

**Planning Commission Recommendation to Board of County
Commissioners, Aug 30, 2011**

**Title 16
LAND DIVISION AND DEVELOPMENT***

* **Editor's Note:** This title was formerly designated "Title 16 – Subdivisions." It was renamed at the time of the 2000 recodification of this code.

Chapters:

- 16.04 General Provisions**
- 16.08 Definitions**
- 16.24 Land Segregation Standards**
- 16.40 Subdivisions**
- 16.48 Short Subdivisions**
- 16.52 Large Lot Subdivisions**
- 16.56 Binding Site Plans**
- 16.60 Alterations and Vacations**
- 16.62 Legal lot determination**
- 16.64 Boundary line adjustment**
- 16.66 Addressing of land**
- 16.68 Poulsbo Urban Transition Area**

**Chapter 16.04
GENERAL PROVISIONS**

Sections:

16.04.010	Title
16.04.020	Purpose
16.04.030	Authority
16.04.040	Interpretation
16.04.050	Applicability and exemptions
16.04.060	Conformity with other Codes
16.04.070	Fees
16.04.080	General requirements
16.04.090	Appeals
16.04.100	Expiration of preliminary approval
16.04.110	Recording requirements
16.04.120	Phased Development
16.04.130	Dedications
16.04.140	Surveys
16.04.150	Violations
16.04.160	Prohibition on development
16.04.170	Poulsbo Urban Transition Area

16.04.010 Title.

The ordinance codified in this title may be cited as either “Kitsap County Land Division and Development Ordinance” or “Title 16, Kitsap County Code.”

16.04.020 Purpose.

This title governs the division and redivision of land into lots, tracts, parcels, sites or other divisions for the purpose of sale, lease or other transfer by utilizing one of the following processes: subdivision, short subdivision, large lot subdivision, binding site plan and condominium. This title also governs the adjustment of boundary lines through the boundary line adjustment process. The purpose of this title is to regulate the segregation of land and to promote the public health, safety and general welfare in accordance with standards established by the State and County to prevent the overcrowding of land; to lessen congestion in the streets and highways; to promote effective use of land; to promote safe and convenient travel by the public on streets and highways; to provide for adequate light and air; to facilitate adequate provision for water, sewerage, parks and recreation areas, open space areas, sidewalks, non-motorized trails, sites for schools and schoolgrounds and other public facilities and services; to provide for proper ingress and egress; to provide for the expeditious review and approval of proposed land segregations which conform to zoning standards and local plans and policies; to adequately provide for the housing and commercial needs of the citizens of the County; and to require uniform monumenting of land segregations and conveyancing by accurate legal

description. The intent of this title is to carry out the goals and policies of the Kitsap County Comprehensive Plan, the County-wide Planning Policies and the laws of the State of Washington relating to land division.

16.04.030 Authority.

These regulations are adopted pursuant to the authority of the State Constitution, Article 11, SS 11; Ch. 58.17 RCW; Ch. 36.70 RCW and Ch. 36.70A RCW.

16.04.040 Interpretation.

This title shall be liberally interpreted and construed to secure the public health, safety and welfare and the rule of strict construction shall have no application.

16.04.050 Applicability and exemptions.

The provisions of Chapter 16.40 Subdivisions, Chapter 16.48 Short Subdivisions and Chapter 16.52 Large Lot Subdivisions shall apply to all divisions and redivisions of land for the purposes of sale, lease or other transfer of ownership except:

A. A division of land for cemeteries and other burial plots while used for that purpose;

B. A division of land into lots or tracts, as follows: 1/32 of a section or larger, or 20 acres or larger if the land is not capable of description as an aliquot part of a section. Lots within a rural zoning designation may include for the purposes of area calculation, the portion of County right-of-way fronting the lot; said portion of County right-of-way shall be bounded by the right-of-way centerline, the front property line and the side lot lines of the lot running perpendicular to such centerline;

C. A division of land made by testamentary provision, or the laws of descent. Development of such divisions of land is subject to the zoning regulations set forth at KCC Title 17;

D. A division of land into lots, or tracts classified for industrial or commercial use when the county has approved a binding site plan for the use of land in accordance with this title;

E. A division for the purpose of lease when no residential structure other than mobile homes or travel trailers are permitted to be placed upon the land when the county has approved a binding site plan for the use of the land in accordance with local regulations;

F. A division of land into lots or tracts if: (a) Such division is the result of subjecting a portion of a parcel or tract of land to either Chapter 64.32 or 64.34 RCW subsequent to the recording of a binding site plan for all such land; (b) the improvements constructed or to be constructed thereon are required by the provisions of the binding site plan to be included in one or more condominiums or owned by an association or other legal entity in which the owners of units therein or their owners' associations have a membership or other legal or beneficial interest; (c) the county has approved the binding site plan for all such land; (d)

such approved binding site plan is recorded with the county auditor; and (e) the binding site plan contains thereon the following statement:

“All development and use of the land described herein shall be in accordance with this binding site plan, as it may be amended with the approval of the county having jurisdiction over the development of such land, and in accordance with such other governmental permits, approvals, regulations, requirements, and restrictions that may be imposed upon such land and the development and use thereof. Upon completion, the improvements on the land shall be included in one or more condominiums or owned by an association or other legal entity in which the owners of the units therein or their owners’ associations have a membership or other legal or beneficial interest. This binding site plan shall be binding upon all now or hereafter having any interest in the land described herein.”

The binding site plan may depict or describe the boundaries of the lots or tracts resulting from subjecting a portion of the land to either chapter 64.32 or 64.34 RCW. A binding site plan shall be deemed to have been approved if the binding site plan was approved by the County pursuant to Chapter 16.56 KCC;

G. A division made for the purpose of alteration by adjusting boundary lines, between platted or unplatted lots or both, that does not create any additional lot, tract, parcel, site or division, nor result in any lot, tract, parcel, site or division that contains insufficient area and dimension to meet minimum requirements for width and area for a building site; and further provided that the alteration meets the regulations set forth at Chapter 16.64 KCC;

H. A division for the purpose of leasing land for facilities providing personal wireless services while used for that purpose. For the purposes of this subsection “Personal wireless services” means any federally licensed personal wireless service; and “Facilities” means unstaffed facilities that are used for the transmission or reception, or both, of wireless communication services including, but not necessarily limited to, antenna arrays, transmission cables, equipment shelters, and support structures; and

I. A division of land into lots of less than three acres that is recorded in accordance with Chapter 58.09 RCW and is used or to be used for the purpose of establishing a site for construction and operation of consumer-owner or investor-owned electric utility facilities. For purposes of this subsection, “electric utility facilities” means unstaffed facilities, except for the presence of security personnel, that are used for or in connection with or to facilitate the transmission, distribution, sale, or furnishing of electricity including, but not limited to, electric power substations. This subsection does not exempt a division of land from the zoning and permitting laws and other regulations set forth in the Kitsap County Code. Furthermore, this subsection only applies to electric utility facilities that will be placed into service to meet the electrical needs of a utility’s existing and new customers. New customers are defined as electric service locations not already in existence as of the date that electric utility facilities subject to the provisions of this subsection are planned and constructed.

16.04.060 Conformity with other codes.

All citations in this Title to Kitsap County Code, state law or other jurisdictional regulations shall be construed to mean as now or hereafter amended, unless otherwise specifically stated.

Land segregation applications may be approved, approved with conditions or denied in accordance with the provisions of this title and all other ordinances and laws now existing or hereafter amended. Such ordinances and laws include, but are not limited to, the following:

- A. Title 6 KCC (Business Licenses and Regulations);
- B. Title 9 KCC (Health, Welfare and Sanitation);
- C. Title 11 KCC (Roads, Highways and Bridges);
- D. Title 12 KCC (Storm Water Drainage);
- E. Title 13 KCC (Water and Sewers);
- F. Title 14 KCC (Buildings and Construction);
- G. Title 15 KCC (Flood Hazard Areas);
- H. Title 17 KCC (Zoning);
- I. Title 18 KCC (Environment);
- J. Title 19 KCC (Critical Areas Ordinance);
- K. Title 20 KCC (Transportation);
- L. Title 21 KCC (Land Use and Development Procedures);
- M. Title 22 KCC (Shoreline Management Master Program);
- N. Kitsap Countywide Planning Policies;
- O. Kitsap County Comprehensive Plan and Sub-Area Plans;
- P. Kitsap County Buildable Lands Report;
- Q. Kitsap County Greenways, Bicycle & Mosquito Fleet Trail Plan;
- R. Kitsap County Parks, Recreation & Open Space Plan;
- S. Kitsap County Comprehensive Solid Waste Plan;
- T. Kitsap County Comprehensive Water and Sewerage Plans;
- U. Kitsap County Board of Health regulations;
- V. Chapter 36.70A Revised Code of Washington (RCW), Growth Management Act (GMA);
- W. Chapter 36.70B RCW, Local Project Review;
- X. Chapter 43.21 RCW, State Environmental Policy Act (SEPA); and
- Y. Chapter 58.17 RCW, Plats – Subdivisions – Dedications.

