



Executive Summary for Planning Commission

Issue Title: Amendments to Kitsap County Development Code
Meeting Date: November 21, 2017
From: Liz Williams, Planner

Action Requested At This Meeting:

- 1) Review public comment and deliberate regarding thirty-three proposed amendments to Kitsap County development code.
- 2) Make a formal recommendation to the Department of Community Development regarding thirty-three proposed amendments to Kitsap County development code.

Background

The proposed amendments to Kitsap County development code were introduced to the Planning Commission during a work study on October 17, 2017. The proposed amendments are intended to increase internal consistency and simplify Kitsap County Code for the public and staff.

The proposal includes thirty-three amendments which are found in the following titles of Kitsap County Code: Title 12 – Storm Water Drainage (1 amendment), Title 16 – Land Division and Development (2 amendments), Title 17 – Zoning (29 amendments), and Title 21 – Land Use and Development Procedures (1 amendment).

Public outreach was conducted through a dedicated and up-to-date web page, email notification to 22,000 subscribers, and meetings with various interested parties. A public comment period on the proposed amendments was made available via an online form from October 19, 2017 through November 14, 2017. Additionally, the Planning Commission held a public hearing on November 14, 2017 to accept public testimony regarding the proposed amendments. A summary of the written and verbal testimony received throughout the process can be found in **Attachment A**.

A non-substantive modification to the proposed amendments is being presented to the Planning Commission for consideration based on public comment received during the process. The proposed modification will impact the following:

1. ID 23 relates to footnote 46 for the Density, Dimensions, and Design Tables. Footnote 46 applies to the front yard setback and design of porches located in the Keyport Village Residential (KVR) zoning district. The proposed modification will clarify the requirements and remove ambiguity.

The proposed modification to ID 23 can be found in **Attachment B**. Should the Planning Commission agree with the proposed modification, a motion must be made to amend ID 23 as proposed in Attachment B.

Attachments

- A. Amendments to Kitsap County Development Code: Written & Verbal Comment Matrix
- B. Amendments to Kitsap County Development Code: Summary of Changes

Attachment A

Amendments to Kitsap County Development Code: Written & Verbal Comment Matrix			
Comments Relevant to Current Proposal			
Name	Comment	Department Response	Submitted
Michael Armstrong (written comment)	In 23, the (b) phrase "...minimum of four feet by six feet, or twenty-four square feet" is ambiguous, thanks to the "or". (c) requires a minimum 4-foot width, so (b) really only needs to state the minimum area (24 square feet). As written, a 24-foot wide, by 1-foot deep, would be OK. I hope "wide" is defined somewhere also.	The Department of Community Development recommends refining proposed language for ID 23 for clarification purposes prior to the Board of County Commissioner Public Hearing.	11/07/17 12:13 PM
Doug Lyons (written comment)	The less restrictions the better. We should encourage residential, commercial, and industrial development.	The goal of the 2017 batch of thirty-three code amendments is to simplify Kitsap County Code for the general public and staff.	11/07/17 4:30 PM
Kevin Tisdel (public hearing testimony)	Recommended the Planning Commission defer action on the proposed amendments to allow for more time for the public to review the proposal.	The Department followed up with Mr. Tisdel via email on November 15, 2017 to provide additional information regarding the proposal. The public will have additional time to review and comment ahead of the Board of County Commissioners taking action on the proposal.	11/14/17 5:45 PM
Comments Relevant to Future Proposals			
Name	Comment	Department Response	Submitted
Nicholas Kosin (written comment)	I would like to comment on the Agriculture code (chapter 17.455.030) use permissibility for the Manchester Village low AND Manchester Village Residential that allows residents to keep hens and roosters. I would like to make my comment recorded that I want the roosters to be prohibited in these density zones. Please see attached word file for my reasoning. Thank you.	The Department of Community Development has added this item to the list of ideas for consideration when prioritizing future code amendments.	11/03/17 12:42 PM
Cassandra Andersen (written comment)	Hello! I'm writing to say that I feel strongly that roosters should not be allowed in rural neighborhoods (especially in my neighborhood in Manchester) which are designated as high density growth areas. We live in a dense neighborhood, not a farming community where there are acres and acres between neighbors. There is no use for a rooster in a dense area like this. Thank you! Cas Andersen	The Department of Community Development has added this item to the list of ideas for consideration when prioritizing future code amendments.	11/06/17 2:11 PM
Jeff Coombe (written comment)	I have attached some of the changes that I would to see in the use table for Kitsap County. OBW footnote #25 in the Density & Dimensions of the code has a maximum lot size of 18,000 sf on an existing lot. Wow! I can't imagine when landowners in Kitsap County with a single tax parcel that they have owned for years find out that there property is not buildable for one home if it is over 18,000 sf. This is a law suit waiting to happen.	The Department of Community Development has added this item to the list of ideas for consideration when prioritizing future code amendments.	11/09/17 3:10 PM
Linda Redling (written comment)	I would like to know if changes have been put in place to change Zoning Codes in the Hansville neighborhoods were some neighbors are designated one category and the neighbor next door is designated another category. (example: our neighbors are designated as Rural Residential and we are Rural Wooded) I was advised in 2014 that changes would be made and we are still designated as Rural Wooded, we should be Rural Residential all long with 3 of our neighbors. Can some please answer this question. Thank you	The Department of Community Development has contacted Ms. Redling via email to provide additional information regarding the process for changing a property's zoning designation.	11/13/17 11:31 AM

