

PROPOSED KITSAP COUNTY CODE AMENDMENTS --- DRAFT ---

I. REMOVAL OF 2:1 LOT RATIO FROM RURAL ZONES

Issue: Rural zones have a requirement that lots in all new subdivisions meet a 2:1 lot depth to width ratio. This regulation was meant to prevent long skinny shoreline lots like those found in west Kitsap. Unfortunately, this 2:1 ratio requirement has created numerous difficulties with respect to normal property subdivision in non-shoreline areas. The ratio cannot reasonably take into account topography, critical areas or other site-specific factors. The 2:1 ratio requirement has frustrated planning staff and the public since its adoption in 1998.

Proposed Action: Revise the minimum lot width and depth ratio to a 140-foot standard for rural zones.

FOREST RESOURCE LANDS (KCC Chapter 17.300)

17.300.030 Lot requirements.

- A. Lot Area. Minimum lot area shall be forty acres for newly created lots.
 - B. Lot Width and Depth. The minimum lot width and depth for all lots within this zone shall be 140 feet each. ~~Lot depth and width shall be shown in a ratio 2:1 where no lot depth or width is greater than two times the corresponding lot depth or width.~~
 - C. Front Yard. Minimum front yard setback shall be fifty feet.
 - D. Side and Rear Yard. Minimum side and rear yard setback on each side of the residential dwelling shall be twenty feet, and accessory buildings shall be twenty.
 - E. Setback from Forestry Use. For a single-family residence and accessory buildings, a perimeter setback of not less than one hundred feet, when adjacent to land designated as forest resource land and utilized for timber production.
- (Ord. [230 \(1999\)](#) § 2 (part), 1999)

INTERIM RURAL FOREST (KCC Chapter 17.301)

17.301.030 Lot requirements.

- A. Lot Area. Minimum lot area shall be twenty acres for newly created lots.
 - B. Lot Width and Depth. The minimum lot width and depth for all lots within this zone shall be 140 feet each. ~~Lot depth and width shall be shown in a ratio 2:1 where no lot depth or width is greater than two times the corresponding lot depth or width.~~
 - C. Front Yard. Minimum front yard setback shall be fifty feet.
 - D. Side and Rear Yard. Minimum side and rear yard setback on each side of the residential dwelling shall be twenty feet, and accessory buildings shall be five feet and fifty feet for accessory structures used for agricultural purposes.
 - E. Setback from Forestry Use. For a single-family residence, a perimeter setback of not less than one hundred feet, when adjacent to land used for forestry.
- (Ord. [216 \(1998\)](#) § 4 (part), 1998)

RURAL PROTECTION (KCC Chapter 17.305)

17.305.030 Lot requirements.

- A. Lot Area. Minimum lot area shall be ten acres for newly created lots.
- B. Lot Width and Depth. ~~The minimum lot width and depth for all lots within this zone shall be 140 feet each. Lot depth and width shall be shown in a ratio 2:1 where no lot depth or width is greater than two times the corresponding lot depth or width.~~
- C. Front Yard. Minimum front yard setback shall be fifty feet.
- D. Side and Rear Yard. Minimum side and rear yard setback on each side of the residential dwelling shall be twenty feet and accessory buildings shall be five feet, and fifty feet for accessory structures used for agricultural purposes.
(Ord. [216 \(1998\)](#) § 4 (part), 1998)

RURAL RESIDENTIAL (KCC Chapter 17.310)

17.310.030 Lot requirements.

- A. Lot Area. Minimum lot area shall be five acres for newly created lots.
- B. Lot Width and Depth. ~~The minimum lot width and depth for all lots within this zone shall be 140 feet each. Lot depth and width shall be shown in a ratio 2:1 where no lot depth or width is greater than two times the corresponding lot depth or width.~~
- C. Front Yard. Minimum front yard setback shall be fifty feet.
- D. Side and Rear Yard. Minimum side and rear yard setback on each side of the residential dwelling shall be twenty feet and accessory buildings shall be five feet, and fifty feet for accessory structures used for agricultural purposes.
(Ord. [216 \(1998\)](#) § 4 (part), 1998)

URBAN RESERVE (KCC Chapter 17.315)

17.315.030 Lot requirements.

- A. Lot Area. Minimum lot area shall be ten acres for newly created lots.
- B. Lot Width and Depth. ~~The minimum lot width and depth for all lots within this zone shall be 140 feet each. Lot depth and width shall be shown in a ratio 2:1 where no lot depth or width is greater than two times the corresponding lot depth or width.~~
- C. Front Yard. Minimum front yard setback shall be twenty feet.
- D. Side and Rear Yard. Minimum side and rear yard setback on each side of the residential dwelling shall be five feet and accessory buildings shall be five feet, and fifty feet for accessory structures used for agricultural purposes.
(Ord. [216 \(1998\)](#) § 4 (part), 1998)