16.04.070 Fees.

Upon submittal of any application pursuant to this title, the applicant shall pay a fee pursuant to Kitsap County Development Permit Fee Schedule authorized by Chapter 21 KCC.

16.04.080 General requirements.

For all types of land segregations, appropriate provisions shall be made for the public health, safety and general welfare, including but not limited to: open spaces, drainage ways, streets or roads, alleys, other public ways, non-motorized access, road and pedestrian connectivity, parking, transit stops, fire protection facilities, potable water supplies, sanitary sewage wastes, solid

wastes, landscaping, parks and recreation, playgrounds, sites for schools and school grounds, sidewalks or other planning features that assure safe walking conditions for students who only walk to and from school. The public use and interest will be served by the proposed land segregation. The following general requirements shall be met for all land segregations proposed under this Title. In addition, all specific requirements relevant to each individual type of land segregation are found in their respective chapters of this title.

A. The proposed land segregation shall comply with the applicable provisions of the Kitsap County Comprehensive Plan and Kitsap County Code.

B. Adequacy of Access. Each lot within a land segregation shall have approved access to a street conforming to County road or access standards, unless an alternative standard has been approved by the Director. To assure safe and adequate access, the Director:

1. Shall require a developer to dedicate, establish, or deed right-of-way to the County for road purposes as a condition of approval of a land segregation, when to do so is reasonably necessary as a direct result of a proposed land segregation, for improvement, use or maintenance of the road system serving the development;
2. Shall determine if road connectivity between the land segregation and adjacent properties is required. In cases where the dedication, establishment, or deeding of additional right-of-way cannot be reasonably required as a direct result of the proposed development but such right-of-way is necessary for future expansion of the public road system, the Director shall require reservation of the area needed for right-of-way for future conveyance to the County. Building setbacks and all other zoning code requirements will be established with respect to the reservation line rather than the deeded, established, or dedicated right-of-way line. The area reserved for right-of-way may be donated to the County or will be purchased by the County through a County road project;
3. Shall be satisfied that the applicant has demonstrated sufficient access rights for the entire access route, where access to the segregation is gained via private easements;
4. Shall require that newly established easements for access purposes not be contiguous to an existing access easement, unless there is no other feasible access point as determined by the Director;
5. Shall require that off-site improvements be made to public or private streets, if needed to provide adequate access from the land segregation to a road acceptable to the Director;
6. May approve private streets, and may require that adequate provision is made for access to the private street to accommodate future segregations, where the County finds the following:
 - a. Vacant or underutilized land abuts the proposed land segregation or development; and
 - b. The location of said access easement is reasonable based upon the design needs for future streets; and

- c. The establishment of said easement will further the extension of the street system within the urban growth area; and
 - d. The extension of the street system is reasonably foreseeable; and
 - e. The establishment of said easement furthers the goals and policies of the Comprehensive Plan;
7. May limit direct access to certain streets and require on-site public or private streets in lieu of individual driveways, in accordance with the County road standards.

C. Safe Walking Conditions.

The applicant shall be required to provide information regarding pedestrian needs generated by the proposed land segregation. Where deemed necessary by the Department, safe walkways shall be required.

1. School Children. In cases where a school is located within one mile of a land segregation and/or where it is likely the children will walk to school, safe walkways shall be required along roads interior to the land segregation and along existing roads fronting the site.

2. Pedestrian Safety. Any land segregation within an UGA shall provide sidewalks along existing public roads fronting the subject property(s). Residential segregations creating more than four lots in UGAs shall provide sidewalks internal to the segregation.

3. When sidewalks are required, they shall be constructed to comply with all applicable standards, including but not limited to, county road standards and shall apply the federal American With Disabilities Act (ADA) standards for sidewalk ramps at all intersections, pedestrian crossings and transit stops.

4. When reasonably necessary for public convenience, pedestrian ways may be required to connect to cul-de-sacs or to pass through unusually long or oddly shaped blocks.

D. Lot configuration. The side lines of lots, as far as practicable, should run at right angles to the street upon which the lots face.

E. Homeowners' Associations. Land segregations of five or more lots within a UGA that propose roads and/or storm water facilities to be privately maintained shall form a homeowner's association, registered with the State of Washington. Conditions, Covenants & Restrictions (CCR) document shall address, at a minimum, ownership of and maintenance responsibilities for any private roads and any private storm water facilities. In rural zones where private roads and/or storm water facilities are proposed, road and storm facility maintenance agreements may suffice.

16.04.090 Appeals.

The approval or denial of a preliminary decision may be appealed pursuant to the process outlined in Title 21 KCC. Such appeal shall automatically stay any deadlines required by this title.

16.04.100 Expiration of Preliminary Approval

A. Short subdivisions and large lot subdivisions. Preliminary approval shall automatically expire five years from the date of the Notice of Decision, unless a complete final short subdivision or large lot subdivision application is submitted to the Department prior to that date.

B. Subdivisions. Unless otherwise provided by state statute, preliminary approval shall automatically expire five years from the date of the Notice of Decision, unless a complete final subdivision application is submitted to the Department prior to that date.

C. An extension to preliminary approval may be granted, as set forth in KCC Title 21.

D. It is the responsibility of the applicant to remain aware of expiration dates. Failure to file within the stated time, and any approved extension, will void the preliminary approval and a new application will be required.

16.04.110 Recording Requirements

A. In order to effect the segregation of land, the final plat shall be recorded with the County Auditor within one year of the date of final approval. Any associated documents, including but not limited to Covenants, Conditions and Restrictions (CC&Rs) and Road Maintenance Agreements (RMAs), shall be recorded concurrently with and be cross-referenced on the face of the final plat. Recordings shall be at the expense of the applicant. A paper copy of the final plat shall be provided by the Department to the County Assessor.

B. Any final plat presented for recording shall contain on the face of the plat the approvals required for each land segregation type, as set forth in their respective chapters within this title.

16.04.120 Phased Development

A. Phased development may be proposed in conjunction with a preliminary subdivision application or with a Site Development Activity Permit (SDAP). When phased development is proposed, a phasing plan shall be submitted with the preliminary subdivision application or the SDAP application that clearly sets forth the density proposed for each phase, and identifies each amenity, including infrastructure, traffic mitigation, parks, open space, etc., proposed for each phase.

B. Review of the phasing plan shall occur as follows:

1. When phasing is proposed with the preliminary subdivision application, conditions regarding the phasing schedule, installation of required amenities and bonding requirements shall be included in the staff report to the Hearing Examiner.

2. When phasing is proposed with the SDAP, conditions regarding the phasing schedule, installation of required amenities and bonding requirements shall be included in the SDAP administrative decision.

3. If phasing is proposed after the administrative decision on the SDAP, the applicant is required to meet with Department staff to ensure that both the applicant and Department staff have a clear understanding of the details of the proposed phasing. Fees shall be assessed at the hourly rates set forth at KCC

Title 21. A phasing plan shall be submitted as an addendum to the SDAP and Department staff shall provide to the applicant written documentation regarding the phasing schedule, installation of required amenities and bonding requirements.

C. The first phase submitted for final plat approval must be submitted prior to the expiration of the preliminary plat, and each subsequent phase shall be submitted within three years of the date of final approval of the previous phase. No subsequent phase may be submitted until the preceding phase is finally approved or bonding is increased to 200% of the cost to complete the preceding phase.

16.04.130 Dedications

- A. The dedication of land for appropriate provision of services may be required.
1. The dedication of land to a public body may be required where necessary for the appropriate provision of services, as a condition of land segregation approval.
 2. Public Street Rights-of-Way, Greenways, Bicycle Lane, & Mosquito Fleet Trail. All development must be consistent with the Greenways, Bicycle Lane & Mosquito Fleet Trail Plan (Mosquito Fleet Trail Plan), as adopted, and Chapter 16.24 KCC. The dedication or deeding of land to the County for a public right-of-way, or a portion thereof for vehicular, bicycle lane or multi-purpose trail purposes, shall be required within or along the boundaries of all land segregations where the County finds all of the following:
 - a. Such dedication or deeding is reasonably necessary as a result of the impact created by the proposed development; and
 - b. Such dedication or deeding mitigates the impact; and
 - c. One or more of the following circumstances are met:
 - i. A County plan indicates the necessity of a new or additional right-of-way or portion thereof for street, bicycle lane or multi-purpose trail purposes;
 - ii. The dedication or deeding is necessary to extend or to complete an existing or future neighborhood street, bicycle lane or multi-purpose trail pattern;
 - iii. The dedication or deeding is necessary to comply with county road and Mosquito Fleet Trail Plan standards and all Kitsap County transportation plans; or
 - iv. The dedication or deeding is necessary to provide a public transportation system that supports future development of abutting property consistent with the Kitsap County Comprehensive Plan, Kitsap County Zoning Code and adopted Kitsap County Transportation Plans.

B. Indication of dedication to be shown. All dedications of land shall be clearly and precisely indicated on the face of the plat.

