



Department of Community Development recommended housekeeping amendments to Kitsap County Code - Change Matrix

The matrix below captures DCD recommended amendments to Kitsap County Code for Planning Commission consideration. Column one indicates the topic of the proposed change. Column two identifies the section of Kitsap County Code where the change occurs. Column three identifies the exact amendments proposed in an **red ~~strikeout~~/underline** format. Column four indicates the reason for the suggested change.

ID	Topic	Kitsap Co. Code Section	Department Recommended Change	Staff Review and Reason for Change
1	List of Consultants	Title 16, 17, 18 19	<p><u>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</u></p>	<p>Modeled after KCC 19.700.715.A.18, other Titles in the Code should enable the County to keep a list of qualified consultants.</p> <p>This would include surveyors, arborists, wetlands scientists, habitat biologists, geologists, geological engineers, and hydrogeologists. It would not include the broader engineering community nor landscapers. We would have an RFQ to establish the list and criteria to be on the list (eg, licenses, certs) and would refresh every 2 years</p> <p>This also helps to address the issue of a shortage of consultants in the County, by expanding the list to a greater area, and could decrease wait times for applicants.</p>
2	Minimum Density	17.420.060	<p>KCC 17.420.060A.25 reads: For new building permit applications <u>building permit applications for residential or dwelling units</u> on vacant lots over eighteen thousand square feet located in urban low residential (ULR) and urban cluster residential (UCR) zones, the maximum lot size shall not exceed nine thousand square feet. This restriction shall not apply if:</p> <ol style="list-style-type: none"> a. The net developable area of the existing parcel is less than eighteen thousand square feet; or b. The project application will meet minimum density requirements as established by this chapter. 	<p>This clarification is needed as the current interpretation is that this footnote would apply to <i>any</i> building permit application, such as a garage. The intent is that only residential dwelling unit applications should apply to this footnote.</p>
3	Variances	19.100.135	<p><u>G. Where variances to dimensional standards in KCC 17.420 might result in eliminating or reducing the need for a Critical Area Variance, those variances shall be considered and exhausted prior to consideration of a Critical Area Variance.</u></p>	<p>Per our Comprehensive Plan, consideration of environmental conditions should be considered first. As such, a variance to dimensional standards (such as a setback) should be preferred to a Critical Area Variance. Typically, variances to dimensional standards are easier to obtain, and also will have further justification for there approval when those variances avoid impacts to Critical Areas.</p>
4	Land Division and Development (Approval timeframes)	16.04.100	<p>16.04.100 Expiration of Preliminary Approval</p> <p>A. Short Subdivisions and Large Lot Subdivisions. <u>Unless otherwise provided by state statute, P</u>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.</p> <p>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.</p>	<p>Where subdivision time approvals are identified, state law should be referenced.</p>



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5	Land Division and Development (Perimeter expansion/contraction considerations)	16.40.040; 16.48.030; 16.52.030	<p>16.40.040 Amendments to approved preliminary subdivisions. [...]</p> <p>B.2.e. The proposal does not change <u>expand</u> the perimeter boundary of the original plat, or the boundary of any phases within the original plat; 16.48.030 Short Subdivisions [...]</p> <p>B.2.e. The proposal does not change <u>expand</u> the perimeter boundary of the original short plat; 16.52.030 Large Lot Subdivisions [...]</p> <p>B.2.e. The proposal does not change <u>expand</u> the perimeter boundary of the original large lot plat;</p>	Applicable to all subdivision types: Occurrence of perimeter expansion, not contraction, is considered a major amendment. If a plat contracts, it should be considered minor.
6	Definitions	17.110.405	<p>17.110.405 Lot area.</p> <p>“Lot area” means the horizontal area within the boundary lines of a lot excluding public and private streets, tidelands, shorelands and 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. Areas consisting of only these exceptions are not considered lots. Further, rural lots 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.</p>	<p>The term shorelands should be stricken. Shorelands is a term which references the shoreline jurisdiction, which should <i>not</i> be excluded from lot area.</p> <p>Lands covered regularly by water should be excluded from lot area definition as well. This would apply to lakes and streams, but does not apply to wetlands.</p> <p>Lastly, ‘lot area’ is also defined KCC 21.02.230 and should be updated to match this definition (<i>see item 18 below</i>).</p>
7	Definitions	17.420.020	<p>17.420.020 Measurement methods. [...]</p> <p>D. Lot Area. Lot area for lots in urban areas shall be calculated by adding the area contained within the lot lines, exclusive of public or private streets or rights-of-way, tidelands, storm water detention retention facilities, and the panhandle of a flag lot if the panhandle is less than thirty feet in width. Lots in rural areas may compute to the centerline of public or private streets or rights-of-way. Further, rural lots 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.</p>	See Definition of Lot Area above. For consistency, this should not mention that stormwater detention or retention facilities are excluded from the calculation of lot area, as this is not always the case. Existing lots of record may have a stormwater facility that is part of lot area.