II. URBAN LOW MINIMUM LOT WIDTH

Issue: The ULID #6 Sub-Area Plan inadvertently reduced the lot width for all properties in the Urban Low (UL) residential zone. This width was reduced from 60 feet to 40 feet and was only to intended for application within the ULID #6 Sub-Area. The ULID #6 Sub-Area Plan specifically

requires that the traffic, parking and aesthetic impacts of such dense development be mitigated. These mitigation requirements do not, however, apply to the balance of all UL zones.

Proposed Action: Return the minimum lot width to 60 feet for all Urban Low residential zones outside of the ULID #6 Sub-Area.

URBAN LOW RESIDENTIAL ZONE LOT REQUIREMENTS TABLE 17.330.060(A)

Classification	Density (DU per Acre)	Minimum Lot Area	Minimum Lot Width	Minimum Lot Depth	Front Yard	Side Yard	Opposite Side Yard	Rear Yard
UL	5-9	None	60 feet ¹ 40 feet	60 feet	20 feet	5 feet	5 feet	5 feet

¹ The minimum lot width for Urban Low zones within the ULID #6 Sub-Area shall be 40 feet

III. VIEW BLOCKAGE PROCESS

Issue: Kitsap County’s Shoreline Management Program contains language to protect existing views of the shoreline for shoreline property owners. These regulations require all new development to be behind a specified view blockage line. Conditional waivers to this regulation are available but must be reviewed and approved by the Board of Commissioners. As the Board’s schedule is often very busy and their hearings are held only twice a month, requiring such waiver requests to be reviewed and approved by them is overly cumbersome and creates an unnecessary delay in permit processing.

Proposed Action: Replace Board of Commissioners review and approval requirement for the view blockage conditional waiver process with a Type II administrative review decision consistent with KCC Title 21.

17.450.040050 Appeal procedure

~~Determinations of shoreline structure setback line View blockage decisions~~ are classified as Type ~~III~~ decisions under Title 21 of this Code, the Land Use and Development Procedures Ordinance. (See Section 21.04.060070, “Type ~~III~~ – ~~Ministerial Decision~~ ~~Administrative Decision~~”).

17.450.050040 Conditional waiver procedure.

~~A.(a)~~ An applicant aggrieved by the strict application of this chapter may seek a conditional waiver from the ~~Director, board of county commissioners.~~ Such a waiver shall be a Type II administrative decision. A conditional waiver may be granted after the applicant demonstrates the following:

- ~~1.(1)~~ The hardship which serves as the basis for granting the conditional waiver is specifically related to the property of the applicant and does not apply generally to other property in the vicinity;
- ~~2.(2)~~ The hardship which results from the application of the requirements of this chapter is not a result of the applicant's own actions;
- ~~3.(3)~~ The conditional waiver, if granted, will be in harmony with the general purpose and

intent of the Shoreline Management Act and the Kitsap County Shoreline Management Master Program in preserving the views of the adjacent shoreline residences;

~~4.(4)~~ In balancing the interest of the applicant with adjacent neighbors, if more harm will be done by granting the conditional waiver than would be done by denying it, the conditional waiver shall be denied.

~~B.(b)~~ The applicant seeking a conditional waiver of the strict application of this chapter may file an application ~~for a conditional waiver with the Department the board of county commissioners by filing the application with the clerk of the board of county commissioners with a copy to the shoreline administrator on forms provided by the shoreline administrator~~ accompanied by an application fee per the Kitsap County Development Permit Fee Schedule (Section 21.06.100). ~~In addition the applicant shall notify adjacent property owners of the application for a conditional waiver by personal service or by registered mail.~~
(Ord. 291 (2002) § 13, 2002; Res. 240-1984 § 4(a), 1984)

~~17.450.060 — Hearings~~

~~____(a)____~~ Upon receipt of an application for a conditional waiver or an appeal, the shoreline administrator shall promptly transmit its records to the clerk of the board. Upon receipt of the record of the shoreline administrator, the clerk of the board shall set the appeal for consideration at a public hearing. Notice of the time, date, place and purpose of the hearing shall be delivered or mailed to the appellant, the applicant if other than the appellant, and the abutting property owners of the appellant not less than ten working days prior to the public hearing.