C. Conveyance to other entities. If the public interest will be served thereby, land may be conveyed to a homeowner's association or nonprofit corporation in lieu of dedicating the land to a public body, provided all of the following are met:

1. All governing documents, e.g., articles of incorporation and bylaws, are supplied to the County at or prior to submitting a final plat;
2. Evidence of the conveyance or a binding commitment to convey is supplied to the County prior to submitting a final plat;
3. The governing documents provide that membership in the organization shall be appurtenant to ownership of land in the segregation; that the entity is empowered to assess the land for costs of construction and maintenance of the improvements and property owned by the entity, and that such assessments shall be a lien upon the land.

The County may impose such other conditions as it deems appropriate to assure that property and improvements owned by the organization will be adequately constructed and maintained.

D. Other public agency acquisition.

1. Notification of public intention to acquire. Any public agency with power to acquire land by condemnation or otherwise for public uses may at any time prior to final plat approval, notify the County and the subdivider of its intent to acquire some or all of the land in a proposed segregation for public uses.
2. Request to reserve for delayed public acquisition. In the event that the land is not dedicated for said uses, the public agency may request that the County require the reservation of such land for a stated period, not to exceed one year following the County's approval of the final plat, during which the agency may acquire the land.
3. Reservation for delayed public acquisition. If the County finds that the public health, safety or general welfare will be served by such reservation, the County may require, as a condition precedent to approval of the final plat, that the land or appropriate portion thereof, be designated on the plat as reserved land. Further, the County may require that the reserved land not be developed for uses other than the contemplated public use for the period requested by the public agency or for a shorter period, as the County deems sufficient. A public agency may accelerate the expiration date of a reservation period by filing written notice of its intention to abandon its right to acquire the reserved land with the county auditor.
4. Reserved land to show on plat. The subdivider may indicate on the plat that if the reserved land is not acquired for public use it shall be divided and, if the subdivider does so, the plat shall show the configuration and dimensions of proposed lots, blocks, roads, easements and like features in the reserved area.
5. No development permits to be issued for improvements on reserved land. No building permit, onsite sewage system permit or other development permit shall be accepted or issued for improvements on reserved land during the period of reservation except as expressly authorized by the County at the time of final plat approval.

6. Development on reserved land if not acquired. If the public agency has not acquired or commenced proceedings to acquire reserved land within the period set by the County, the subdivider or the subdivider's successors may proceed to develop land lying within the reserved area in conformity with the plat.

16.04.140 Surveys

A. The survey of every proposed segregation, and the preparation of preliminary and final plats thereof, shall be made by or under the supervision of a land surveyor registered in the State of Washington who shall certify on the plat that it is a true and correct representation of the lands actually surveyed. All surveys shall conform to standard practices and principles for land surveying as set forth in the laws of the state.

B. The exterior boundary of the land segregation shall be referenced to section corners and monuments. Complete subdivision of the section or sections, or as much thereof as necessary to properly orient the segregation, shall be delineated on the final plat. Corners of adjoining segregations or portions thereof shall be identified and ties shown.

C. Permanent control monuments shall be established at:

1. All controlling corners on the boundaries of the segregation;
2. The intersections of centerlines of roads within the segregation;
3. The beginnings and ends of curves on road centerlines; alternatively, control monuments for road centerline curves may be established at points of intersection of tangents if placement falls within the paved area.

Permanent control monuments may be placed on offset lines. The position and type of every permanent monument shall be noted on all plats. Permanent control monuments shall be set in two-inch pipe, twenty-four inches long, filled with concrete, or shall be constructed of an equivalent approved by the County.

D. Permanent control monuments within the streets shall be set after the roads are paved. In the event a final plat is approved before roads are paved, the surety deposited to secure paving shall be sufficient to pay the costs of setting such monuments.

E. Every lot corner shall be monumented by a three-quarter-inch galvanized iron pipe or equivalent approved by the County, driven into the ground and marked or tagged with the certificate number of the surveyor setting said monument.

F. If any land in a segregation is contiguous to a meandered body of water, the meander line shall be reestablished and shown on the plat. Tidelands platted shall clearly show courses and lengths of side lot lines extending into the tidelands. If the thread of a stream lies within a segregation and/or forms the boundary of the subject property or proposed lots, such thread shall be defined by bearings and distances as it exists at the time of the survey.

16.04.150 Violations

A. Any person, firm, corporation, or association, or any agent of any person, firm, corporation, or association who violates any provisions of this title relating to the sale, offer for sale, lease, or transfer of any lot, tract or parcel of land, is guilty of a misdemeanor. Each sale, offer for sale, lease or transfer of each separate lot, tract, or parcel of land in violation of any provision of this title shall be deemed a separate and distinct offense.

B. Except as provided in KCC 16.04.150(D), if any parcel of land is divided into two or more lots, tracts, or parcels of land and any person, firm or corporation or any agent thereof sells or transfers, or offers or advertises for sale or transfer, any such lot, tract, or parcel without having a final plat of such land segregation filed for record, such action is unlawful and a public nuisance. The prosecuting attorney shall commence an action to restrain and enjoin further land segregations or sales, or transfers, or offers of sale or transfer and compel compliance with this title. The costs of such action shall be taxed against the person, firm, corporation or agent selling or transferring the property.

C. In addition to or as an alternative to any other penalty provided in this Title or by law, any violation of this chapter shall constitute a Class I civil infraction. Each violation shall constitute a separate infraction for each and every day or portion thereof during which the violation is committed, continued or permitted. Infractions shall be processed in accordance with the provisions of the Civil Enforcement Ordinance (KCC Chapter 2.116).

D. If performance of an offer or agreement to sell, lease or otherwise transfer a lot, tract, or parcel of land following preliminary approval is expressly conditioned on the recording of the final plat containing the lot or parcel under this title, the offer or agreement is not subject to this section. All payments on account of an offer or agreement conditioned as provided in this subsection shall be deposited in an escrow or other regulated trust account, and no disbursement to sellers shall be permitted until the final plat is recorded.

E. The provisions in this section are cumulative and not intended to limit enforcement remedies available to the County. In addition to the provisions in this section, the County may take any and all enforcement actions available to it under law.

16.04.160 Prohibition on development

Development of any lot, tract or parcel of land divided in violation of state law or this Title is prohibited. No building permit, on-site sewage system permit or other development permit shall be issued for any such lot, tract or parcel, except in the following circumstances:

A. Public interest determination exception.

The authority authorized to issue such permit makes the following specific findings:

1. The Health Officer has certified that the proposed means of sewage disposal and water supply on and to the lot, tract or parcel are adequate;
2. The Director has certified that the lot, tract or parcel is served with an adequately designed means of ingress and egress, and with adequate

- drainage facilities, none of which interfere with or impair existing or planned public roads and drainage facilities in the vicinity;
3. The Director has certified that the proposed development conforms to the Comprehensive Plan and all zoning regulations;
 4. The proposed development will not adversely affect the safety, health or welfare of adjacent property owners, or interfere with their enjoyment of their property.

B. Innocent purchaser exception.

1. A development permit may be issued for a lot divided in violation of state law or this title if the applicant can sufficiently prove the following:
 - a. The applicant purchased the lot, tract or parcel for value; and
 - b. The applicant did not know, and could not have known by the exercise of care which a reasonable purchaser would have used in purchasing the land, that the lot, tract or parcel had been part of a larger lot, tract or parcel divided in violation of state law or this Title.
2. All contiguous lots created in violation of this title that are under the same ownership at the time of application for innocent purchaser status shall be recognized only as a single lot and shall be combined through a boundary line adjustment, pursuant to Chapter 16.64 KCC.

16.04.170 Poulsbo Urban Transition Area

Any development within the Poulsbo Urban Transition Area (PUTA), shall comply with the provisions of KCC 16.68.

Chapter 16.08
DEFINITIONS

Sections:	
16.08.001	Generally.
16.08.010	Abutting.
16.08.015	Access tract.
16.08.020	Address.
16.08.025	Address grid system.
16.08.030	Adjacent.
16.08.035	Aliquot part.
16.08.040	Alley.
16.08.045	Alteration of a land segregation.
16.08.050	Amendment of a land segregation.
16.08.055	Avenue.
16.08.060	Binding site plan.
16.08.065	Block.
16.08.070	Board.
16.08.075	Boulevard.
16.08.080	Boundary line adjustment.
16.08.085	Building site.
16.08.090	Buffer.
16.08.095	Circle.
16.08.100	Commercial occupancies.
16.08.105	Comprehensive Plan.
16.08.110	Condominium
16.08.115	Contiguous.
16.08.120	County.
16.08.125	Court.
16.08.130	Critical areas.
16.08.135	Cul-de-sac.
16.08.140	Dedication.
16.08.145	Department.
16.08.150	Director.
16.08.155	Drive.
16.08.160	Easement.
16.08.165	Engineer.
16.08.170	Final plat.
16.08.175	Group R occupancies.
16.08.180	Group U occupancies.
16.08.185	Health District.
16.08.190	Health Officer
16.08.195	Hearing examiner.
16.08.200	Hiatus
16.08.205	Land segregation
16.08.210	Large lot subdivision.