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8	References to Marijuana	17.110.474; .476; .478; .737	Change all references to “marijuana” to “cannabis” throughout code.	Due to passing of HB 1210, all references to “marijuana” should be changed to “cannabis” to reflect terminology in RCW. Note: KCC 17.520 Marijuana Regulations was Repealed by ordinance in 2022.		
9	Density, Dimensions, and Design (Setbacks for Agriculture Uses)	17.420.060	<p>17.420.052 Rural, resource, and urban residential zones density and dimensions table. [...]</p> <p>Setbacks (34)(35)(48)</p> <p>17.420.060 Footnotes for tables. [..]</p> <p>35. Reserved. For setback standards applicable to agricultural structures, see KCC 17.455.080.</p>	<p>Add language to clarify a customer would look in the Agriculture Code (Section 17.455.080) to find setback requirements for agriculture structures.</p> <p>Add new Footnote 35 (reserved) to setbacks tables, referencing setbacks found in 17.455.080 Agricultural structure requirements.</p>		
10	Density, Dimensions, and Design (Footnotes for tables)	17.420.060	<p>17.420.[...] Add footnote (37) to Max Height Standard for all zones in all tables.</p> <table border="1" data-bbox="938 969 1153 1221"> <tr> <td data-bbox="938 969 1153 1100" style="text-align: center;">Standard</td> </tr> <tr> <td data-bbox="938 1100 1153 1221">Max. height (feet) (37)(40)(50)</td> </tr> </table> <p>37. Adjacent to airports, the director may impose height restrictions and/or other land use controls as deemed essential to prevent the establishment of air space obstructions in air approaches to protect the public health, safety and welfare consistent with Federal Aviation Regulations (FAR) Part 77.</p>	Standard	Max. height (feet) (37) (40)(50)	Footnote 37 was not called out within the density and dimensions tables. This addition addresses potential incompatibility between airports and adjacent uses.
Standard						
Max. height (feet) (37) (40)(50)						



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11	Land Use Review	17.430.050	<p>17.430.050 Minimum application requirements.</p> <p><u>A. Except as provided elsewhere in this code, the department shall establish and may revise written submittal requirements for each type of project permit application required by this title. The department shall prescribe checklist forms which shall clearly describe the material that must be submitted for an application to be accepted for processing.</u></p> <p><u>B. Additional materials may be required by the department as it determines necessary for review of the application, regardless of whether a waiver has been granted.</u></p> <p>All applications shall be accompanied with fourteen copies or electronic copies (if authorized by state law) of complete site plans drawn to scale and produced in such a way as to clearly indicate compliance with all applicable requirements, and shall include the following:</p> <ul style="list-style-type: none"> A. A vicinity map showing the location of the property and surrounding properties. A copy of the assessor’s quarter section map may be used to identify the site; B. Dimensions and orientation of the parcel; C. Location of existing and proposed buildings and structures showing the setback dimensions, intended use of each, and, if appropriate, the number of dwelling units; D. Drawings and dimensions of proposed buildings and structures; E. Location of walls and fences, indication of their height and construction materials; F. Existing and proposed topography at contour intervals of no more than five feet as stamped by a certified surveyor or engineer; G. Streets adjacent to, surrounding or intended to serve the property, curbcuts and internal pedestrian and vehicular traffic circulation routes; H. Existing and proposed exterior lighting; I. Location and size of exterior signs and outdoor advertising; J. Preliminary landscaping plan; K. Location and layout of off-street parking and loading facilities; L. Proposed location of utility, sewage and drainage facilities; M. Other architectural or engineering data which may be necessary to determine compliance with applicable regulations; N. Location of any critical areas and their associated buffer and/or setback requirements; and O. Other information as required. 	<p>Initial suggestion was to remove application requirements from KCC 17.430.050 and only reference brochures where you can find application. This is similar to requirements in KCC 21.04.160.</p> <p>Later review determined it is best practice to keep application requirements here. For building permits (RCW 19.27.095) and subdivisions (RCW 58.17.033), we must use an ordinance to establish what is a complete application. However sections ‘A.’ and ‘B.’ are added, similar to how it is written in KCC 21.04.160</p>