Attachment B

Amendments to Kitsap County Development Code: Summary of Changes					
ID	Topic (Subject)	Current KCC Reference	Action	Goal, Policy, or Explanation	Change Reference
1.	Storm Water Drainage (Permit duration)	12.10.055 (1) & (2)	Change the permit duration from 360 to “365 days”.	<ul style="list-style-type: none"> Simplification of code 	Page 1
2.	Land Division and Development (Amendments to approved preliminary, short, and large subdivisions)	16.40.040 B. 2. a. 16.48.030 B. 2. a. 16.52.030 B. 2. a.	Revise to read “The proposal does not result in significant “adverse” impacts to the subdivision or the surrounding property. Impacts may include, but are not limited to, storm water, traffic, open space, landscaping, screening, on-street or set-aside parking, or noise;”	<ul style="list-style-type: none"> Clarification of code intent 	Page 2 Page 3 Page 4
3.	Land Division and Development (Final subdivisions approval process)	16.40.050	Change application type for final subdivisions from Type II to “Type I” and clarify final subdivisions plats meeting the requirements of the section only require the Board of County Commissioners signature.	<ul style="list-style-type: none"> Simplification of code 	Page 5
4.	Zoning Definitions (Day-care center)	17.110.200	Change the number of individuals permitted within a day-care center from more than seven to “seven or more”.	<ul style="list-style-type: none"> Clarification of code intent 	Page 6
5.	Zoning Definitions (Junk motor vehicle)	17.110.369	Revise definition of “junk motor vehicle” to be consistent with Kitsap Public Health District.	<ul style="list-style-type: none"> Internal code consistency Efficiency and effectiveness of the code 	Page 6