16.08.215	Legal lot of record.
16.08.220	Loop.
16.08.225	Lot.
16.08.230	Lot area.
16.08.235	Open space.
16.08.20	Owner.
16.08.245	Parcel.
16.08.250	Person.
16.08.255	Place.
16.08.260	Plat.
16.08.265	Plat certificate.
16.08.270	Preliminary plat.
16.08.275	Private road.
16.08.280	Residential occupancies.
16.08.285	Road.
16.08.290	Road maintenance agreement.
16.08.295	Road name sign.
16.08.300	Segregation.
16.08.305	Short subdivision.
16.08.310	Slope.
16.08.315	Slope, toe of.
16.08.320	Slope, top of.
16.08.325	Stream.
16.08.330	Street.
16.08.335	Subdivider.
16.08.340	Subdivision.
16.08.345	Tract.
16.08.343	Tidelands.
16.08.350	Vacation of a land segregation.
16.08.355	Way.
16.08.360	Way of travel.
16.08.365	Wetlands.

16.08.001 Generally.

Whenever the following words and phrases appear in this title, they shall be given the meaning attributed to them by this chapter. When not inconsistent with the context, words used in the present tense shall include the future; the singular shall include the plural, and the plural the singular; the word “shall” is always mandatory, and the word “may” indicates a use of discretion in making a decision. Terms, phrases and words used in the masculine gender include the feminine and the feminine the masculine. Where terms, phrases and words are not defined, they shall have their ordinary accepted meanings within the context in which they are used. The most current version of the Merriam Webster’s Collegiate Dictionary shall be considered as providing ordinary accepted meanings.

16.08.010 Abutting.

“Abutting” means adjoining with a common boundary line; except that where two or more properties adjoin only at a corner or corners, they shall not be considered as abutting unless the common property line between the two parcels measures ten feet or greater in a single direction. Where two or more properties are separated by a street or other public right-of-way, they shall be considered “abutting” if their boundary lines would be considered abutting if not for the separation provided by the street or right-of-way.

16.08.015 Access tract.

“Access tract” means a tract of land for the ingress and egress of vehicular and/or pedestrian traffic. Such tracts are not considered lots or building sites.

16.08.020 Address.

“Address” means the appropriate combination of address number, directional prefix or suffix, road name and road type, e.g., 2131 E Cricket Lane.

16.08.025 Address grid system.

“Address grid system” means a theoretical network of uniformly spaced horizontal and perpendicular lines used to establish regularly spaced intervals as the basis for assigning address numbers.

16.08.030 Adjacent.

“Adjacent” is synonymous with “abutting” (see KCC 16.08.010).

16.08.035 Aliquot part.

“Aliquot part” means a quarter division of a Section of land in the public domain.

16.08.040 Alley.

“Alley” means a private or public right-of-way having a typical width of at least ten feet, but generally no more than twenty feet. Alleys are not intended for general traffic circulation.

16.08.045 Alteration of a land segregation.

“Alteration of a land segregation” means a revision to any type of segregation, requested after the recording of the final plat of said segregation.

16.08.050 Amendment of a land segregation.

“Amendment of a land segregation” means a revision to any type of segregation, requested following preliminary approval, but prior to recording the final plat of said segregation.

16.08.055 Avenue.

“Avenue”, for addressing purposes, means a way of travel which runs generally north and south.

16.08.060 Binding site plan.

“Binding site plan” means an alternative method of land division, drawn to scale and submitted in conformance with Chapter 16.56 KCC that:

(A) Identifies and shows the areas and locations of all streets, roads, improvements, utilities, open spaces, and other matters specified by this title;

(B) Contains inscriptions or attachments setting forth such appropriate limitations and conditions for the use of the land as are established by the Director; and

(C) Contains provisions making any development be in conformity with the site plan.

16.08.065 Block.

“Block” means a group of lots, tracts and/or parcels within well defined and fixed boundaries.

16.08.070 Board.

“Board” means the Kitsap County board of county commissioners.

16.08.075 Boulevard.

“Boulevard”, for addressing purposes, means a way of travel where the lanes of travel are separated by a planting area.

16.08.080 Boundary line adjustment.

“Boundary line adjustment” means an adjustment of boundary lines between two or more abutting platted or unplatted properties or both which does not create any additional lot, tract, parcel, site or division, nor create any lot, tract, parcel, site or division that does not meet minimum requirements for width and area, except as provided in KCC 16.64.050.

16.08.085 Building site.

“Building site” means an area of land, lying within one or more lots (or portions of lots when aggregated), that is legally developed or capable of being developed under current federal, state and local laws and that, exclusive of required setbacks, contains or is capable of containing a primary structure and, if required, associated septic system components.

16.08.090 Buffer.

A. For critical areas, “Buffer” means a non-clearing native vegetation area that is intended to protect the functions and values of critical areas pursuant to Title 19, KCC.

B. For all other purposes, “Buffer” means space, either landscaped or in a natural state, used to separate uses that may or may not conflict with each other and to reduce visual, noise, odors and other impacts.

16.08.095 Circle.

“Circle”, for addressing purposes, means a small, loop-type way of travel; synonymous with loop.

16.08.100 Commercial occupancies.

“Commercial occupancies,” for addressing purposes, means all other occupancy groups not defined as residential occupancies. (Typically constructed in accordance with the International Building Code. For example, commercial occupancies would include: retail stores, office buildings, multifamily residential buildings, hotels, hospitals, schools, warehouses, storage buildings, churches, etc.)

16.08.105 Comprehensive Plan.

“Comprehensive Plan” means the planning document that provides principals, objectives, goals and policies to guide growth and development, as required under Chapter 36.70A RCW. The Kitsap County Comprehensive Plan coordinates and provides policy direction for county programs and services, and establishes urban/rural boundaries.

16.08.110 Condominium.

“Condominium” means real property, portions of which are designated for separate ownership and the remainder of which is designated for common ownership solely by the owners of those portions as defined in Chapters 64.32 and 64.34 RCW. Real property is not a condominium unless the undivided interests in the common elements are vested in the unit owners and unless a declaration, survey map and plans have been recorded pursuant to Chapter 64.32 or 64.34 RCW.

16.08.115 Contiguous.

“Contiguous” is synonymous with “abutting” (see KCC 16.08.010).

16.08.120 County.

“County” means Kitsap County.

16.08.125 Court.

“Court”, for addressing purposes, means a way of travel which runs generally east and west and is a cul-de-sac.

16.08.130 Critical areas.

“Critical areas” means those areas identified as: (a) wetlands; (b) areas with a critical recharging effect on aquifers used for potable water; (c) fish and wildlife habitat conservation areas; (d) geologically hazardous areas; and (e) frequently flooded areas.

16.08.135 Cul-de-sac.

“Cul-de-sac” means a way of travel that dead-ends with provisions for turning around vehicles, including large emergency apparatus and utility vehicles.

16.08.140 Dedication.

“Dedication” means the deliberate appropriation of land by an owner for any general and public uses, reserving to himself no rights other than such as are compatible with the full exercise and enjoyment of the public uses to which the property has been devoted. The intention to dedicate shall be evidenced by the owner by the presentment for filing of a final plat showing the dedication thereon; and, the acceptance by the public shall be evidenced by the approval of such plat for filing by Kitsap County, except that where the dedication is for roadways or improvements for which a surety is obtained, there shall be no acceptance of the dedication unless and until said improvement is completed and approved by Kitsap County.

16.08.145 Department.

“Department” means the department of community development.

16.08.150 Director.

“Director” means the director of the department of community development or the Director’s designees.

16.08.155 Drive.

“Drive”, for addressing purposes, means an irregular or diagonal way of travel.

16.08.160 Easement.

“Easement” means a right granted by a property owner of burdened property (grantor) to specific benefitting properties or to the public for the use of certain land for a specific purpose or purposes, including but not limited to road access, pedestrian or bicycle pathways, minerals, utilities, drainage and open spaces.

16.08.165 Engineer.

“Engineer” means the County road engineer designated by KCC 2.32.030.

16.08.170 Final plat.

“Final plat” means the final drawing of a land segregation and/or dedication prepared for filing for record with the county auditor and containing all elements and requirements of this Title.

16.08.175 Group R occupancies.

“Group R occupancies,” for addressing purposes, means all occupancies classified as Group R in accordance with the International Building Code as adopted by Kitsap County in Chapter 14.04, as well as all “residential occupancies” as defined herein.

16.08.180 Group U occupancies.

“Group U occupancies,” for addressing purposes, means all occupancies classified as Group U in accordance with the International Building Code as adopted by Kitsap County in Chapter 14.04, as well as residential accessory

buildings such as outbuildings, detached private garages, sheds and carports constructed in accordance with the International Residential Code.

16.08.185 Health District.

“Health District” means the Kitsap County health district.

16.08.190 Health Officer.

“Health Officer means the health officer of the Kitsap County Health District or his/her designees.