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12	Landscaping	17.500.027	<p>17.500.027 Buffer types – When required. The director may require different buffer types depending on the proposed use of the site and adjacent zones and/or uses. Vegetation-based LID BMPs may be utilized within buffers as long as the primary purpose of the landscaping or screening buffer is not compromised. These types of buffers shall include:</p> <p>A. Partial Screening Buffer. This type of landscaping is intended to provide partial visual separation of uses from streets and between compatible uses in order to soften the appearance of parking areas and building elevations.</p> <p>1. Roadside and Setback Area Buffer. <u>Within urban growth areas.</u> Required along existing or planned roads and side and rear property lines within urban growth areas. The planting area shall encompass the required front setback area, and areas adjacent to side and rear property lines, and consist of:</p> <ol style="list-style-type: none"> Evergreen and/or deciduous trees; Evergreen shrubs planted to screen parking areas, in an amount and configuration to screen parked cars; Ground covers as required; Bioretention and other drainage features, only when in a configuration that preserves the integrity of the roadside and setback area planting; and Existing vegetation, where feasible and appropriate. 	As written, it was not clear that this section only applied to urban growth areas.
13	Landscaping	17.500.030	<p>17.500.030 Installation and maintenance.</p> <p>[..]</p> <p>C. Minimum sizes at installation, except drought-tolerant landscape areas, which shall be subject to the size requirements in Section 17.500.040.</p> <ol style="list-style-type: none"> Two-inch caliper street trees and other deciduous trees; Eight feet minimum height multi-stemmed trees (e.g., vine maple); Six feet minimum height coniferous/evergreen trees; Eighteen to twenty-four inches height for large and medium shrubs (over six feet at maturity); and Twelve to eighteen inches minimum height for small shrubs (three to six feet at maturity). <p>D. Maximum Spacing.</p> <ol style="list-style-type: none"> Street trees and other deciduous trees shall be spaced appropriate to their pattern, generally twenty-five to thirty feet on center for large trees. Coniferous/evergreen trees shall be spaced fifteen feet apart, unless they are within a screening buffer, where the maximum spacing shall be ten feet on center. Large shrubs (<u>over ten feet at maturity</u>) shall be spaced five feet on center. Medium shrubs (<u>six to ten feet at maturity</u>) shall be spaced four feet on center. Small shrubs (<u>less than six feet at maturity</u>) shall be spaced three feet on center. 	Shrub sizes needed to be defined in order to determine the correct planting size and spacing of shrubs.



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14	Revision of administrative conditional use permits.	17.540.050	<p>17.540.050 Revision of administrative conditional use permits.</p> <p>A.— Revision of an administrative conditional use permit or of conditions of permit approval is permitted as follows:</p> <p>1.— Minor revisions may be permitted by the department and shall be properly recorded in the official case file. No revision in points of vehicular access to the property shall be approved without prior written concurrence of the director of the department of public works. Minor revisions shall be processed as a Type I application; and</p> <p>2.— Major revisions, including any requested change in permit conditions, shall be processed as a Type II application;</p> <p>B.— Minor and major revisions are defined as follows:</p> <p>1.— A “minor” revision means any proposed change which does not involve substantial alteration of the character of the plan or previous approval, including increases in gross floor area of no more than ten percent; and</p> <p>2.— A “major” revision means any expansion of the lot area covered by the permit or approval, or any proposed change whereby the character of the approved development will be substantially altered. A major revision exists whenever intensity of use is substantially increased, performance standards are reduced below those set forth in the original permit, detrimental impacts on adjacent properties or public rights of way are created or increased, including increases in trip generation of more than ten percent, or the site plan design is substantially altered.</p> <p>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.</p>	<p>KCC 17.540.050 and 17.550.040 can be removed as they were replaced by, KCC 21.04.265 Amendments to approved permits or decisions. This is a remnant action from 2016. This change also corrects an inconsistency in terminology between permit or application ‘Revisions’ and ‘Amendments’.</p>



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15	Revision of hearing examiner conditional use permits.	17.550.040	<p>17.550.040 Revision of hearing examiner conditional use permits:</p> <p>A.— Revision of a hearing examiner conditional use permit or conditions of permit approval is permitted as follows:</p> <p>1.— Minor Revisions. Minor revisions may be permitted by the department. No revision in points of vehicular access to the property shall be approved without prior written concurrence of the director of the department of public works. Minor revisions shall be processed as a Type I application.</p> <p>2.— Major revisions, including any requested change in permit conditions, shall be processed as a Type III application.</p> <p>B.— Minor and major revisions are defined as follows:</p> <p>1.— A “minor” revision means any proposed change which does not involve substantial alteration of the character of the prior approval, including dimensional or gross floor area increases of less than ten percent; and</p> <p>2.— A “major” revision means any expansion of the lot area covered by the permit or approval, or any proposed change whereby the character of the approved development will be substantially altered. A major revision exists whenever intensity of use is substantially increased, performance standards are reduced below those set forth in the original permit, detrimental impacts on adjacent properties or public rights-of-way are created or substantially increased, including increased trip generation of ten percent or more, or the site plan design is substantially altered, including dimensional or gross floor area increases of ten percent or more.</p>	See reasoning above.
16	Transfer of Development Rights	17.580.070	<p>C. [...]</p> <p>1. For receiving areas defined in Section 17.580.060<u>070</u>(B), exchange rates are established by resolution of the board of county commissioners.</p>	Code reference is wrong. Section .060 is only about sending areas; should reference .070.B.



