

ORDINANCE NO. 292-2002

RELATING TO ZONING AND AMENDING TITLE 17 KITSAP COUNTY CODE PERTAINING TO THE STORAGE OF JUNK MOTOR VEHICLES ON PRIVATE PROPERTY.

WHEREAS, RCW 35.80 authorizes the County to adopt ordinances relating to unfit dwellings, structures and premises;

WHEREAS, Chapter 46.55 RCW authorizes the County to adopt ordinances establishing procedures for the abatement and removal of junk motor vehicles or parts thereof as public nuisances;

WHEREAS, the Kitsap County Board of Commissioners recently adopted Kitsap County Code Chapter 9.56 "Public Nuisances," specifying the process for the abatement of conditions which constitute a nuisance; and

WHEREAS, certain provisions of Kitsap County Code Title 17, "Zoning", must be amended to correspond to the provisions of Kitsap County Code Chapter 9.56;

NOW, THEREFORE, BE IT ORDAINED:

NEW SECTION. Section 1. A new section is added to Chapter 17.110 Kitsap County Code, "Definitions", as follows:

17.110.369 Junk Motor Vehicle

"Junk motor vehicle" means a motor vehicle that is damaged, apparently inoperable, or any detached parts thereof, including, but not limited to, cars, trucks, motorcycles, vehicle hulk, campers, trailers and/or motor homes. "Junk motor vehicle" does not include a vehicle or part thereof that is completely enclosed within a building in a lawful manner where it is not visible from the street or other public or private property, or a vehicle or part thereof that is stored or parked in a lawful manner on private property in connection with the business of a licensed dismantler or licensed vehicle dealer and is fenced according to the requirements of RCW 46.80.130.

Section 2. Kitsap County Code Section 17.320.020, adopted by Ordinance 216-1998, adopted May 7, 1998, is amended as follows:

**RURAL USE TABLE 17.320.020**

"P" — Permitted uses  
 "C" — Conditional uses, Chapter 17.420

"SPR" — Site plan review, Chapter 17.410  
 "X" — Uses specifically prohibited

| 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, <sup>2</sup> including accessory buildings related to such uses and activities <sup>1</sup> | 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 <sup>3</sup>                  | 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 <sup>4</sup>  | P | P   | X                | X                | X                |
| 7  | Accessory dwelling unit <sup>1</sup>   | X | C   | C                | C                | C                |
| 7A | Accessory living quarters <sup>1</sup>   | X | P   | P                | P                | P                |
| 8  | Accessory uses or structures <sup>8</sup>  | P | P   | P                | P                | P                |
| 9  | Commercial stables <sup>1</sup>  | X | C   | C                | C                | C                |
| 10 | Bed and breakfast house  | X | C   | SPR <sup>2</sup> | SPR <sup>2</sup> | SPR <sup>2</sup> |
| 11 | Kennels <sup>1</sup>   | X | C   | C                | C                | C                |
| 12 | Public facilities <sup>7</sup>   | 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                |
| 15 | Aquaculture  | X | C   | C                | C                | C                |
| 16 | Publicly owned recreational facilities   | X | C   | SPR              | SPR              | SPR              |
| 17 | Private recreational facilities  | X | X   | C                | C                | C                |
| 18 | Performance based developments <sup>5</sup>  | X | SPR | SPR              | SPR              | SPR              |
| 19 | Places of worship <sup>1</sup>   | X | C   | C                | C                | C                |
| 20 | Cemeteries and/or mausoleums, crematories and mortuaries within cemeteries <sup>1</sup>  | X | X   | C                | C                | C                |
| 21 | Public or private schools <sup>1</sup>   | X | C   | C                | C                | C                |
| 22 | Golf courses   | X | X   | C                | C                | C                |
| 23 | Veterinary clinics <sup>1</sup>  | X | X   | C                | C                | C                |
| 24 | Day-care centers <sup>1</sup>  | X | X   | C                | C                | C                |
| 25 | Contractor's storage yard <sup>1</sup>   | X | X   | C                | C                | X                |
| 26 | Community buildings, social halls, lodges, clubs and meeting places <sup>1</sup>   | X | X   | C                | C                | X                |
| 27 | Home business <sup>1,6</sup>   | C | SPR | SPR              | SPR              | SPR              |
| 28 | Overnight accommodations, meeting facilities, and recreational vehicle (RV) facilities associated with a public park or private recreational facilities. | X | C   | C                | C                | C                |

### NOTES TO RURAL USE TABLE 17.320.020

1. Subject to the provisions of Chapter 17.430.
2. As defined in Chapter 17.110.
3. Minimum setbacks shall be 20 feet from any abutting right-of-way or property line; provided, however, advertising for sale of products shall be limited to two on premise signs each not exceeding six square feet.
4. No greater than two acres for the purposes of construction and maintenance of a timber management road system, provided the total parcel is at least twenty acres.
5. Subject to the provisions of Chapter 17.425.
6. Home business located in the forest resource lands (FRL) must be associated with timber production and/or harvest.