16.08.195 Hearing examiner.

“Hearing examiner” means the Kitsap County Hearing Examiner established in Chapter 2.10 KCC and subject to adopted Hearing Examiner Rules of Procedure.

16.08.200 Hiatus.

“Hiatus” means an area between two parcels, resulting from a mistake in land descriptions and/or surveys of record, which by record are meant to have one or more common boundary line(s).

16.08.205 Land segregation.

“Land segregation” means a division or redivision of land into lots, tracts, parcels, sites or divisions for the purpose of development, sale, lease or transfer of ownership when accomplished through any of the following processes:

- A. Binding Site Plan (see 16.08.060, definition of Binding Site Plan);
- B. Large Lot Subdivision (see 16.08.210, definition of Large Lot Subdivision);
- C. Short Subdivision (see 16.08.305, definition of Short Subdivision); or
- D. Subdivision (see 16.08.340, definition of Subdivision).

16.08.210 Large lot subdivision.

“Large lot subdivision” means the division or redivision of land occurring outside urban growth area (UGA) boundaries into two or more lots, tracts, parcels, sites or divisions for the purpose of development, sale, lease or transfer of ownership where each lot is five acres or 1/128 of a section or larger; provided, this shall not include divisions or redivisions of land where all lots are equal to or greater than twenty acres or 1/32 of a section.

16.08.215 Legal lot of record.

“Legal lot of record” means a property that is in compliance with the platting laws in effect at the time it was created.

16.08.220 Loop.

“Loop”, for addressing purposes, means a small, loop-type way of travel; synonymous with circle.

16.08.225 Lot.

“Lot” means a fractional part of divided lands having fixed boundaries, being of sufficient area and dimension to meet minimum zoning requirements for width, depth, and area. Where the context so indicates, lots may refer to subdivided lands not conforming to, or in violation of, zoning or subdivision regulations.

16.08.230 Lot area.

“Lot area” means the horizontal area within the boundary lines of a lot excluding public and private streets (but including private access easements), tidelands, shorelands and the panhandle of a flag lot if the panhandle is less than thirty feet in width. Lots within a rural zoning designation shall be considered five acres if the lot is 1/128 of a section, ten acres if the lot is 1/64 of a section, and twenty acres if the lot is 1/32 of a section. Lots within a rural zoning designation may include, for the purposes of area calculation, the portion of County right-of-way fronting the lot; said portion of County right-of-way shall be bounded by the right-of-way centerline, the front property line and the side lot lines running perpendicular to said centerline.

16.08.235 Open space.

“Open space” means land used for outdoor active and passive recreational purposes or for critical area or resource land protection, including structures incidental to these open space uses, including associated critical area buffers, but excluding land occupied by dwellings or impervious surfaces not related to the open space uses and yards required by this Title 17 for such dwellings or impervious surfaces. “Open space” is further divided into the following categories:

- A. “Common open space” means space that may be used by all occupants of a development complex or, if publicly dedicated, by the general public;
- B. “Active recreational open space” means space that is intended to create opportunities for recreational activity. Active recreational open space may be occupied by recreational facilities such as ball fields, playground equipment, trails (pedestrian, bicycle, equestrian or multi-modal), swimming pools, and game courts or sculptures, fountains, pools, benches or other outdoor furnishings;
- C. “Passive open space” means all common open space not meeting the definition of active recreational open space, including, but not limited to, critical areas and their associated buffers;
- D. “Permanent open space” means an area that is permanently reserved as open space and remains in native vegetation unless approved for forestry, passive recreational or access uses; and

E. "Recreational open space" means an area that shall be improved and maintained for its intended use. Exterior as well as interior areas can constitute recreational open space. Examples of usable recreational space include swimming pools, community buildings, interior gyms, picnic areas, tennis courts, community gardens, improved playgrounds, paths and passive seating areas.

16.08.240 Owner.

"Owner" means any person or persons having a legal or equitable property right or interest, whether they may be legal or equitable in character, including a fee owner, contract purchaser or seller, mortgagor or mortgagee, optioner or optionee, and beneficiary or grantor of a trust and deed of trust.

16.08.245 Parcel.

"Parcel" means platted or unplatted portions of land carrying an assessor's tax account number. Parcels may be, but are not necessarily, legal lots of record.

16.08.250 Person.

"Person" means an individual, partnership, corporation, association, organization, cooperative, tribe, public or municipal corporation, or agency of the state or local governmental unit however designated.

16.08.255 Place.

"Place", for addressing purposes, means a way of travel that runs generally north and south and that is generally parallel to, but shorter than, an avenue and ends in a cul-de-sac.

16.08.260 Plat.

"Plat" means a map or representation of a land segregation, showing thereon the division of property into lots, blocks, tracts, parcels, roads and alleys or other divisions and dedications.

16.08.265 Plat certificate.

"Plat certificate" means a certificate from a title company showing, for a particularly described proposed land segregation, the record owners and all encumbrances.

16.08.270 Preliminary plat.

"Preliminary plat" means a neat and approximate drawing of a proposed land segregation showing the general layout of lots, blocks, tracts, parcels, roads and alleys, and other elements that shall furnish a basis for the approval or disapproval of the general layout of a segregation.

16.08.275 Private road.

“Private road”, for addressing purposes, means a road that is on private property and that is maintained with private funds.

16.08.280 Residential occupancies.

“Residential occupancies,” for addressing purposes, means detached one- and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories in height with a separate means of egress, and typically constructed in accordance with the International Residential Code.

16.08.285 Road.

A. For addressing purposes, a “road” means a way of travel that has been designated as a road or is an extension of an existing road. (from 16.60.030Q)

B. For all other purposes, a “road” is a public right-of-way or an approved private roadway that provides vehicular circulation or principal means of access to abutting properties, and that may also include provisions for public utilities, pedestrian walkways, cut and fill slopes, and drainage.

16.08.290 Road maintenance agreement.

“Road maintenance agreement” means a covenant attached to all lots within the land segregation that addresses the responsibility of road maintenance.

16.08.295 Road name sign.

“Road name sign” means a sign designating the name of a way of travel.

16.08.300 Segregation.

“Segregation” is synonymous with “land segregation”.

16.08.305 Short subdivision.

“Short subdivision”, inside the UGA boundaries, means a division or redivision of land into nine or fewer lots, tracts, parcels, sites or divisions for the purpose of development, sale, lease or transfer of ownership; outside of urban growth areas, “short subdivision” means a division or redivision of land into four or fewer lots, tracts, parcels, sites or divisions for the purpose of development, sale, lease or transfer of ownership.

16.08.310 Slope.

“Slope” means the upward and/or downward slant or inclination of the surface of the ground for the portion of any slope required to be identified by this Title (see KCC 19.400.410 for Geologically Hazardous Area Categories).

16.08.315 Slope, toe of.

“Slope, toe of” means a distinct topographic break in a slope, being the lowermost limit of the slope.

16.08.320 Slope, top of.

“Slope, top of” means a distinct topographic break in a slope, being the uppermost limit of the slope.

16.08.325 Stream.

“Stream” means those areas in Kitsap County where the surface water flows are sufficient to produce a defined channel or bed, per KCC 19.150.635.

16.08.330 Street.

A. For addressing purposes, a “street” means a way of travel that runs generally east and west.

B. For all other purposes, a “street” is synonymous with “road”.

16.08.335 Subdivider.

“Subdivider” means a person, as defined herein, who undertakes to create a land segregation.

16.08.340 Subdivision.

“Subdivision” inside the UGA boundaries, means the division or redivision of land into ten or more lots, tracts, parcels, sites or divisions for the purpose of development, sale, lease or transfer of ownership; outside UGA boundaries, means a division or redivision of land into five or more lots for the purpose of development, sale, lease or transfer of ownership.

16.08.343 Tidelands.

“Tidelands” means submerged lands and beaches that are exposed and submerged with the ebb and flow of the tides.

16.08.345 Tract.

“Tract” means land reserved for specified uses, including, but not limited to, reserve tracts, access tracts, recreation, open space, common areas, critical areas, stormwater facilities, or utilities. Tracts are not considered lots or building sites for purposes of residential dwelling or commercial building construction.

16.08.350 Vacation of a land segregation.

“Vacation of a land segregation” means the extinguishment of all or portions of a recorded segregation, resulting in the property, or the portion thereof subject to vacation, being returned to its original configuration.

16.08.355 Way.

“Way”, for addressing purposes, means a way of travel that runs generally east and west and that is generally parallel to, but shorter than a street.

16.08.360 Way of travel.

“Way of travel” means a roadway of any definition, including, but not limited to, avenues, boulevards, circles, courts, drives, loops, places, lanes, roads, streets, and ways, which is capable of carrying vehicular traffic.

16.08.365 Wetlands.

“Wetlands” means those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include, but are not limited to swamps, marshes, estuaries, bogs, ponds less than twenty acres and similar areas.

Draft

Chapter 16.24
LAND SEGREGATION STANDARDS

Sections:

- 16.24.010 Purpose.
- 16.24.020 Applicability.
- 16.24.030 General requirements.
- 16.24.040 Urban standards.
- 16.24.050 Rural standards.
- 16.24.060 Low Impact Development (LID).
- 16.24.070 Land segregations within Shoreline jurisdictions.
- 16.24.080 Land segregations containing or bordering Critical areas.