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17	Open Space Plan	18.12	<p>Update all references to agencies and documents that no longer exist.</p> <table border="1" data-bbox="935 332 1936 1018"> <thead> <tr> <th data-bbox="935 332 1454 368">Previous Department Name</th> <th data-bbox="1454 332 1936 368">New Department Name</th> </tr> </thead> <tbody> <tr> <td data-bbox="935 368 1454 445">Washington State Department of Wildlife</td> <td data-bbox="1454 368 1936 445">Washington Department of Fish and Wildlife</td> </tr> <tr> <td data-bbox="935 445 1454 522">Washington State Department of Fisheries</td> <td data-bbox="1454 445 1936 522">Washington Department of Fish and Wildlife</td> </tr> <tr> <td data-bbox="935 522 1454 598">Shoreline Management Master Program</td> <td data-bbox="1454 522 1936 598">Shoreline Master Program</td> </tr> <tr> <td data-bbox="935 598 1454 675">Nature Conservancy (Hansville).</td> <td data-bbox="1454 598 1936 675">Hansville Greenway Nature Preserve</td> </tr> <tr> <td data-bbox="935 675 1454 751">Washington State Department of Game</td> <td data-bbox="1454 675 1936 751">Washington Department of Fish and Wildlife</td> </tr> <tr> <td data-bbox="935 751 1454 788">State Registers of Historic Places</td> <td data-bbox="1454 751 1936 788">Washington Heritage Register</td> </tr> <tr> <td data-bbox="935 788 1454 824">Kitsap PUD No. 1</td> <td data-bbox="1454 788 1936 824">Kitsap PUD</td> </tr> <tr> <td data-bbox="935 824 1454 860">Hood Canal Land Trust</td> <td data-bbox="1454 824 1936 860">The Trust for Public Land</td> </tr> <tr> <td data-bbox="935 860 1454 897">Kitsap County Open Space Program</td> <td data-bbox="1454 860 1936 897">Kitsap County Open Space Plan</td> </tr> <tr> <td data-bbox="935 897 1454 973">Comprehensive Park and Recreation System Plan</td> <td data-bbox="1454 897 1936 973">Parks, Recreation and Open Space Plan</td> </tr> <tr> <td data-bbox="935 973 1454 1010">Bremerton-Kitsap Health Department.</td> <td data-bbox="1454 973 1936 1010">Kitsap Public Health District</td> </tr> </tbody> </table>	Previous Department Name	New Department Name	Washington State Department of Wildlife	Washington Department of Fish and Wildlife	Washington State Department of Fisheries	Washington Department of Fish and Wildlife	Shoreline Management Master Program	Shoreline Master Program	Nature Conservancy (Hansville).	Hansville Greenway Nature Preserve	Washington State Department of Game	Washington Department of Fish and Wildlife	State Registers of Historic Places	Washington Heritage Register	Kitsap PUD No. 1	Kitsap PUD	Hood Canal Land Trust	The Trust for Public Land	Kitsap County Open Space Program	Kitsap County Open Space Plan	Comprehensive Park and Recreation System Plan	Parks, Recreation and Open Space Plan	Bremerton-Kitsap Health Department.	Kitsap Public Health District	<p>The names of several programs and departments have changed since the plan was last updated in 1992.</p>
Previous Department Name	New Department Name																											
Washington State Department of Wildlife	Washington Department of Fish and Wildlife																											
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18	Land Use and Development Procedures (Definitions)	21.02.230	<p>21.02.230 Lot area.</p> <p>“Lot area” means the horizontal area within the boundary lines of a lot excluding public and private streets (but including private access easements), tidelands, shorelands and 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 1/128th of a section, ten acres if the lot is 1/64th of a section, and twenty acres if the lot is 1/32nd 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.</p>	<p>(see item 3 above). KCC 21.02.230 is another definition for Lot Area that uses "shorelands" and should be updated.</p>																								



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19	Land Use and Development Procedures (Review Authority)	21.04.100 Line 29 and Line 60	21.04.100 Review Authority Table. [...]					Line 29 contradicts footnote. Should say HE/BC, not PC/BC and should be a Type IV process, not Type III Line 60: <u>Make compliant with RCW -</u> (https://app.leg.wa.gov/rcw/default.aspx?cite=36.87&full=true) Authority is with Board of Commissioners (BC).		
			[...]	Permit/Activity/Decision	Review Authority	Type I	Type II		Type III	Type IV
			29	Rezone ¹	PC/BC HE/BC				X	X
			[...]							
			60	Road Vacation	CE/BC					X
1 Hearing examiner recommendation subject to board of county commissioners approval.										