7. Public facilities are allowed in forest resource lands (FRL) that do not inhibit forest practices.
8. Storage of junk motor vehicles is subject to the provisions of Section 17.430.020 X.

Section 3. Kitsap County Code Section 17.325.020, adopted by Ordinance 216-1998, adopted May 7, 1998 is amended as follows:

17.325.020 Permitted uses.

The following uses are permitted:

- A. Single-family detached dwellings, provided, mobile homes as defined in Chapter 17.110 shall not be allowed, except in approved mobile home parks;
- B. Publicly owned recreational facilities, services, parks, and playgrounds;
- C. Agriculture uses, including accessory buildings related to such uses and activities as defined in Chapter 17.110, and subject to the provisions of Chapter 17.430;
- D. Forestry, including accessory buildings related to such uses and activities as defined in Chapter 17.110;
- E. Accessory uses and structures normal to a residential environment, subject to the provisions of Section 17.430.020 X;
- F. Duplexes on double the minimum lot area required for the zone; and
- G. Accessory dwelling unit and accessory living quarters, subject to the provisions of Chapter 17.430.

Section 4. Kitsap County Code Section 17.330.020, adopted by Ordinance 216-1998, adopted May 7, 1998 is amended as follows:

17.330.020 Permitted uses.

The following uses are permitted:

- A. Single-family detached dwellings, provided, mobile homes as defined in Chapter 17.110 shall not be allowed, except in approved mobile home parks;
- B. Publicly-owned recreational facilities, services, parks, and playgrounds;
- C. Agricultural uses, including accessory buildings related to such uses and activities as defined in Chapter 17.110, and subject to the provisions of Chapter 17.430;
- D. Forestry, including accessory buildings related to such uses and activities as defined in Chapter 17.110;
- E. Accessory uses and structures normal to a residential environment, subject to the provisions of Section 17.430.020 X;
- F. Duplexes on double the minimum lot area required for the zone;
- G. Accessory dwelling unit and accessory living quarters, subject to the provisions of Chapter 17.430; and
- H. Residential care facility located within an existing structure.

Section 5. Kitsap County Code Section 17.340.020, adopted by Ordinance 216-1998, adopted May 7, 1998 is amended as follows:

17.340.020 Permitted uses.

The following uses are permitted:

- A. Single-family attached and detached, provided, mobile homes as defined in Chapter 17.110, shall not be allowed, except in approved mobile home parks;
- B. Multi-family, provided, they meet the density requirements;
- C. Publicly owned recreational facilities, services, parks, and playgrounds;
- D. Agricultural uses, including any accessory buildings related to such uses and activities as defined in Chapter 17.110, and subject to the provisions of Chapter 17.430;
- E. Forestry, including any accessory buildings related to such uses and activities as defined in Chapter 17.110;
- F. Accessory uses and structures normal to a residential environment, subject to the provisions of Section 17.430.020 X;
- G. Accessory dwelling unit and accessory living quarters, subject to the provisions of Chapter 17.430; and
- H. Residential care facility located in an existing structure.

Section 6. Kitsap County Code Section 17.350.020, adopted by Ordinance 216-1998, adopted May 7, 1998 is amended as follows:

**URBAN HIGH RESIDENTIAL USE TABLE 17.350.020**

“P” — Permitted uses  
 “C” — Conditional uses, Chapter 17.420

“SPR” — Site plan review, Chapter 17.410  
 “X” — Uses specifically prohibited

| USES  | UH  |
|---|-----|
| <b>A. Residential</b>   |     |
| 1. Existing residential   | P   |
| 2. Accessory uses and structures normal to a residential environment <sup>4</sup> | P   |
| 3. Single-family dwellings – attached   | SPR |
| 4. Single-family dwellings – detached   | SPR |
| 5. Multi-family subject to density limitations of the zone                        | P   |
| 6. Residential performance based development <sup>3</sup>                         | SPR |
| 7. Boarding or rooming house <sup>2</sup>   | SPR |
| 8. Structures exceeding 35 feet in height   | C   |
| 9. Home business <sup>1</sup>   | SPR |
| <b>B. Retail Sales – Restaurants, Drinking Places</b>                             |     |
| 1. Restaurants within residential or office complex                               | SPR |
| 2. Espresso stands within a residential or office complex                         | P   |
| <b>C. Services, Business</b>  |     |
| 1. Mini-storage warehouses  | C   |
| 2. Temporary sales offices  | SPR |
| <b>D. Services, Medical and Health</b>  |     |
| 1. Hospital   | C   |
| 2. Veterinary clinics <sup>1</sup>  | C   |
| 3. Medical and dental clinics   | SPR |