16.24.010 Purpose.

The purpose of this Chapter is to provide standards for the orderly development of land segregations that adequately provides for the health, safety and general welfare of the citizens of Kitsap County. Additionally, this Chapter's purpose is to provide for flexibility in the development of land when utilizing low-impact development (LID) techniques.

16.24.020 Applicability.

This Chapter applies to all land segregations processed through Chapters 16.40 Subdivisions, 16.48 Short Subdivisions, 16.52 Large Lot Subdivisions and 16.56 Binding Site Plans of the Kitsap County Code.

16.24.040 Urban standards.

A. Access.

1. General.

a. When accessing paved County right-of-way, the project approach shall be paved, per Chapter 4 of the Kitsap County Road Standards, as now or hereafter amended. When adjacent to or accessing Washington State Department of Transportation (WSDOT) right-of-way, WSDOT shall be provided the opportunity to review and comment on the proposed land segregation with respect to access.

b. Appropriate drainage facilities to mitigate construction of roads shall be provided and constructed in accordance with Title 12 KCC, Storm Water Drainage.

2. Private roads. All private roads within single family developments proposing more than four lots shall be in the form of separate access tracts and shall be constructed in compliance with the requirements of the Fire Marshal Office regarding emergency vehicle access. Private roads shall be cleared, grubbed, graded and paved or use LID surfacing techniques.

3. Public rights-of-way. For land segregations proposing more than four lots, dedication of right-of-way shall be required when a proposed road meets the criteria for classification as an arterial, collector or sub-collector in the KCRS. All road(s) shall be constructed in compliance with adopted Kitsap County Road Standards, as now or hereafter amended.

B. Public transit provisions. Land segregations shall provide for transit stops, shelters and/or space for said stops or shelters, as deemed necessary.

C. Non-Motorized Facilities.

1. Pedestrian sidewalk requirements.

a. Sidewalks shall be required on both sides of all public or private streets that meet the criteria for classification as a principal or minor arterial, collector, local sub-collector or local minor road as determined under the Kitsap County Road Standards.

b. Sidewalks shall be required on a minimum of one side of all public or private streets that meet the criteria for classification as local road, cul-de-sac or very low volume local road as determined under the Kitsap County Road Standards. Sidewalks may be required on both sides based upon site-specific conditions.

c. Sidewalk design shall be consistent with all applicable standards, including, but not limited to Kitsap County Road Standards, shall apply the Americans with Disabilities Act (ADA) standards for sidewalk ramps at all intersections, pedestrian crossings and transit stops and shall be a minimum of 5 feet wide.

d. Where clustered mailboxes are proposed or required at the entrance and/or within the development, sidewalks shall be widened to meet required horizontal and vertical clear zones.

e. Rolled curbs and thickened edge asphalt are prohibited, except where the sidewalk is separated from the street by at least five feet.

2. Non-Motorized Trail Requirements. All development must be consistent with the Kitsap County Greenways, Bicycle Lane & Mosquito Fleet Trail Plan (Mosquito Fleet Trail Plan), as adopted. Where required by the Mosquito Fleet Trail Plan, a non-motorized trail shall be provided. The trail shall be designed and built to the Mosquito Fleet Trail Plan standards for the required trail classification. Based upon topographic features, safety or other factors, provision of a trail may reduce the requirement for sidewalks.

3. Multi-purpose facilities. Where required by the Mosquito Fleet Trail Plan, multi-purpose facilities, including but not limited to bicycle lanes shall be provided. All bicycle lanes shall be constructed to WSDOT standards at locations required by the Mosquito Fleet Trail Plan.

D. Off-street parking.

1. Projects shall provide off-street parking consistent with the requirements of Chapter 17.435 KCC. Kitsap County encourages the use of low impact development (LID) techniques that conserve natural areas and minimize development impacts. Deviations from the off-street parking requirements set

forth herein may be supported when LID techniques are employed without risk to the traveling public, critical infrastructure or maintenance operations.

2. When calculating the required number of parking spaces, fractional parking space requirements shall be rounded up to the nearest whole number.

3. If the development includes set-aside parking areas, each area shall be limited to no more than ten spaces and shall be distributed throughout the development.

E. Fire protection.

Fire protection including fire hydrants, water supplies for firefighting and emergency vehicle access shall be provided in accordance with KCC Title 14, the Kitsap County Building and Fire Code, and other applicable ordinances.

F. Landscaping requirements.

1. Landscaping shall be provided at all entrances to the project development consistent with the landscaping standards of Chapter 17.385 KCC.

2. Street trees consistent with KCC Title 12 and Title 17 shall be provided along all public and private streets that meet the criteria for classification as a principal or minor arterial, collector or local sub-collector and local access roads as determined by the Kitsap County Road Standards. Street trees shall be located in the road right-of-way or access tract, or the front yards of individual lots or units. Street trees located on individual lots may be installed before final plat approval or before the certificate of occupancy for individual building permits. There shall be at least one tree per every 25 feet of road frontage. Trees shall be spaced no further apart than 35 feet. Street tree species shall be consistent with the KCRS and shall be large canopy trees unless otherwise approved by the Director for special mitigating circumstances. Maintenance of street trees and landscaping within County right-of-way is the responsibility of the fronting property owner(s).

G. Utilities.

1. Water supply and sanitary sewer system. Where an approved public water supply and/or an approved public sewer system is available to the land segregation project, connection thereto may be required upon the recommendation of the health officer or other Kitsap County requirements.

2. Utility easements. A ten foot utility easement shall be located along those lot frontages within the land segregation project that abut private and public roads. This easement shall accommodate what is commonly referred to as broadband access.

3. Utility connectivity requirements. Easements for future public utility extensions to abutting properties shall be required as a condition of application approval in cases where the County finds the following:

a. Vacant or underutilized land abuts the proposed land segregation or development; and

b. The location of said utility easement is reasonable based upon the design needs for future utility infrastructure; and

- c. The establishment of said easement will further the extension of utility infrastructure within the urban growth area; and
- d. The extension of utilities using the easement is foreseeable; and
- e. The establishment of said easement furthers the goals and policies of the Comprehensive Plan.

H. Recreation requirements.

1. All land segregations (except those segregations proposed as a Performance Based Development) of more than four lots within residential zoning designations or that include residential units and that result in lots of less than 8,000 square feet in size shall provide recreational open space at the following ratios:

- a. Where developed at a density of nine units or less per acre, three hundred ninety (390) square feet per unit;
- b. Where developed at a density of greater than nine units per acre, one hundred seventy (170) square feet per unit;
- c. If calculations result in a fraction, the fraction shall be rounded up to the nearest whole number;
- d. A project applicant may propose a different standard for meeting these recreational requirements so long as the proposed facilities meet the minimum level of service for recreational facilities as set forth in the Kitsap County Comprehensive Plan.

2. Recreation facilities shall be placed in a designated recreational open space tract and shall be dedicated to a homeowners' association or other acceptable organization, to provide continued maintenance of the recreational open space tract.

3. Recreational open space tracts shall:
- a. Be of a grade and surface suitable for recreation improvements and generally have a maximum grade of five percent, unless a steeper grade is acceptable for the activities associated with the amenity;
 - b. Be located on the site of the proposed land segregation;
 - c. Be located within the land segregation in a manner that affords good visibility of the tract from roads, sidewalks and the majority of dwellings;
 - d. Have no dimensions less than thirty feet, except the width of trail segments;
 - e. Be at least five hundred square feet in size;
 - f. Be located in one designated area, unless it is determined that recreational opportunities would be better served by multiple areas developed with recreation or play facilities; and
 - g. Be accessible and convenient for year-round use to all residents within the land segregation.

4. Play equipment, paved sports court, exercise fitness trail, community gardens with water service, age appropriate facilities or similar amenities shall be provided within the recreational open space tract. Construction of amenities shall meet the latest industry safety standards.

5. A recreational open space plan shall be submitted to the department and reviewed and approved with the Site Development Activity Permit (SDAP). Said plan shall show dimensions, finished grade, equipment, landscaping and improvements to demonstrate that the requirements of this subsection are met.

16.24.050 Rural standards.

A. Access.

1. General.

a. When accessing paved County right-of-way, the project approach shall be paved, per Chapter 4 of the Kitsap County Road Standards, as now or hereafter amended.

b. Appropriate drainage facilities to mitigate construction of roads shall be provided and constructed in accordance with Title 12 KCC, Storm Water Drainage, as now or hereafter amended.

c. When accessing WSDOT right-of-way, the project approach shall meet WSDOT standards and WSDOT stormwater requirements shall apply.

2. Private roads.

a. The width of an access easement shall be a minimum of twenty feet when serving up to two lots and a minimum of thirty feet when serving three or more lots, unless a waiver is requested and granted. Waivers may be granted for existing easements leading to the proposed land segregation that are less than the required width. In such cases, the waiver request will be reviewed by the Fire Marshal Office for safety issues and by the Director for adequacy of design.

b. Access roads shall be cleared, grubbed, graded and surfaced. The driving surface may be graveled, paved or use LID surfacing techniques.

