

ORDINANCE NO. 281-2002

AMENDING THE KITSAP COUNTY ZONING ORDINANCE

BE IT ORDAINED:

NEW SECTION Section 1. A new section 110.057 is added to Chapter 110 of Ordinance No. 216-1998, adopted May 7, 1998, as follows:

110.057 Alternative technology

“Alternative technology” means the use of structures, fixtures, and technology which substantially limit the visibility of wireless communication support structures and facilities. This may include, but is not limited to, use of existing utility poles, flagpoles, existing structures such as water tanks, church steeples and any other method which substantially minimizes the visual impact of wireless communication support structures and facilities. This is commonly referred to as “Stealth Technology.”

Section 2. Section 110.105 of Ordinance No. 216-1998, adopted May 7, 1998, is amended as follows:

110.105 Bed and breakfast house.

“Bed and breakfast house” means an owner occupied dwelling which is used to provide overnight guest lodging for compensation in not more than four (4) guest rooms (5-10 bedrooms will be reviewed as a Conditional Use) and which usually provides a morning meal as part of the room rate structure. Meal service at other times of the day will be reviewed as a Conditional Use.

Section 3. Section 110.210 of Ordinance No. 216-1998, adopted May 7, 1998, is amended as follows:

110.210 Density.

“Density”-means a ratio comparing the number of dwelling units with land area. In all zones where a maximum allowable density is identified, the maximum allowable density is calculated based on gross acreage of the parcel. In all zones where a minimum density is required, the minimum density is calculated based on net developable acreage. Net developable acreage is determined by subtracting critical areas, required buffers, roadways, stormwater facilities and other portions of the site which are undevelopable, from the gross acreage.

Section 4. Section 110.240 of Ordinance No. 216-1998, adopted May 7, 1998, is amended as follows:

110.240 Dwelling, single family.

“Dwelling, single-family” or “single-family dwelling” means a building designed or used for residence purposes by not more than one (1) family, and containing one (1) dwelling unit only. A recreational vehicle is not considered a dwelling unit.

- A. “Attached” means sharing common walls.
- B. “Detached” means physically separated.

Section 5. Section 110.675 of Ordinance No. 216-1998, adopted May 7, 1998, is amended as follows:

110.675 Sign.

“Sign” means a collection of letters, numbers or symbols which calls attention to a business, product, activity, person or service. Balloons or balloon type devices in excess of five (5) cubic feet, or flown more than 20 feet in elevation measured from grade, or taller than 20 feet in height measured from mean grade are considered signs for the purposes of this ordinance.

NEW SECTION. Section 6. A new section is added to Chapter 110 of Ordinance No. 216-1998, adopted May 7, 1998, as follows:

110.687 Stealth technology. See “Alternative technology”.

Section 7. Section 320.020, “Rural Use Table”, of Ordinance No. 216-1998, adopted May 7, 1998, is amended as shown in Attachment A to this ordinance.

Section 8. Section 355.020, “Commercial Use Table”, of Ordinance No. 216-1998, adopted May 7, 1998, is amended as shown in Attachment B to this ordinance.

Section 9. Section 370.020, “Business Park and Industrial Use Table”, of Ordinance No. 216-1998, adopted May 7, 1998, is amended as shown in Attachment C to this ordinance.

Section 10. Section 445.090, “Conditionally Exempt Signs”, subsection D, of Ordinance 216-1998, adopted May 7, 1998, is amended as follows:

- D. Political campaign signs shall be subject to the following:
 - 1. Political campaign signs must be removed 14 days following an election with the exception that candidates or issues which will remain on the ballot for the general election following a primary election may remain until 14 days following the general election.
 - 2. Any political campaign signs located within county right-of-way are subject to the following requirements:
 - a. Use of metal signs, metal supports, metal frames, or wire frames is prohibited.
 - b. Political campaign signs placed within a county right-of-way are limited to a size no greater than four (4) square feet and may not extend higher than thirty-six inches (36”) measured from the point in which they are placed in the ground to the top of the sign.
 - 3. A political campaign sign may not be placed on a utility pole, or on any state or county regulatory or informational sign or post.

4. Any political campaign sign found to be inconsistent with the requirements contained within this ordinance is subject to removal and disposal by the county, and the candidate or campaign may be held responsible for the cost of removal.

Section 11. Section 460.010 of Ordinance No. 216-1998, adopted May 7, 1998, is amended as follows:

460.010 Purpose

Unless specifically stated elsewhere in this ordinance, a use lawfully occupying a structure or site on the effective date of this title, or of amendments thereto which does not conform to the use regulations for the zone in which it is located, is deemed to be a nonconforming use and may be continued, subject to the regulations hereinafter.