~~____(b)____~~ At the public hearing the appellant and the respondents shall be allowed ten minutes per side to make an oral presentation or submit evidence supporting their position. The appellant and the respondents may present written memoranda relating to the appeal.

~~____(c)____~~ The board of county commissioners shall decide the appeal. The board of county commissioners' official minutes shall serve as its written findings and conclusions.

~~____(d)____~~ The board of county commissioners' decision is final unless review is sought in the superior court and service is made on the board of county commissioners within thirty days of the board's written decision. A person seeking review to the superior court shall be responsible for and bear the cost of transcription of the verbatim record and for preparation and copying of other documents. The county shall cooperate with the party seeking review in meeting these responsibilities. The county has the authority to take measures necessary to secure the integrity of its records and files.

~~____(e)____~~ The clerk of the board of county commissioners shall be responsible for the preparation of the verbatim record and copying of other documents. The applicant shall deposit two hundred fifty dollars with the clerk of the board of county commissioners in the form of cash or money order as a retainer for the preparation of the record. Upon payment of costs incurred by the clerk of the board in preparing this record, the record shall be filed with the clerk of the superior court. Any remaining balance of the deposit shall be remitted. In the event the party seeking review dismisses the appeal during the interim in which the record is being prepared, the clerk of the board shall retain any portion of the deposit for cost incurred, the balance of which shall be remitted to the party seeking review.

IV. SOIL-COMBINING AND COMPOSTING IN RURAL AREAS

Issue: Kitsap County has instituted burn bans within Urban Growth Areas which greatly limits outdoor burning in much of the County. Yard waste and vegetation cleared during development of these properties must be transported off site to be disposed of. The opportunities for soil combining and composting associated with the disposal of these materials are very limited in Kitsap County.

Proposed Action: Allow soil combining and composting as a conditional use in Interim Rural Forest (IRF), Rural Protection (RP) and Rural Residential (RR) zones. Such uses in RP and RR zones would be limited by specific development standards to ensure compatibility with surrounding rural uses.

17.320.020 Rural Use Table

USES	FRL	IRF	RP	RR	URS
25. Contractor Storage Yard ¹	X	X	C	C	X
26. Community building, social halls, lodges, clubs and meeting places ¹	X	X	C	C	X
27. Home businesses ^{1,6}					
28. Overnight accommodations, meeting facilities and recreational vehicle (RV) facilities associated with a public park or private recreational facilities	X	C	C	C	C
29. Stump grinding	C	C	X	X	X
30. <u>Soil-combining and/or composting</u>	<u>X</u>	<u>C</u>	<u>C⁹</u>	<u>C⁹</u>	<u>X</u>

⁹ Subject to the provisions of 17.430.020.Y

17.430.020 Uses.

Y. **Soil combining and composting in Rural Protection and Rural Residential zones.**

Soil combining and composting in Rural Protection and Rural Residential zones must meet the following requirements:

1. The subject property(s) must be 2.5 gross acres or greater in size;
2. The use must take direct access from a County-maintained right-of way;
3. A 100-foot natural vegetation buffer must be maintained around the perimeter of the property(s) to provide adequate screening of the use from neighboring properties; and
4. The use must meet all other requirements of this Title.

V. MULTIPLE FRONT YARD SETBACKS

Issue: County Code currently establishes front yard setbacks from right-of-ways, easements and other ingress/egress accesses. These front yard setbacks are 50 feet in rural zones and 20 feet in urban. No structures may be sited within these setbacks. Properties fronting multiple rights of way, easements, etc. may have multiple front yards setbacks. On many lots, especially

those with other constraints (critical areas) or non-conforming lots in the rural areas, multiple front yard setbacks present significant constraints to their developability.

Proposed Action: Allow flexibility based upon the type of right-of-way or easement that the property fronts and reasonably facilitate development on properties with multiple front yard setbacks.

17.455.040 Exceptions to yard requirements.

A. Projections into Required Yards. Certain architectural features may project into required yards or courts as follows:

1. Cornices, canopies, eaves, belt courses, sills or other similar architectural features, or fireplaces; but these may not in any case extend more than twenty-four inches into any required yard area. In no case shall a habitable area be considered for encroachment into a required yard without a variance.

2. Fire escapes, open-uncovered porches, balconies, landing places, or outside stairways may not in any case extend more than twenty four inches into any required side or rear yards, and shall not extend more than six feet into any required front yard. This is not to be construed as prohibiting open porches or stoops not exceeding eighteen inches in height, and not approaching closer than twenty four inches to any lot line.