3. Public rights-of-way.

a. For land segregations proposing more than four lots, dedication of right-of-way shall be required when a proposed road meets the criteria for classification as an arterial, collector or sub-collector and shall be constructed in compliance with Kitsap County Road Standards.

b. For any land segregation that proposes to connect to an existing County right-of-way and will either impact the level of service, safety, or operational efficiency thereof or is otherwise required to improve the existing right-of-way, one of the following will be required:

i. The property owner must construct the improvements necessary to mitigate the impacts of the land segregation in accordance with the Kitsap County Road Standards; or

ii. The property owner must pay its proportionate share of the necessary improvements prior to recording of the final plat. This option is only applicable if the improvements are identified in the County's Transportation Improvement Plan; or

iii. The property owner must execute a legally binding agreement, in a form acceptable to the Director, in which the property owner agrees to participate without protest in any local improvement district, local utility

improvement district, road improvement district, transportation benefit district, or other similar entity formed for the construction of improvements that include those necessitated by the land segregation, and further agrees to sign any petition for the formation thereof and payment of subsequent fees or charges. Such agreement may be signed by the Director on behalf of Kitsap County, must be recorded with the Auditor and must be binding on all heirs, assigns, transferees, donees and successors in interest. Nothing in this section shall be construed to limit the ability of the property owner to challenge the amount of any assessment.

B. Non-Motorized Facilities.

1. Non-Motorized Trail Requirements. All development must be consistent with the Kitsap County Greenways, Bicycle Lane & Mosquito Fleet Trail Plan (Mosquito Fleet Trail Plan), as adopted. Where required by the Mosquito Fleet Trail Plan, a non-motorized trail shall be provided. The trail shall be designed and built to the Mosquito Fleet Trail Plan standards for the required trail.

2. Multi-purpose facilities. Where required by the County's Mosquito Fleet Trail Plan, multi-purpose facilities, including but not limited to bicycle lanes shall be provided. All bicycle lanes shall be a minimum of five feet wide and WSDOT standards at locations required by the Mosquito Fleet Trail Plan.

C. Fire protection.

Fire protection including fire hydrants, water supplies for firefighting and emergency vehicle access shall be provided in accordance with KCC Title 14, the Kitsap County Building and Fire Code and other applicable ordinances.

16.24.060 Low Impact Development.

A. To encourage and facilitate the use of low impact development (LID) techniques for stormwater management, developments that fully incorporate LID techniques may be allowed flexibility in road geometrics, parking requirements, density and side yard building setbacks. Such flexibility shall not increase the allowed density by more than 15% and must demonstrate adequate emergency services access. These bonuses are available only for sites where commitment to maximum site and environmental protection through use of site assessment and planning, integrated site design, minimized site disturbance, and low impact development standards is successfully demonstrated.

B. Only land segregations submitted concurrently with a Performance-Based Development (PBD) application under Chapter 17.425 KCC may be considered for LID flexibility under this section. The PBD standards of Chapter 17.425 KCC shall be applied except that additional flexibility may be permitted as follows:

1. Reduction of required parking spaces per residential unit, from 2.5 to 2.0;

2. Allowance of zero-lot line side yard setback for subdivisions and short subdivisions;
3. Reduction of side yard setback to 15 feet for large lot subdivisions;
4. Application of very low-volume road standards to low-volume local and local cul-de-sac road classifications, where safety can be demonstrated to the satisfaction of the Fire Marshal;
5. Increase in lot density by a maximum of 15%, subject to successful demonstration of compliance with this section.

C. In addition, all applications for LID PBDs will require a pre-application meeting with Kitsap County Department of Community Development and a joint site visit with county staff prior to application submittal. The applicant shall also conduct thorough site assessment and planning as required under the Kitsap County Low Impact Development Standards as now or hereafter adopted with the Kitsap County Stormwater Manual. Demonstration of preservation of native vegetation, protection of environmental resources and critical areas, groundwater recharge and compliance with KCC Title 12 shall be required.

16.24.070 Land segregations within the Shoreline jurisdiction.

Where a land segregation occurs within the 200-foot shoreline jurisdictional boundary, development shall occur in accordance with the standards at Title 22 KCC.

16.24.080 Land segregations containing or bordering Critical Areas.

Where a land segregation contains or borders a Critical Area, development shall occur in accordance with the appropriate standards as required by Title 19 KCC, including specified native vegetation buffers and construction setbacks where applicable.

Chapter 16.40 Subdivisions

Sections:

- 16.40.010 Purpose.
- 16.40.020 Phased Development.
- 16.40.030 Preliminary subdivisions.
- 16.40.040 Amendments to approved preliminary subdivisions.
- 16.40.050 Final subdivisions.
- 16.40.060 Recording requirements.

16.40.010 Purpose.

The purpose of this chapter is to provide requirements for the division of land that are specific to subdivisions. These requirements are in addition to those set forth in Chapters 16.04 and 16.24 KCC.

16.40.030 Preliminary subdivisions.

Preliminary subdivisions are classified as Type III applications under Chapter 21.04 KCC. The Director shall review the application to ascertain if it conforms to the following requirements:

- A. Chapter 16.04 KCC, General Provisions;
- B. Chapter 16.24 KCC, Land Segregation Standards;
- C. The preliminary plat shall consist of the following:

1. One or more maps, to scale no less than one inch to one hundred feet, which scale shall be shown on the drawing, both graphically and textually; the horizontal and vertical scales for street and utility profiles shall be two hundred feet to the inch and twenty feet to the inch, respectively;

2. Map signed and sealed by a surveyor registered in the State of Washington;

3. The name of the proposed subdivision;

4. North point;

5. Lots labeled numerically;

6. The location of existing structures;

7. The location of existing road approaches;

8. The location of all existing and proposed roads, rights-of-way, and easements, labeling each of the foregoing by width;

9. The location of all other existing and proposed easements appurtenant to the property, labeled with dimensions;

10. The location of all property to be dedicated;

11. Contour lines of at least five-foot intervals or sufficient intervals to show the topography of the land to be subdivided, referenced to either the United States Coast and Geodetic Survey datum, or other datum acceptable to the County;

12. A layout of proposed lots, open space tracts, recreation areas, roads, alleys, sidewalks, other pedestrian or bicycle facilities, utility mains and parcels proposed to be dedicated or reserved for public or community school, park, playground or other uses;

13. Generalized plans of proposed street systems, water distribution systems, sewerage systems, and drainage systems, signed and sealed by a civil engineer, licensed in the State of Washington;

14. The location of all water bodies (including, but not limited to lakes, ponds, saltwater shorelines, streams, and wetlands), their associated buffers and construction setbacks, and mapped flood hazard areas;

15. The location of geologically hazardous areas and their associated buffers and construction setbacks. Delineate all slopes thirty percent in grade or greater, and all slopes from fifteen percent to thirty percent in grade where they are rated as areas of "moderate" or "high" geologic hazard pursuant to KCC 19.400.410;

16. The location of existing on-site sewage systems, and wells with their protective well radii within and contiguous to the proposal; and

17. In subdivisions proposed to be served by individual or community septic systems, the location of soil log holes together with data regarding soil type and depth.

D. The proposed streets shall align and be coordinated with streets serving adjacent properties.

E. The proposed streets shall be adequate to accommodate anticipated traffic.

F. If road or pedestrian connectivity between the subdivision and adjacent properties is required, all ingress/egress accesses shall be dedicated to the public and developed consistent with Kitsap County Road Standards.

G. The Health District shall recommend approval or denial. Said recommendation shall be in writing and shall address:

1. Conformity with current regulations regarding domestic water supply and sewage disposal;

2. Adequacy of lot area, soil type, topographic and drainage characteristics, if proposing a sewage disposal method other than public sewer.

Approval of the preliminary subdivision shall constitute authorization for the subdivider to develop the required facilities and improvements in strict accordance with standards set forth in this title and in accordance with all conditions of approval.

16.40.040 Amendments to approved preliminary subdivisions.

This section provides the criteria and limitations for amending an approved preliminary subdivision, including amendments to conditions of approval.

A. Notification. Any requested amendment to an approved preliminary plat shall require a Notice of Application to all parties who received the Notice of Application of the original preliminary subdivision, all property owners within the notification radii required in Title 21 KCC and all parties of record, in accordance with Title 21 KCC.

B. Minor amendment.

1. General Requirements. Minor amendments are classified as Type II applications under Chapter 21.04 KCC and address those changes to an approved preliminary subdivision that fall within the scope of the original approval and/or do not significantly increase impacts to surrounding properties. For these purposes, "significant" shall mean a greater than 10% increase when the impact is quantifiable.

2. Written Findings. A proposed minor subdivision amendment may be approved if the Director makes written findings that all of the following are satisfied. If one or more are not satisfied, the application must proceed as a Major Amendment.