| USES   |   | UH  |
|--|---|-----|
| 4.   | Convalescent, nursing or rest home  | SPR |
| 5.   | Congregate care facility  | C   |
| 6.   | Residential care facility within an existing structure  | P   |
| 7.   | Residential care facility not located within an existing structure  | SPR |
| <b>E. Services, Professional Offices</b>     |   |     |
| 1.   | Professional and business offices   | SPR |
| <b>F. Services, Amusement</b>                |   |     |
| 1.   | Private recreational facility   | SPR |
| <b>G. Services, Membership Organizations</b> |   |     |
| 1.   | Places of worship   | SPR |
| 2.   | Clubs, lodges and charitable institutions   | SPR |
| <b>H. Services, Educational</b>              |   |     |
| 1.   | Public and private schools <sup>1</sup>   | SPR |
| 2.   | Day-care centers <sup>1</sup>   | SPR |
| USES   |   | UH  |
| <b>I. Public Services and Facilities</b>     |   |     |
| 1.   | Parks and recreational facilities   | SPR |
| 2.   | Governmental structures including police and fire stations  | SPR |
| 3.   | Utility substation and related facilities   | SPR |
| <b>J. Other</b>                              |   |     |
| 1.   | Forestry  | P   |
| 2.   | Agricultural uses <sup>2</sup> , including accessory buildings related to such uses and activities <sup>1</sup> | P   |
| 3.   | Cemeteries and mausoleums   | C   |

1. Subject to the provisions of Chapter 17.430.
2. As defined in Chapter 17.110.
3. Subject to the provisions of Chapter 17.425.
4. Storage of junk motor vehicles is subject to the provisions of Section 17.430.020 X.

Section 7. Kitsap County Code Section 17.355.020, last amended by Ordinance 250-2000, last amended on December 4, 2000 is amended as follows:

#### COMMERCIAL USE TABLE 17.355.020

"P" — Permitted uses "SPR" — Site plan review, Chapter 17.410  
 "C" — Conditional uses, Chapter 17.420 "X" — Uses specifically prohibited

| USES   | NC <sup>2</sup> | HTC <sup>1</sup> <sub>2</sub> | UC  | RC  |
|--|-----------------|-------------------------------|-----|-----|
| <b>A. Residential</b>                            |                 |                               |     |     |
| 1. Medium and high density (Not on ground floor) | SPR             | SPR                           | SPR | SPR |

| USES  | NC <sup>2</sup> | HTC <sup>1</sup> <sub>2</sub> | UC  | RC  |
|---|-----------------|-------------------------------|-----|-----|
| 2. Performance based developments, subject to Chapter 17.425  | SPR             | SPR                           | SPR | SPR |
| 3. Existing residences without any increase in density <sup>3</sup>   | P               | P                             | P   | P   |
| <b>B. Retail Sales – General Merchandise and services</b>   |                 |                               |     |     |
| 1. Stores in excess of 25,000 square feet gross floor area  | X               | SPR                           | SPR | SPR |
| 2. Stores – 5,000 to 25,000 square feet gross floor area  | C               | SPR                           | SPR | SPR |
| 3. Stores – less than 5,000 square feet gross floor area  | SPR             | SPR                           | SPR | SPR |
| <b>C. Retail Sales – Restaurants, Drinking Places</b>   |                 |                               |     |     |
| 1. Delicatessens / Restaurants – fast food including drive up service windows   | SPR             | SPR                           | SPR | SPR |
| 2. Drinking places, alcoholic beverages with or without entertainment   | C               | C                             | C   | C   |
| 3. Espresso stands  | SPR             | SPR                           | SPR | SPR |
| <b>D. Retail Sales – Automotive Related Sales &amp; Services</b>  |                 |                               |     |     |
| 1. Motor vehicle / RV dealers – new and used  | X               | SPR                           | SPR | SPR |
| 2. Auto parts and accessory stores  | X               | SPR                           | SPR | SPR |
| 3. Service stations / fuel sales  | X               | SPR                           | SPR | SPR |
| 4. Boat dealers, marine supplies, and repair  | X               | SPR                           | SPR | SPR |
| 5. Farm equipment and implement dealer  | X               | SPR                           | SPR | SPR |
| 6. Auto, truck, trailer and equipment rental or repair  | X               | SPR                           | SPR | SPR |
| 7. Car washes   | X               | SPR                           | SPR | SPR |
| <b>E. Retail Sales – Miscellaneous Stores</b>   |                 |                               |     |     |
| 1. Mobile home sales – new and used   | X               | SPR                           | SPR | SPR |
| 2. Farm and garden supplies including nurseries   | SPR             | SPR                           | SPR | SPR |
| 3. Fuel distributors / bulk storage   | X               | C                             | C   | C   |
| 4. Laundry services   | C               | SPR                           | SPR | SPR |
| 5. Lumber yards and building/construction materials   | X               | SPR                           | SPR | SPR |
| <b>F. Retail Sales – Products (Custom Fabricated, Processed, Assembled, Installed, Repaired, or Printed on the Premises within an Entirely Enclosed Building)</b> |                 |                               |     |     |
| 1. Cabinet, electrical, plumbing, sheet metal, heating & air conditioning and welding shops   | C               | SPR                           | SPR | SPR |
| <b>G. Services – Business</b>   |                 |                               |     |     |
| 1. General office and management services in excess of 5,000 square feet gross floor area   | X               | SPR                           | SPR | SPR |
| 2. General office and management services – 2,000 to 5,000 square feet gross floor area   | C               | SPR                           | SPR | SPR |
| 3. General office and management services less than 2,000 square feet gross floor area  | SPR             | SPR                           | SPR | SPR |
| 4. Duplicating, addressing, blueprinting, photocopying, mailing, and stenographic services  | SPR             | SPR                           | SPR | SPR |
| 5. Mortuaries   | C               | SPR                           | SPR | SPR |