Section 12. Section 460.020 of Ordinance No. 216-1998, adopted May 7, 1998, is amended as follows:

460.020. Nonconforming uses of land

- A. The Director may grant an application for a change of use if, on the basis of the application and the evidence submitted, the Director makes the following findings:
 1. That the proposed use is classified in a more restrictive category than existing or preexisting use by the zone regulations of this ordinance. The classifications of a nonconforming use shall be determined on the basis of the zone in which it is first permitted, provided that a conditional use shall be a more restrictive category than a permitted use in the same category.
 2. That the proposed use will not more adversely affect the character of the zone in which it is proposed to be located than the existing or preexisting use.
 3. That the change of use will not result in the enlargement of the space occupied by a nonconforming use. Except that a nonconforming use of a building may be extended throughout those parts of a building which were designed or arranged to such use prior to the date when such use of the building became nonconforming, provided that no structural alteration, except those required by the law, are made.
The decision of the Director may be appealed to the Hearing Examiner.
- B. Unless specifically stated elsewhere in this title, if a nonconforming use not involving a structure has been changed to a conforming use, or if the nonconforming use ceases for a period of six (6) months or more, said use shall be considered abandoned, and said premises shall thereafter be used only for uses permitted under the provisions in the zone in which it is located.
- C. A nonconforming use not involving a structure, or one involving a structure (other than a sign) having an assessed value of less than two hundred dollars (\$200), shall be discontinued within two (2) years from the date of passage of this title.
- D. A use which is nonconforming with respect to provisions for screening shall provide screening within five (5) years from the date of passage of this title.

- E. If an existing nonconforming use or portion thereof, not housed or enclosed within a structure, occupies a portion of a lot or parcel of land on the effective date hereof, the area of such use may not be expanded, nor shall the use or any part thereof, be moved to any other portion of the property not theretofore regularly and actually occupied for such use; provided, that this shall not apply where such increase in area is for the purpose of increasing an off-street parking or loading facility to the area specified in this Ordinance for the activity carried on in the property; and provided further that this shall not be construed as permitting unenclosed commercial activities where otherwise prohibited by this Ordinance.

Section 13. Section 470.010 of Ordinance No. 216-1998, adopted May 7, 1998, is amended as follows:

470.010 Purpose.

In addition to the general purposes of the comprehensive plan and the Zoning Ordinance, this Wireless Communication Facilities section is intended to:

- A. Provide for a wide range of locations and options for wireless communication providers while minimizing the visual impacts to surrounding properties associated with wireless communication facilities;
- B. Encourage creative approaches in locating wireless communication facilities which will be compatible with the surroundings;
- C. Encourage and facilitate co-location of antennas, support structures and related equipment for wireless communication providers, public service communications and emergency service communications;
- D. Provide for a process to locate and identify new site locations in a comprehensive manner which allows for substantial public participation; and
- E. Encourage the use of Alternative Technology.

Section 14. Section 470.030 of Ordinance No. 216-1998, adopted May 7, 1998, is amended as follows:

470.030 Application requirements

- A. Wireless communication providers shall meet with the Department to discuss the providers' plans for construction of new facilities to coordinate regional planning for the new year to identify the preferred network.
- B. Before an application for a Conditional Use Permit is submitted, all new site locations requiring a support structure in excess of 35 feet in height and not implementing alternative technology must be reviewed in a manner consistent with Section IX of the Kitsap County Comprehensive Plan, Land Use Appendix, regarding Essential Public facilities. This section does not apply to those applications which qualify as a co-location site where previous site approval has been granted for a support structure.
- C. The Kitsap County Department of Community Development (DCD) will develop and maintain a Geographic Information System (GIS) database that will identify the preferred network. This database will depict all existing and proposed wireless

communication support structure locations. Locations will be mapped with the adopted Comprehensive Plan Land Use Maps with all publicly owned lands identified. This database will be provided to all wireless communication facility applicants and to the public.

- D. In addition to other requirements, the applications shall include the following items at a minimum:
1. Site and landscape plans drawn to scale;
 2. A report including a description of the tower with technical reasons for its design;
 3. Documentation establishing the structural integrity for the tower's proposed uses;
 4. The general capacity of the tower, and information necessary to assure that ANSI standards are met;
 5. A statement of intent on whether excess space on the site will be leased;
 6. Proof of ownership of the proposed site or authorization to utilize it;
 7. Copies of any easements necessary;
 8. An analysis of the area containing existing topographical contours; and
 9. A visual study depicting "where within a one (1) mile radius any portion of the proposed tower could be seen."

Section 15. Section 470.040 of Ordinance No. 216-1998, adopted May 7, 1998, is amended as follows:

470.040 Wireless communication facilities-permitted uses.

- A. Wireless Communication Support Structures:
1. Any support structure constructed greater than thirty-five feet in height shall be subject to the provisions of Sections 470.050.B and 470.050.C.
 2. Support Structures are subject to the site development standards of Section 470.060. A lattice support structure shall not be permitted unless it is demonstrated that an existing communication structure or a mono-pole is not available or that the existing location does not satisfy the operational requirements of the applicant.
 3. All new wireless communication support structures greater than thirty-five feet in height which do not employ alternative technology must obtain a conditional use permit (CUP).
- B. Wireless Communication Antenna Arrays:
1. Wireless communication antenna arrays not exceeding thirty-five feet in height are permitted on existing structures in any zone. Arrays shall not add more than thirty-five feet in height to the existing building or structure to which it is attached. When antenna arrays are proposed on single-family dwellings and associated accessory structures, they shall be subject to a Minor Site Plan Review, and are subject to the provision of Sections 470.050.C and 470.050.D.
 2. Wireless communication antenna arrays exceeding thirty-five feet in height are subject to the standards or wireless communication support structures in Section 470.050.

