space shall be provided.
15. The number of animals on a particular property shall not exceed one large livestock, three small livestock, five ratites, six small animals, or twelve poultry:
  - a. Per forty thousand square feet of lot area for parcels one acre or smaller or for parcels five acres or smaller located within two hundred feet of a lake or year-round stream; provided, that when no dwelling unit or occupied structure exists within three hundred feet of the lot on which the animals are maintained, the above specifications may be exceeded by a factor of two;
  - b. Per twenty thousand square feet of area for parcels greater than one acre, but less than or equal to five acres, not located within two hundred feet of a lake or year-round stream; provided, that when no dwelling unit or occupied structure exists within three hundred feet of the lot on which the animals are maintained, the above specifications may be exceeded by a factor of two;
  - c. No feeding area or structure or building used to house, confine or feed livestock, small animals, ratites, or poultry shall be located closer than one hundred feet to any residence on adjacent property located within a rural wooded (RW), rural protection (RP), or rural residential (RR) zone, or within two hundred feet of any residence on adjacent property within any other zone; provided, a pasture (greater than twenty thousand square feet) shall not be considered a feed area.
16. The erection, construction, alteration, or maintenance of overhead or underground utilities by a public utility, municipality, governmental agency, or other approved party shall be permitted in any zone; provided, that any permanent above-ground structures not located within a right-of-way or easement shall be subject to the review of the director. Utility transmission and distribution lines and poles may exceed the height limits otherwise provided for in this title. Water towers which exceed thirty-five feet in height, solid waste collection,

- transfer and/or handling sites in any zone shall be subject to a conditional use permit. These provisions do not apply to wireless communication facilities, which are specifically addressed in Chapter 17.470.
17. ~~(Reserved) For waterfront properties, accessory structures such as docks, piers, and boathouses may be permitted in the rear yards, shorelands or tidelands subject to the following limitations:~~
    - a. ~~All requirements of the Kitsap County Shoreline Management Master Program must be met;~~
    - b. ~~The building height of any boathouse shall not be greater than fourteen feet above the ordinary high water line;~~
    - c. ~~Covered structures must abut or be upland of the ordinary high water line; and~~
    - d. ~~No covered structure shall have a width greater than twenty five feet or twenty five percent of the lot width, whichever is most restrictive.~~
  18. One piece of heavy equipment may be stored in any single-family zone; provided, that it is either enclosed within a permitted structure, or screened to the satisfaction of the director.
  19. All development within the Silverdale Design District boundaries must be consistent with the Silverdale Design Standards.
  20. Site plans for public schools shall include an area identified and set aside for the future placement of a minimum of four portable classroom units. The area set aside may not be counted towards meeting required landscaping or parking requirements.
  21. Outdoor contractor's storage yards accessory to a primary residence shall be limited to not more than ten heavy equipment vehicles or heavy construction equipment. The use shall be contained outside of required setbacks within a contained yard or storage building. The storage yard and/or building shall be screened from adjacent properties with a screening buffer a minimum of twenty-five feet in width and capable of providing functional screening of the use. Minimum lot size shall be one hundred thousand square feet.
  22. Stump grinding, soil-combining and composting in rural protection and rural residential zones must meet the following requirements:
    - a. The subject property(ies) must be one hundred thousand square feet or greater in size;
    - b. The use must take direct access from a county-maintained right-of-way;
    - c. A fifty-foot natural vegetation buffer must be maintained around the perimeter of the property(ies) to provide adequate screening of the use from neighboring properties;
    - d. The subject property(ies) must be adjacent to an industrial zone or a complementary public facility such as a sewage treatment plant or solid waste facility;
    - e. The proposed use must mitigate noise, odor, dust and light impacts from the project; and
    - f. The use must meet all other requirements of this title.
  23. Home businesses located in the forest resource lands (FRL) must be associated with timber production and/or harvest.
  24. Mobile homes are prohibited, except in approved mobile home parks.
  25. All uses must comply with the town development objectives of Section 17.321B.025.
  26. Within the MVC zone, a new single-family dwelling may be constructed only when replacing an existing single-family dwelling. All replacement single-family dwellings and accessory structures within the MVC zone must meet the height regulations, lot requirements, and impervious surface limits of the MVR zone.
  27. Subject to the temporary permit provisions of Chapter 17.455.