| USES   | NC <sup>2</sup> | HTC <sup>1,2</sup> | UC  | RC  |
|--|-----------------|--------------------|-----|-----|
| 6. Office equipment service and repair shop  | C               | SPR                | SPR | SPR |
| 7. Off-street parking facilities   | X               | SPR                | SPR | SPR |
| 8. Mini-storage warehouses   | X               | SPR                | SPR | SPR |
| 9. Auction house   | X               | SPR                | C   | SPR |
| 10. Vehicle towing service storage   | X               | C                  | C   | C   |
| 11. Financial and banking institutions   | SPR             | SPR                | SPR | SPR |
| 12. Real estate brokers, agents, and services  | SPR             | SPR                | SPR | SPR |
| <b>H. Services – Lodging Places</b>  |                 |                    |     |     |
| 1. Motels / Hotels   | C               | SPR                | SPR | SPR |
| 2. Recreational vehicle camping parks  | X               | C                  | X   | X   |
| <b>I. Services – Medical and Health</b>  |                 |                    |     |     |
| 1. Hospitals / health care campus  | X               | SPR                | SPR | SPR |
| 2. Medical and dental laboratories   | C               | SPR                | SPR | SPR |
| 3. Sanitaria, convalescent, and rest homes   | C               | SPR                | SPR | SPR |
| 4. Animal hospital   | SPR             | SPR                | SPR | SPR |
| 5. Ambulance service   | C               | SPR                | SPR | SPR |
| 6. Congregate care facility  | C               | C                  | C   | C   |
| 7. Clinic, outpatient  | SPR             | SPR                | SPR | SPR |
| <b>J. Services – Amusement</b>   |                 |                    |     |     |
| 1. Amusement centers – indoor  | C               | SPR                | SPR | SPR |
| 2. Amusement centers – outdoor   | C               | SPR                | SPR | SPR |
| 3. Carnival (temporary) and circus (temporary)   | C               | SPR                | SPR | SPR |
| 4. Health and racquet clubs  | SPR             | SPR                | SPR | SPR |
| 5. Theaters, indoor  | SPR             | SPR                | SPR | SPR |
| 6. Theaters, outdoor (drive-in)  | X               | C                  | C   | C   |
| 7. Sports facilities, including stadium and arena facilities                                     | C               | SPR                | SPR | SPR |
| <b>K. Services – Educational, Recreational</b>   |                 |                    |     |     |
| 1. Nursery, day-care centers   | SPR             | SPR                | SPR | SPR |
| 2. Libraries   | SPR             | SPR                | SPR | SPR |
| 3. Private schools   | SPR             | SPR                | SPR | SPR |
| 4. Public parks, parkways, public/private recreational facilities, trails and related facilities | SPR             | SPR                | SPR | SPR |
| 5. Marinas   | SPR             | SPR                | SPR | SPR |
| <b>L. Services – Membership Organizations</b>  |                 |                    |     |     |
| 1. Business, professional, civic, social and fraternal   | SPR             | SPR                | SPR | SPR |
| 2. Religious, places of worship  | SPR             | SPR                | SPR | SPR |
| <b>M. Public Services and Facilities</b>   |                 |                    |     |     |
| 1. Police and fire stations  | SPR             | SPR                | SPR | SPR |