3. Mini and micro antenna arrays are allowed on existing utility poles. Furthermore, existing poles may be extended in height up to 50% to accommodate antennas. Ground support facilities when existing utility poles are utilized shall be subject to review as a Minor Site Plan Review and subject to the requirements of Section 470.050.B.
- C. Construction of equipment shelters, cabinets, and other ancillary equipment not located on or in an existing structure shall be subject to a Minor Site Plan Review and the site development standards of Section 470.050.

Section 16. Chapter 470, “Wireless Communication Facilities”, Section .060, “Conditional Use Permit (CUP)”, Subsection A, of Ordinance No. 216-1998, adopted May 7, 1998 is amended as follows:

470.060 Conditional use permit (CUP)

- A. Decision Criteria: The intent of the CUP procedure is to determine the conditions under which a use may be permitted. These permits are subject to specific review during which conditions may be imposed to assure compatibility of the use with other uses permitted in the surrounding area. A CUP may be granted only if the following facts and conditions exist:
1. The need for the proposed wireless communication support structure shall be demonstrated if it is to be located in a residential zone or within three hundred (300) feet of an existing residential zone.
 2. An evaluation of the operational needs of the provider, alternative site, alternative existing facilities upon which the proposed antenna array might be located, and co-location opportunities on existing support structures within one (1) mile of the proposed site shall be provided by the applicant. Evidence shall demonstrate that no practical alternative is reasonably available to the applicant.
 3. The proposed support structure satisfies all of the provisions and requirements of Section 470.050; and
 4. The proposed support structure location has been reviewed in a manner consistent with Section 470.030.B.

Section 17. Chapter 520 of Ordinance No. 216-1998, “Appeals”, adopted May 7, 1998, is repealed.

NEW CHAPTER. Section 18. A new chapter is added to Ordinance No. 216-1998, adopted May 7, 1998, as follows:

520 Appeals

All appeals shall follow the process outlined in the Kitsap County Land Use and Development Procedures Ordinance.

Effective Date. The zoning amendments included in this ordinance were adopted by the Kitsap County Board of Commissioners by motions on September 13, 1999, following a recommendation by the Kitsap County Planning Commission, public notice and public hearing. This ordinance is therefore

made effective on September 13, 1999. Any actions taken by the county since that date pursuant to the zoning provisions included in this ordinance are hereby ratified.

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 14th day of October, 2002.

KITSAP COUNTY BOARD OF COMMISSIONERS



Tim Botkin, Chair

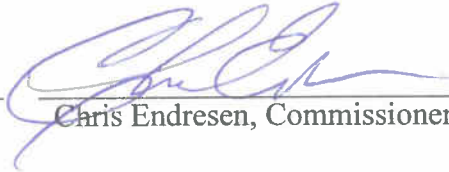
NOT PRESENT

Jan Angel, Commissioner

ATTEST:



Holly Anderson
Clerk of the Board



Chris Endresen, Commissioner

Approved as to form:



Deputy Prosecuting Attorney

320. Rural Use Table

020. Uses.

The following Rural Use Table 320.020 is a list of examples for allowable uses in the Forest Resource Lands (FRL), Interim Rural Forest (IRF), Rural Protection (RP), Rural Residential (RR), and Urban Reserve (URS) Zones. The appropriate review, as listed, is mandatory.

- "P" - Permitted;
- "SPR" - Site Plan Review, Section 410;
- "C" - Conditional Uses, Section 420;
- "X" - Uses specifically prohibited.

Rural Use Table 320.020

USES	FRL	IRF	RP	RR	URS
1. Forestry, including accessory buildings related to such uses and activities	P	P	P	P	P
2. Agricultural uses ² , including accessory buildings related to such uses and activities	X	P	P	P	P
3. Single-family dwellings	C	P	P	P	P
4. Temporary stands not exceeding 200 square feet in area and exclusively for the sale of agricultural products grown on site ³	P	P	P	P	P
5. Duplexes on double the minimum lot area required for the zone	X	P	P	P	P
6. Aggregate extraction sites ⁴	P	P	X	X	X
7. Accessory dwelling unit ¹	X	C	C	C	C
7A. Accessory living quarters ¹	X	P	P	P	P
8. Accessory uses or structures	P	P	P	P	P
9. Commercial stables ¹	X	C	C	C	C
10. Bed and breakfast house	X	C	SPR ²	SPR ²	SPR ²
10A. Meal service other than breakfast associated with	X	C	C	C	C
11. Kennels ¹ and housed within a bed & breakfast house	X	C	C	C	C
12. Public facilities ⁷	C	C	C	C	C
13. Nurseries	X	C	C	C	C
14. Rock crusher used for the purpose of construction and maintenance of a timber management road system	C	C	X	X	X