28. Allowed only within a commercial center limited in size and scale (e.g., an intersection or corner development).
29. The Bethel Road Corridor Development Plan sets forth policies and regulations for development within the Highway Tourist Commercial Zone located along the Bethel Corridor in South Kitsap from SE Ives Mill Road to the Port Orchard city limits. Development within the Bethel Road Corridor Highway Tourist Commercial Zone shall be conducted in a manner consistent with the policies and regulations of the Land Use Element of the Bethel Road Corridor Development Plan.
30. The Design Standards for the Community of Kingston set forth policies and regulations for properties within the downtown area of Kingston. All development within this area must be consistent with these standards. A copy of the Design Standards for the Community of Kingston may be referred to on the Kitsap County web page or at the department of community development front counter.
31. Uses permitted only if consistent with an approved master plan pursuant to Chapter 17.415. Where a master plan is optional and the applicant chooses not to develop one, all uses shown as permitted require an administrative conditional use permit.
32. For properties with an approved master plan, except as described in Section 17.370.025, all uses requiring a conditional use permit will be considered permitted uses.
33. Must be located and designed to serve adjacent area.
34. Bed and breakfast houses with one to four rooms require an administrative conditional use permit; bed and breakfast houses with five or more rooms require a hearing examiner conditional use permit. Bed and breakfast houses serving meals to patrons other than overnight guests require a hearing examiner conditional use permit.
35. The use shall be accessory and shall not occupy more than twenty-five percent of the project area.
36. Requires a conditional use permit when abutting SVR or SVLR zone.
37. Permitted only within a mixed use development or office complex.
38. Customer service-oriented uses over five thousand square feet are prohibited.
39. For the purpose of construction and maintenance of a timber management road system.
40. Self storage facilities must be accessory to the predominant residential use of the property, sized consistently for the number of lots/units being served and may serve only the residents of the single-family plat or multi-family project.
41. Adult family homes serving one to six residents (excluding proprietors) are permitted uses. Adult family homes serving more than six applicable residents (excluding proprietors) require an administrative conditional use permit (ACUP).
42. All business, service repair, processing, storage, or merchandise display on property abutting or across the street from a lot in any residential zone shall be conducted wholly within an enclosed building unless screened from the residential zone by a sight-obscuring fence or wall.
43. Where a family member is in need of special, frequent and routine care and assistance by reason of advanced age or ill health, a manufactured home or mobile home may be placed upon the same lot as a single-family dwelling for occupancy by the individual requiring or providing such special care subject to the following limitations:
  - a. Not more than two individuals shall be the recipients of special care;
  - b. No rent, fee, payment or charge in lieu thereof may be made for use of the single-family