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6.	Zoning Definitions (Recreational amenity, active)	17.110.646	Revise current definition to include reference to <i>“multi-generational play and stretching”</i> .	<ul style="list-style-type: none"> Clarification of code intent 	Page 6
7.	Zoning Allowed Use Table (Table numbering)	17.410.040 (A) (B) and (C)	<p>Changing section numbering from 17.410.040 (A) to <i>“17.410.042”</i></p> <p>Changing section numbering from 17.410.040 (B) to <i>“17.410.044”</i></p> <p>Changing section numbering from 17.410.040 (C) to <i>“17.410.046”</i></p>	<ul style="list-style-type: none"> Simplification of code 	<p>Page 7</p> <p>Page 9</p> <p>Page 23</p> <p>Page 38</p>
8.	Zoning Allowed Use Table (Format and content)	17.410.040 (A) (B) and (C)	Add headings for <i>“Comprehensive Plan Land Use Designation”</i> and <i>“Zoning Classification”</i> consistent with 17.120.010.	<ul style="list-style-type: none"> Internal code consistency Clarification of code intent Simplification of code 	<p>Page 9 to</p> <p>Page 50</p>
9.	Zoning Allowed Use Tables (Accessory use or structure)	17.410.040 (B) and (C) 104, 200, 300, 400, 500, 600	Revise table to permit <i>“accessory uses or structures”</i> within all zoning classifications.	<ul style="list-style-type: none"> Clarification of code intent Internal code consistency 	<p>Page 23,</p> <p>33, 34, 37</p> <p>Page 38,</p> <p>40, 45,</p> <p>46, 47, 49</p>
10.	Zoning Allowed Use Tables (Manufactured homes)	17.410.040 (A) 124 17.410.040 (B) 124 17.410.040 (C) 124	Add <i>“includes manufactured homes”</i> below dwelling, single-family, detached in zoning use table.	<ul style="list-style-type: none"> Clarification of code intent State mandate Internal code consistency 	<p>Page 10</p> <p>Page 24</p> <p>Page 39</p>
11.	Zoning Allowed Use Table (Home business footnote reference)	17.410.040 (A) 128 17.410.040 (C) 128	Change the footnote reference for home businesses from 52 to <i>“53”</i> .	<ul style="list-style-type: none"> Incorrect code reference Clarification of code intent 	<p>Page 10</p> <p>Page 39</p>

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12.	Zoning Allowed Use Table (Footnote 57 reference)	17.410.040 (B)	Add reference to footnote “57” for all industrial zones within the Commercial, Industrial, Parks, and Public Facility Zones Use Table.	<ul style="list-style-type: none"> • Internal code consistency 	Page 23-37
13.	Footnotes for Zoning Use Tables (Circus, carnival, animal display or amusement ride)	17.410.05 A. 11.	Change footnote requirement from administrative review to “a Type 1” administrative review.	<ul style="list-style-type: none"> • Clarification of code intent • Internal code consistency 	Page 51-52
14.	Footnotes for Zoning Use Tables (Development in commercial and industrial zones abutting residential zones)	17.410.050 A. 57.	Revise footnote to read ““Unless the permit application is a Type III”, when a component of development located within a commercial “or industrial” zone involves the conversion of previously undeveloped land, “land developed with a residential use, or land developed with a less intensive use” which abuts a residential zone, it shall be treated as a Type II administrative decision.”	<ul style="list-style-type: none"> • Clarification of code intent 	Page 56
15.	Footnotes for Zoning Use Tables (Espresso stand drive aisles/stacking lanes)	17.410.050 A. 58. a.	Revise minimum stacking lane requirement from twenty feet to “sixty feet minimum”.	<ul style="list-style-type: none"> • Clarification of code intent • Internal code consistency 	Page 56
16.	Footnotes for Zoning Use Tables (drive-through service within Waaga Way Town Center)	17.410.050 A. 63.	Remove footnote.	<ul style="list-style-type: none"> • Irrelevant code requirement 	Page 56

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17.	Footnotes for Zoning Use Tables (Development in rural commercial or rural industrial zone abutting residential zones)	17.410.050 A. 64.	Revise footnote to read “When a component of development is located within the rural commercial or rural industrial zone and involves the conversion of previously undeveloped land, “ <i>land developed with a residential use, or land developed with a less intensive use</i> ” which abuts a residential zone, it shall be treated as a Type III hearing examiner decision.”	<ul style="list-style-type: none"> • Clarification of code intent 	Page 56
18.	Provisions Applying to Special Uses (Measuring an Accessory Dwelling Unit)	17.410.060 B. 3. e.	Add “ <i>Dimensions are determined by exterior measurements;</i> ” to be consistent with how guest houses are measured.	<ul style="list-style-type: none"> • Internal code consistency 	Page 61
19.	Density, Dimensions, and Design Tables (Table numbering)	17.420.050 (A) (B) (C) (D)	Changing table section numbering from 17.420.050 (A) to “17.420.052” Changing table section numbering from 17.410.040 (B) to “17.420.054” Changing table section numbering from 17.410.040 (C) to “17.420.056” Changing table section numbering from 17.410.040 (D) to “17.420.058”	<ul style="list-style-type: none"> • Simplification of code 	Page 69-70 Page 72 Page 75 Page 78 Page 81
20.	Density, Dimensions, and Design Tables (Setbacks footnote reference)	17.420.050 (A) (B) (C) (D)	Change footnote reference regarding setbacks from 38 to “48”.	<ul style="list-style-type: none"> • Internal consistency of code 	Page 73, 76, 79, and 81
21.	Footnotes for Density, Dimensions, and Design Tables (Footnote 38)	17.420.060 A. 38	Remove footnote.	<ul style="list-style-type: none"> • Removing redundancy in code 	Page 86