| USES   |   | BP  | IND |
|--|---|-----|-----|
| 9.   | Retail or combination retail/wholesale lumber and building materials yard   | X   | SPR |
| 10.  | Manufactured home and trailer storage or rental   | X   | SPR |
| 11.  | Amusement park  | X   | C   |
| 12.  | Circus, carnival or other type of transient and outdoor amusement enterprises   | X   | SPR |
| 13.  | Race track; auto or motorcycle  | C   | C   |
| 14.  | Museums, aquariums, historic, or cultural exhibits  | SPR | SPR |
| 15.  | Tourism facilities including outfitters, guides, and seaplane and tour-boat terminals   | SPR | SPR |
| <b>B. Assembly – Manufacture of Products</b> |   |     |     |
| 1.   | Assembly and fabrication of sheet metal products  | SPR | SPR |
| 2.   | Assembly, manufacture, compounding, packaging or treatment of articles or merchandise (Non-Hazardous)   | SPR | SPR |
| 3.   | Assembly, manufacture, compounding, packaging or treatment of articles or merchandise (Hazardous)   | X   | C   |
| 4.   | Ship building, dry dock, ship repair, dismantling   | X   | SPR |
| 5.   | Manufacture of paper and by-products of paper   | X   | SPR |
| 6.a  | Manufacture of roofing paper or shingles, asphalt in facilities less than 10,000 square feet  | SPR | SPR |
| 6.b  | Manufacture of roofing paper or shingles, asphalt in facilities 10,000 square feet or greater   | C   | C   |
| 7.   | Manufacture of mobile and manufactured homes  | X   | SPR |
| 8.a  | Forest products manufacturing or shipping facilities which are not located on the waterfront  | X   | SPR |
| 8.b  | Forest products manufacturing or shipping facilities which are located on the waterfront  | X   | C   |
| <b>C. Processing and Storage</b>             |   |     |     |
| 1.   | Spinning or knitting of fibrous materials   | SPR | SPR |
| 2.   | Non-marine related wholesale business, and warehouses not including mini-storage facilities   | SPR | SPR |
| 3.   | Non-marine related cold storage plants, including storage and office  | SPR | SPR |
| 4.   | Processing uses such as bottling plants, creameries, laboratories, blue printing, and photocopying, tire retreading, recapping, and rebuilding                                    | SPR | SPR |
| 5.   | Storage or sale yard for building materials, contractors' equipment, house mover, delivery vehicles, transit storage, trucking terminal, and used equipment in operable condition | X   | SPR |
| 6.   | Brewery, distillery, or winery  | SPR | SPR |
| 7.   | Junkyards or wrecking yards   | X   | C   |
| 8.   | Grain elevator and flour milling  | X   | SPR |
| 9.   | Sawmills, lumber mills, planing mills, and molding plants   | X   | SPR |
| 10.  | Junk, rags, paper, or metal salvage, storage or processing  | X   | C   |

| USES  | BP  | IND |
|---|-----|-----|
| 11. Rolling, drawing, or alloying ferrous and nonferrous metals   | X   | SPR |
| 12. Rubber, treatment or reclaiming plant   | X   | SPR |
| 13. Slaughterhouse or animal processing   | X   | C   |
| 14. Major petroleum storage and/or refining   | X   | C   |
| 15. Recycling centers (excluding junkyards)   | SPR | SPR |
| 16. Incinerator or reduction of garbage, offal, dead animals or refuse  | X   | C   |
| 17. Marine-related storage of equipment, supplies, materials, boats, nets, and vehicles                         | X   | SPR |
| 18. Cold storage facilities for marine or agricultural products   | SPR | SPR |
| <b>D. Aggregate Products</b>  |     |     |
| 1. Manufacture of concrete products and associated uses   | X   | C   |
| 2. Manufacture of concrete products entirely within an enclosed building  | SPR | SPR |
| 3. Surface mining and quarries, subject to the provisions of the Mineral Resource Zone                          | X   | C   |
| <b>E. Other</b>   |     |     |
| 1. Business and Professional services   | P   | SPR |
| 2. Welding shop   | C   | SPR |
| 3. Existing residential use without any increase in density <sup>1</sup>  | P   | P   |
| 4. Residential dwelling for caretaker on the property in conjunction with a permitted use                       | P   | P   |
| 5. Administrative, educational, and other related activities and facilities in conjunction with a permitted use | SPR | SPR |
| 6. Research Laboratory  | SPR | SPR |
| 7. Aquaculture  | X   | C   |
| 8. Cabinet, electrical, plumbing, sheet metal/welding, electroplating and similar fabrication shops             | SPR | SPR |
| 9. Marine manufacturing repairs and services  | SPR | SPR |
| 10. Shellfish/fish hatcheries and processing facilities   | X   | C   |
| 11. Marinas   | X   | C   |
| 12. Forestry  | P   | P   |
| 13. Agriculture   | P   | P   |
| 14. Industrial Park   | SPR | SPR |
| <b>F. Public Services and Facilities</b>  |     |     |
| 1. Police and fire substations  | SPR | SPR |
| 2. Educational institutions   | SPR | SPR |
| 3. Land/water transshipment facilities, including docks, wharves, marine rails, cranes, and barge facilities    | C   | C   |
| 4. Recreational Facilities Public/Private   | C   | C   |