- dwelling or manufactured/mobile home as between the recipients or providers of special care;
- c. The manufactured/mobile home must meet the setback requirements of the zone in which it is situated;
  - d. A permit must be obtained from the director authorizing such special care manufactured/mobile home. Such permit shall remain in effect for one year and may, upon application, be extended for one-year periods, provided there has been compliance with the requirements of this section;
  - e. The manufactured/mobile home must be removed when the need for special care ceases; and
  - f. Placement of the manufactured/mobile home is subject to applicable health district standards for water service and sewage disposal.
44. Certain development standards may be modified for mixed use developments, as set forth in Section 17.382.035 and Chapter 17.400.
  45. New or expanded commercial developments that will result in less than five thousand gross square feet of total commercial use within a development site or residential developments of fewer than four dwelling units are permitted outright outside of the Silverdale UGA.
  46. Allowed only as an accessory use to a park or recreational facility greater than twenty acres in size.
  47. As a hearing examiner conditional use, UM and UH zones adjacent to a commercial zone may allow coordinated projects that include commercial uses within their boundaries. Such projects must meet the following conditions:
    - a. The project must include a combination of UM and/or UH and commercially zoned land;
    - b. The overall project must meet the density required for the net acreage of the UM or UH zoned land included in the project;
    - c. All setbacks from other residentially zoned land must be the maximum required by the zones included in the project;
    - d. Loading areas, dumpsters and other facilities must be located away from adjacent residential zones; and
    - e. The residential and commercial components of the project must be coordinated to maximize pedestrian connectivity and access to public transit.
  48. Within urban growth areas, all new residential subdivisions, single-family or multi-family developments are required to provide an urban level of sanitary sewer service for all proposed dwelling units.
  49. Mixed use development is prohibited outside of urban growth areas.
  50. The 2007 Manchester Community Plan, Appendix A – Manchester Design Standards, sets forth policies and regulations for properties within the Manchester Village Commercial (MVC) district. All development within the MVC district must be consistent with these standards.
  51. Storage of shipping containers is prohibited unless allowed as part of a land use permit and/or approval. Placement of storage containers allowed only with an approved temporary permit subject to the provisions of Section 17.455.090(I).
  52. Aggregate production and processing only. Allowed only if directly connected to an approved surface mining permit approved by the Washington State Department of Natural Resources (DNR).

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

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

76.

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

- 77. All dwelling units must be included within a senior living development and consistent with the residency requirements of Section 17.335.080(A).
- 78. Allowed only in concentrated commercial/mixed use areas designated at the time of performance-based development approval for a senior living development. The use shall be sized and located consistent with the needs of the proposed senior living development.
- 79. Use prohibited within the portion of the Gorst urban growth area between the Sinclair Inlet shoreline and State Highways 3 and 16.
- 80. Use prohibited within the Gorst urban growth area.
- 81. Use permitted outright in the Gorst urban growth area.
- 82. Use requires a conditional use permit in the Gorst urban growth area.
- 83. In the Gorst urban growth area, must take access from state route. Auto uses with underground storage tanks (such as gas stations) shall not be located in the Gorst Creek floodplain.

Section 6. For consistency, Kitsap County Code Chapter 17.450 (View Blockage), last amended by Ordinance No. 346-2005, is repealed.

Section 7. **Repealer.** Kitsap County Code Title 22, adopted by Resolution 027-1999 and amended by Ordinance 418-2008, is hereby repealed in its entirety.

Section 8. **Typographical/Clerical Errors.** Should any amendment made to this Ordinance that was passed by the Board during its deliberations be inadvertently left out of the final printed version of the plan, maps, or code, the explicit action of the Board as discussed and passed shall prevail upon subsequent review and verification by the Board, and shall be corrected.

Section 9. **Effective Date.** This Ordinance shall take effect in accordance with RCW 90.58.090 and WAC 173-26-120.

Section 10. **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

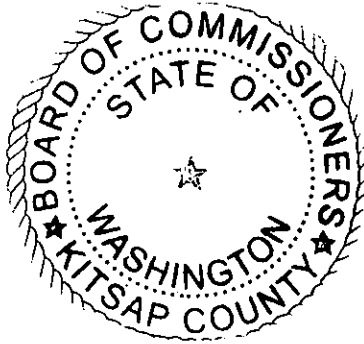
provision to other persons, entities or circumstances is not affected.

Dated this 24<sup>th</sup> day of November, 2014

BOARD OF COUNTY COMMISSIONERS  
KITSAP COUNTY, WASHINGTON

**ABSTAINED**

ATTEST:



\_\_\_\_\_  
CHARLOTTE GARRIDO, Chair

*Robert Gelder*

\_\_\_\_\_  
ROBERT GELDER, Commissioner

*Dana Daniels*

\_\_\_\_\_  
Dana Daniels, Clerk of the Board

*Linda Streissguth*

\_\_\_\_\_  
LINDA STREISSGUTH, Commissioner

*Approved as to form by the Kitsap County Prosecutor's Office*

Unofficial