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22.	Footnotes for Density, Dimensions, and Design Tables (Footnote 44)	17.420.060 A. 44.	Remove footnote.	<ul style="list-style-type: none"> Irrelevant code requirement 	Page 87
23.	Footnotes for Density, Dimensions, and Design Tables (Footnote 46)	17.420.060 A. 46	Revise footnote to read <i>“A front porch and associated steps shall meet a minimum five foot setback from the front property line and the following requirements:</i> <i>a. Porches shall be at least forty percent open on each of two sides;</i> <i>b. Porches shall be a minimum of four feet by six feet, or twenty-four square feet.</i> <i>c. Porches shall not be less than four feet in width”.</i>	<ul style="list-style-type: none"> Clarification of code intent 	Page 87
24.	Footnotes for Density, Dimensions, and Design Tables (Footnote 48)	17.420.060 A. 48	Add reference to <i>“Title 19 and 22”</i> because properties along shorelines or with critical areas may be subject to additional setback requirements. Additionally, the footnote is being revised to clarify that open-uncovered porches, balconies, landing places, or outside stairways <i>“shall be a minimum of five feet from the front property line”.</i>	<ul style="list-style-type: none"> Clarification of code intent Internal consistency of code 	Page 87-88
25.	Urban Village Center (UVC) (Urban Village Commercial Design Criteria)	17.260.020 (B)	Add reference to <i>“Chapter 17.480 Urban Village Center (UVC) Design Criteria”.</i>	<ul style="list-style-type: none"> Simplification of code Clarification of code intent 	Page 88-89
26.	Performance Based Development (Application requirements)	17.450.060 A. 17.450.060 B.	Remove number of copies required for application submittal. Add reference to Section 21.04.160” which outlines the application submittal requirements for a Performance Based Development.	<ul style="list-style-type: none"> Simplification of code 	Page 89-90

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27.	Urban Village Center Design Criteria (Modify title of chapter)	17.480	Change title of Chapter 17.480 from Urban Village Commercial Design Criteria to <i>“Urban Village Center Design Criteria.”</i>	<ul style="list-style-type: none"> Internal consistency of code 	Page 90
28.	Urban Village Center Design Criteria (How to use the design criteria)	17.480.010	Change subsection reference from urban village commercial to <i>“Urban Village Center.”</i>	<ul style="list-style-type: none"> Internal consistency of code 	Page 92
29.	Zoning Variances (Application process)	17.560.010	Remove <i>“The hearing examiner may permit and authorize a”</i> .	<ul style="list-style-type: none"> Internal consistency of code 	Page 92
30.	Zoning Variances (Application process)	17.560.020	Add a reference to <i>“Section 21.04.100”</i> to direct the user to the various application type for a variance request.	<ul style="list-style-type: none"> Internal consistency of code 	Page 93
31.	Zoning Variances (Expiration of granted variances)	17.560.080	Change expiration of granted variances from three to <i>“four”</i> year.	<ul style="list-style-type: none"> Internal consistency of code 	Page 93
32.	Transfer of Development Rights (When transfer of development rights are required)	17.580.080 B.	Remove <i>“pursuant to Chapter 17.450”</i> because transfer of development rights are required when requesting a higher density or intensity zone.	<ul style="list-style-type: none"> Clarification of code intent 	Page 93
33.	Rezone (Reference to transfer of development rights)	21.04.230 A.	Add <i>“An application for rezone may require Transfer of Development Rights as governed by Section 17.580.080”</i> .	<ul style="list-style-type: none"> Clarification of code intent Internal consistency of code Simplification of code 	Page 94