1. Storage of junk motor vehicles is subject to the provisions of Section 17.430.020 X.

NEW SUBSECTION. Section 9. Kitsap County Code Section 17.430.020, "Provisions Applying to Special Uses", adopted by Ordinance 216-1998, adopted May 7, 1998 is amended to add a new subsection as follows:

X. Storage of Junk Motor Vehicles.

A. Storage of junk motor vehicles on any property outside of a legally-constructed building (minimum of three sides and a roof) is prohibited, except where the storage of up to six junk motor vehicles meets one of the following two conditions:

1. Any junk motor vehicle(s) stored outdoors must be completely screened by sight-obscuring fence or natural vegetation to the satisfaction of the Director (a covering such as a tarp over the vehicle(s) will not constitute an acceptable visual barrier). For the purposes of this section, "screened" means not visible from any portion or elevation of any neighboring or adjacent public or private property, easement or right-of-way; or

2. Any junk motor vehicle(s) stored outdoors must be stored more than two-hundred and fifty feet away from all property lines.

B. Environmental Mitigation Agreement. The owner of any such junk motor vehicle(s) must successfully enter into an environmental mitigation agreement with the Department of Community Development (Department) regarding the property where such vehicle(s) will be located or stored.

1. An environmental mitigation agreement between a property owner and the Department is required before the outdoor storage of up to six screened junk motor vehicles will be approved. A property owner may enter into such agreement with the Department for a one-time fee of \$10.00 per vehicle, the proceeds from which shall be used to assist with clean up costs associated with the administration of Kitsap County Code Chapter 9.56.

2. In order to mitigate any potential environmental impact from the storage of these junk motor vehicles, the property owner must agree to institute one of the following two preventative measures:

(a) Each junk motor vehicle must be drained of all oil and other fluids including, but not limited to, engine crankcase oil, transmission fluid, brake fluid and radiator coolant or antifreeze prior to placing the vehicle on site; or

(b) Drip pans or pads must be placed and maintained underneath the radiator, engine block, transmission and differentials of each junk motor vehicle to collect residual fluids.

Either preventative measure shall require that the owner of such vehicle(s) clean up and properly dispose of any visible contamination resulting from the storage of junk motor vehicles. The agreement will require the property owner to select one of the two preventative measures and to allow for an initial inspection of the property by the Department to assure that the preventative measure has been implemented to the satisfaction of the Department. By entering into the agreement, the property owner further agrees to allow the Department entry

onto the property on an annual basis for re-inspection to assure compliance with the approved agreement. If a property is found to be in compliance with the terms of the agreement for two consecutive inspections, the Department may waive the annual inspection requirement. A property owner found to be in violation of the agreement may be issued a civil infraction pursuant to Kitsap County Code Title 17, and could later be deemed a nuisance in accordance with Kitsap County Code Chapter 9.56.

Section 10. Kitsap County Code Section 17.435.030, “Number of spaces required”, subsection I, “Other Uses”, adopted by Ordinance 216-1998, adopted May 7, 1998 is amended as follows:

17.435.030    Number of spaces required

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I.        Other Uses.

1.        Other uses not specifically listed above shall furnish parking as required by the director. The director shall use the above list as a guide for determining requirements for said other uses.

2.        Storage of junk motor vehicles is subject to the provisions of Section 17.430.020 X.

Section 11. Kitsap County Code Section 17.530.030, adopted by Ordinance 216-1998, adopted May 7, 1998 is amended as follows:

17.530.030    Nuisance.

Any use, building or structure in violation of this title is unlawful, and a public nuisance. Notwithstanding any other remedy or means of enforcement of the provisions of this title, including but not limited to Kitsap County Code Chapter 9.56 pertaining to the abatement of public nuisances, the prosecuting attorney, any person residing on property abutting the property with the proscribed condition, and the owner or owners of land abutting the land with the proscribed condition may each bring an action for a mandatory injunction to abate the nuisance in accordance with the law. The costs of such a suit shall be taxed against the person found to have violated this title.