B. Exceptions to Front Yard Requirements.

1. If there are dwellings on both abutting lots with front yards less than the required depth for the zone, the front yard for the lot need not exceed the average front yard of the abutting dwellings.

2. If there is a dwelling on one abutting lot with a front yard less than the required depth for the zone, the front yard need not exceed a depth of half-way between the depth of the front yard on the abutting lot and the required front yard depth.

3. If a modification to the front-yard requirement is necessary in order to site dwellings in a manner which maximizes solar access, the director may modify the requirement.

4. An interior lot front yard setback shall be the same as the side yard setback, but no less than twenty feet.

5. On lots with multiple front yards, the front yard setback(s) in which the lot does not receive access may be modified by the Director. Based upon topography, critical areas or other site constraints, the Director may reduce these front yard setbacks to a minimum of twenty (20) feet for properties requiring fifty (50) feet and five (5) feet for properties requiring twenty (20) feet. The Director may not modify front yard setbacks from County arterials or collectors. Such reductions shall not have an adverse impact to surrounding properties.

C. Historic Lots.

1. Building setback lines which do not meet the requirements of this title, but which were legally established prior to the adoption of this title, shall be considered the building line for alterations, remodels, and accessory structures on the lot or parcel, providing that no structure or portion of such addition may further project beyond the established building line.

2. Any single-family residential lot of record as defined in Chapter [17.110](#), which has a smaller width or lot depth than that required by this title, or is less than one acre, may use that residential zoning classification which most closely corresponds to the dimension or dimensions of the lot of record, for the purpose of establishing setbacks from the property lines.

D. Accommodating Sewers and Roadways. Any structure otherwise permitted under this section may be placed on a lot or parcel within a required yard area, if the director finds that such a location is necessary because existing sewer systems or roadways make compliance

with the yard-area requirements of this title impossible without substantial changes to the site. (Ord. [234 \(1999\)](#) § 2 (part), 1999; Ord. [216 \(1998\)](#) § 4 (part), 1998)

**VI. LOT REQUIREMENTS FOR SINGLE-FAMILY RESIDENTIAL DEVELOPMENT
IN URBAN MEDIUM ZONES**

Issue: The Urban Medium zone allows densities of 10-18 dwelling units per acre. As development within this zone was intended to involve multi-unit structures such as apartments, townhomes and condominiums, no setbacks were required from property lines. Parking and fire safety mechanisms were intended to be incorporated into these multi-unit projects to address public safety and welfare concerns. While such setbacks are rarely necessary for multi-unit construction, they are generally necessary single-family construction. Basement or underground parking and the requirements of sprinkler systems and other fire safety mechanisms commonly used in multi-unit projects are cumbersome and cost-prohibitive for most single-family construction.

Proposed Action: To ensure necessary parking and fire safety for construction within these zones, lot requirements consistent with those of the Urban Low zone (5-9 dwelling unit per acre) should be required for single-family construction.

17.340.060 Lot requirements.

A. Minimum lot requirements: ~~None~~

URBAN MEDIUM RESIDENTIAL ZONE LOT REQUIREMENTS TABLE 17.340.060¹

<u>Classification</u>	<u>Density² (DU per Acre)</u>	<u>Minimum Lot Area</u>	<u>Minimum Lot Width</u>	<u>Minimum Lot Depth</u>	<u>Front Yard</u>	<u>Side Yard</u>	<u>Opposite Side Yard</u>	<u>Rear Yard</u>
<u>UM Multi-Family</u>	<u>Min 10 Max 18</u>	<u>None</u>	<u>None</u>	<u>None</u>	<u>None</u>	<u>None</u>	<u>None</u>	<u>None</u>
<u>UM Single-Family</u>	<u>Min 10 Max 18</u>	<u>None</u>	<u>60 feet</u>	<u>60 feet</u>	<u>20 feet</u>	<u>5 feet</u>	<u>5 feet</u>	<u>5 feet</u>

¹ The Design Standards for the Community of Kingston sets forth policies and regulations for the development within the downtown area of Kingston. All development within this area must be consistent with these standards.

B. Density Limit for the South Kitsap UGA/ULID #6 Sub-Area. Pursuant to the approved South Kitsap UGA/ULID #6 Sub-Area Plan, the maximum number of residential units permitted in the sub-area is 4,172, until such time as a further population allocation is made to the sub-area. All residential development within the sub-area located in the UM zone is subject to this density limitation. To ensure that the density limit for the sub-area is not exceeded, the director shall use the county's land information system (LIS) to monitor the number of dwelling units remaining and available for development within the sub-area.