Effective date. This ordinance shall take effect 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 16th day of December, 2002.

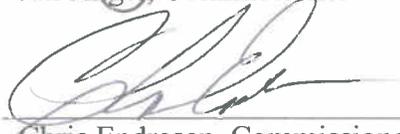
KITSAP COUNTY BOARD OF COMMISSIONERS



\_\_\_\_\_  
Tim Botkin, Chair



\_\_\_\_\_  
Jan Angel, Commissioner



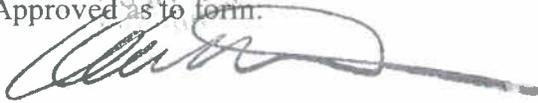
\_\_\_\_\_  
Chris Endresen, Commissioner

ATTEST:



\_\_\_\_\_  
Holly Anderson,  
Clerk of the Board

Approved as to form.



\_\_\_\_\_  
Deputy Prosecuting Attorney



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3 **FINDINGS OF FACT, CONCLUSIONS AND RECOMMENDATION OF THE**  
4 **PLANNING COMMISSION OF KITSAP COUNTY, WASHINGTON, TO THE**  
5 **BOARD OF COUNTY COMMISSIONERS OF KITSAP COUNTY,**  
6 **WASHINGTON, REGARDING THE PROPOSED REVISIONS TO TITLE 17 OF**  
7 **THE KITSAP COUNTY CODE REGARDING THE STORAGE OF JUNK**  
8 **MOTOR VEHICLES**  
9

10 The Planning Commission of Kitsap County, Washington, finds as follows:

- 11
- 12 1. The Board of County Commissioners adopted Ordinance #261-2001  
13 regarding the abatement of public nuisances on October 22, 2001. This  
14 Ordinance allows the County to remove junk motor vehicles, scrap  
15 materials, dangerous buildings and other public nuisances from private  
16 property after observing due process. This Ordinance is only utilized after  
17 other civil enforcement procedures (notice of violation, civil infraction)  
18 have been exhausted.  
19
  - 20 2. Ordinance #261-2001 allows the storage of up to six (6) junk motor  
21 vehicles on private property under the following conditions; 1) the vehicles  
22 are completely screened from all other properties and rights-of-way, and  
23 2) the property owner signs an Environmental Mitigation Agreement with  
24 Kitsap County.  
25
  - 26 3. These provisions of Ordinance #261-2001 are inconsistent with Title 17 of  
27 Kitsap County Code. As Title 17 is the foundation of the first two phases of  
28 public nuisance enforcement and Ordinance #261-2001 is the foundation  
29 of final phase, these inconsistencies can be confusing for the public.  
30
  - 31 4. The proposed revisions will improve the internal consistency of the County  
32 Code by including several provisions of Ordinance #261-2001 into Title  
33 17.  
34
  - 35 5. On August 27, 2002, the Kitsap County Planning Commission held a  
36 public hearing on these proposed revisions to Title 17. After receiving  
37 public testimony, the Planning Commission discussed the proposed  
38 revisions.  
39

40  
41 **NOW THEREFORE**, the Kitsap County Planning Commission in regular session  
42 assembled hereby unanimously concludes and recommends as follows:

- 43
- 44 1. The Kitsap County Board of County Commissioners adopt the proposed  
45 revisions to Title 17 of the Kitsap County Code regarding the storage of  
46 junk motor vehicles.

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Unanimously approved by the Planning Commission of Kitsap County,  
Washington, at a regular meeting thereof, held this 3<sup>rd</sup> day of September 2002.

By Richard S. McConaughy  
Richard McConaughy, Chair

## NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Kitsap County Board of Commissioners will hold a public hearing on **Monday, December 16, 2002**, at the hour of 10 AM in its chambers, County Administrative Building, 614 Division Street, Port Orchard, Washington, to consider an ordinance amending and adding new sections to Title 17 (Zoning) of Kitsap County Code, Ordinance 216-1998, regarding the storage of junk motor vehicles. A summary of the ordinance follows:

Section 1 adds a new section to Kitsap County Code, Chapter 17.110.369, providing a definition of junk motor vehicle.

Section 2 amends Kitsap County Code Chapter 17.320.020, Rural Use Table, to reference 17.430.020.X pertaining to the storage of junk motor vehicles.

Section 3 amends Kitsap County Code Chapter 17.325.020 to reference 17.430.020.X pertaining to the storage of junk motor vehicles.

Section 4 amends Kitsap County Code Chapter 17.330.020 to reference 17.430.020.X pertaining to the storage of junk motor vehicles.

Section 5 amends Kitsap County Code Chapter 17.340.020 to reference 17.430.020.X pertaining to the storage of junk motor vehicles.

Section 6 amends Kitsap County Code Chapter 17.350.020, Urban High Residential Use Table, to reference 17.430.020.X pertaining to the storage of junk motor vehicles.

Section 7 amends Kitsap County Code Chapter 17.355.020, Commercial Use Table, to reference 17.430.020.X pertaining to the storage of junk motor vehicles.

Section 8 amends Kitsap County Code Chapter 17.370.020, Business Park and Industrial Use Table, to reference 17.430.020.X pertaining to the storage of junk motor vehicles.

Section 9 adds a new subsection, X, to Kitsap County Code Chapter 17.430.020 regarding provisions for the storage junk motor vehicles. This subsection allows the storage of up to six (6) junk motor vehicles on private property if 1) the vehicles are completely screened from adjacent properties and rights-of-way, and 2) the property owner signs an Environmental Mitigation Agreement with the County. Any junk motor vehicles stored within legally-constructed buildings do not count towards the six (6) junk motor vehicles allowed.

Section 10 amends Kitsap County Code Chapter 17.435.030 to reference 17.430.020.X pertaining to the storage of junk motor vehicles.



Section 11 amends Kitsap County Code Chapter 17.530.030, Nuisance, to reference Kitsap County Code Title 9.56, Public Nuisance Ordinance, as a means of civil enforcement for violations of Title 17.

The full text may be viewed at [www.kitsapgov.com](http://www.kitsapgov.com). A paper copy will be sent upon request. For more information, please contact Eric Baker, Kitsap County Community Development, at (360) 337-4997 or via E-Mail at [ebaker@co.kitsap.wa.us](mailto:ebaker@co.kitsap.wa.us).

ALL THOSE INTERESTED are welcome to attend the hearing.

HOLLY ANDERSON, Clerk of the Board  
Kitsap County Commissioners

NOTE: KITSAP COUNTY DOES NOT DISCRIMINATE ON THE BASIS OF DISABILITY. INDIVIDUALS WHO REQUIRE ACCOMMODATIONS SHOULD CONTACT THE COMMISSIONERS' OFFICE AT (360) 337-4428 OR TDD (360) 337-7275 OR 1-800-816-2782. PLEASE PROVIDE TWO WEEKS NOTICE FOR INTERPRETER SERVICES.

Publication Date: December 4, 2002  
THE KITSAP NEWSPAPER GROUP

G:/legal/Ordinance – Nuisance (junk cars) Amendmnt, 2002





Meeting Date: 12/16/02  
Agenda Item No.

10:00F

# Kitsap County Board of Commissioners

**Department:** Community Development  
**Staff Contact:** Eric Baker

**Title:** Revisions to Title 17 of Kitsap County Code Regarding Junk Motor Vehicles

**Recommended Action:** Adoption of the Planning Commission's recommended changes to Title 17 of the Kitsap County Code

**Summary:** In September of 2001, the Board of Commissioners adopted the Public Nuisance Ordinance (261-2001). This Ordinance gave the County the ability to abate public nuisances such as junk motor vehicles and scrap materials located on private property. The Ordinance included several new provisions for the storage of junk motor vehicles on private property. To improve the consistency between the Public Nuisance Ordinance and Title 17 (Zoning) and to improve the overall clarity of the County Code regarding the storage of junk motor vehicles, staff has recommended this set of revisions. The recommended revisions provide a definition of junk motor vehicle, consolidate regulations regarding the storage of such vehicles and incorporate the new provisions included in the Public Nuisance Ordinance. The Planning Commission has reviewed and held a Public Hearing on these revisions and have recommended their adoption.

**Attachments:** Underline/Strike-Out version of Title 17 revisions

**Fiscal Impact** P. H. 12/16/02

**Expenditure Required (for this specific action):** \$0  
**Total Cost (including all related costs):** \$0  
**Related Revenue:** \$0  
**Cost Savings:** \$0  
**Net Fiscal Impact:** \$0  
**Source of Funds :** N/A

✓ To PAPW: 11/26/02  
Publish: 12/4/02

### Clearances

| Affected Departments                       | Department Representative |
|--|---------------------------|
|  |                           |
|  |                           |
| <b>Contract Number: KC-</b>                |                           |
| <b>Contract Amendments</b>                 |                           |
| <b>Approval Date of Original Contract:</b> |                           |
| <b>Amount of Original Contract:</b>        |                           |
| <b>Total Amount of Amended Contract:</b>   |                           |