- a. The proposal does not result in significant impacts to the subdivision or the surrounding property. Impacts may include, but are not limited to, stormwater, traffic, open space, landscaping, screening, on-street or set-aside parking, or noise;
- b. The proposal satisfies the applicable general requirements of this title;
- c. The proposal does not result in a change of use;
- d. The proposal falls within the scope of the original approval and complies with the intent of the conditions originally imposed;
- e. The proposal does not change the perimeter boundary of the original plat, or the boundary of any phases within the original plat;
- f. The proposal does not increase residential density by greater than 10%, provided the density requirements of the zone are maintained;
- g. The proposal does not increase the intensity of housing types; for example, from detached single-family to attached one- and two-family dwellings;
- h. The proposal does not reduce the designated perimeter buffers, recreation or open space areas by more than 10%;
- i. The proposal does not reduce or increase the number of access points or significantly alter the location of access points;
- j. The proposal does not reduce required setbacks; and
- k. The proposal does not reduce any street frontage improvements (e.g.: sidewalks, curb/gutter, and bicycle lanes).

C. Major Amendments.

1. General Requirements. Major amendments are classified as Type III applications under Chapter 21.04 KCC and address those amendments not otherwise classified as minor. Any amendment that requires a discretionary permit other than those granted in conjunction with the original preliminary subdivision application shall require the approval of such permit before or with the decision on the proposed major subdivision amendment.

2. Written findings. A proposed major amendment shall not be approved unless the Hearing Examiner makes written findings that the public use and interest is served by the amendment and that the amendment complies with all development regulations in effect at the time of preliminary subdivision approval.

16.40.050 Final subdivisions.

At any time within the time periods set forth at KCC 16.04.100(B), the subdivider may submit the final subdivision application that is consistent with the approved preliminary subdivision. Final subdivisions are classified as Type II applications under Chapter 21.04 KCC. The Director shall review the application to ascertain if it conforms to the following requirements. If approved, the Director shall sign the approval line of the face of the final plat and shall forward the final plat to the Board of County Commissioners for their approval.

- A. Chapter 16.04 KCC General Provisions;
- B. Chapter 16.24 KCC Land Segregation Standards;
- C. The final plat shall consist of the following:

1. The original map that is drawn in permanent black ink on mylar, suitable for producing legible prints through scanning, microfilming or other standard copying procedures. The map shall be drawn to scale no less than one inch to one hundred feet, which scale shall be shown on the drawing both graphically and textually.

2. The first sheet shall contain the following information:

a. Surveyor's Certificate, stamped, signed and dated by a registered land surveyor, that reads as follows: "I, _____, registered as a professional land surveyor by the State of Washington, certify that this plat is based on an actual survey of the land described herein, conducted by me or under my supervision, during the period of _____, 20__, through _____, 20__; that the distances, courses and angles are shown hereon correctly; and that lot corners have been staked on the ground as depicted hereon.";

b. Signature and date lines for the County Auditor, along with space to insert recording information;

3. Signature and date lines for approval by the Director;

4. Signature and date lines for approval by the County Engineer;

5. Signature and date lines for approval by the Kitsap County Health Officer;

6. Treasurer's Certificate that reads as follows: "I hereby certify that real property taxes on the above-described property have been paid, satisfied or discharged up to and including the year 20____.", along with signature and date lines;

7. Signature and date lines for approval by the Board of County Commissioners;

8. North point and origin of meridian or basis of bearings;

9. Lots labeled numerically;

10. The perimeter (which shall be shown by heavier lines) of the proposal, together with all internal lots and blocks;

11. The dimensions of the perimeter and all lots;

12. Ties to permanent monuments;

13. Controlling reference points or monuments;

14. The bearing and length of lines;

15. The legal description of the real property to be divided;

16. The names and locations of adjacent segregations;

17. The location of all existing structures;
18. The location of all existing and proposed roads, rights-of-way and access easements within and adjacent to the proposal, labeling each of the foregoing by width;
19. The location of all other existing and proposed easements appurtenant to the property, labeled with dimensions;
20. The location of all property to be dedicated. Where the dedication is for roadways or improvements for which a surety is obtained, there shall be no acceptance of the dedication by the County unless and until said improvement is completed and approved by Kitsap County;
21. The location of all critical areas identified during the preliminary subdivision process, along with required buffers and construction setbacks;
22. The location of existing on-site sewage systems, and wells with their protective well radii within and contiguous to the proposal;
23. The location of soil logs, if the subdivision is not required to connect to public sewer;
24. A declaration or dedication statement, as applicable, by all persons having interest in the subdivided land, with name(s) printed and signed by said person(s) and acknowledged before a notary public, consenting to the dedication and/or subdivision of land;
25. Notes depicting articles of encumbrances as noted in Schedule B of the plat certificate; and
26. Conditions relevant to the development of the subdivision, as set forth in the Hearing Examiner's Decision granting preliminary approval.

- D. The final subdivision meets all standards established by state and local law;
- E. The final subdivision is in compliance with the conditions of preliminary approval for the subdivision;
- F. The title insurance report provided by the subdivider confirms the title of the land in the proposed subdivision is vested in the name(s) of the owner(s) whose signatures appear on the plat declaration or dedication statement; and
- G. The required road and stormwater facilities and improvements, if such are to be privately maintained, have been completed by the subdivider. When required road and stormwater facilities and improvements are to be maintained by the County, that they have been completed by the subdivider or, alternatively, that the subdivider has provided a performance surety in accordance with KCC 12.12.040.

16.40.060 Recording requirements.

The final plat shall be recorded in accordance with the provisions set forth at KCC 16.04.110.

Chapter 16.48
SHORT SUBDIVISIONS

Sections:

- 16.48.010 Purpose.
- 16.48.020 Preliminary short subdivisions.
- 16.48.030 Amendment to preliminary short subdivisions.
- 16.48.040 Final short subdivisions.
- 16.48.050 Road disclaimer.
- 16.48.060 Declaration regarding further segregation.
- 16.48.070 Recording requirements.

16.48.010 Purpose.

The purpose of this chapter is to provide requirements for the division of land that are specific to short subdivisions. These requirements are in addition to those set forth in Chapters 16.04 and 16.24 KCC. Pursuant to RCW 58.17.020(6), short subdivisions within the UGA boundaries may contain up to nine lots; short subdivisions outside the UGA boundaries are limited to contain up to four lots.

16.48.020 Preliminary short subdivisions.

Preliminary short subdivisions are classified as Type II applications under Chapter 21.04 KCC. The Director shall review the application to ascertain if it conforms to the following requirements:

- A. Chapter 16.04 KCC, General Provisions;
- B. Chapter 16.24 KCC, Land Segregation Standards;
- C. The preliminary short plat shall consist of the following:
 - 1. Maps drawn on a minimum eighteen inch by twenty-four inch paper, to scale no less than one inch to one hundred feet, which scale shall be shown on the drawing, both graphically and textually;
 - 2. Map signed and sealed by a surveyor registered in the State of Washington;
 - 3. North point;
 - 4. Lots labeled alphabetically;
 - 5. The location of existing structures;
 - 6. The location of existing road approaches;
 - 7. The location of all existing and proposed roads, rights-of-way, and easements, labeling each of the foregoing by width;
 - 8. The location of all other existing and proposed easements appurtenant to the property, labeled with dimensions;
 - 9. The location of all property to be dedicated;
 - 10. Except in UGAs, a minimum 25-foot wide native vegetation buffer around the perimeter of the short subdivision. If this area, as it exists, is void of

native vegetation, plantings will be required to create or recreate the buffer. This requirement may be modified by the Director to be compatible with the surrounding area, upon submittal with the preliminary application, of narrative and photographic documentation of existing conditions;

11. The location of all water bodies (including, but not limited to lakes, ponds, saltwater shorelines, streams, and wetlands), their associated buffers and construction setbacks, and mapped flood hazard areas;

12. The location of geologically hazardous areas and their associated buffers and construction setbacks. Delineate all slopes thirty percent in grade or greater and all slopes from fifteen percent to thirty percent in grade where they are rated as areas of "moderate" or "high" geologic hazard pursuant to KCC 19.400.410;

13. The location of existing on-site sewage systems, and wells with their protective well radii within, contiguous to and adjacent to the proposal; and

14. The location of soil log holes, together with data regarding soil type and depth, if the short subdivision is not required to connect to public sewer;

D. The proposed streets shall align and be coordinated with streets serving adjacent properties.

E. The proposed streets shall be adequate to accommodate anticipated traffic.

F. If road or pedestrian connectivity between the short subdivision and adjacent properties is required, all ingress/egress accesses shall be dedicated to the public and developed consistent with Kitsap County Road Standards.

G. The Health District shall recommend approval or denial. Said recommendation shall be in writing and shall address:

1. Conformity with current regulations regarding domestic water supply and sewage disposal;

2. Adequacy of lot area, soil type, topographic and drainage characteristics, if proposing a sewage disposal method other than public sewer.

16.48.030 Amendment to preliminary short subdivisions.

This section provides the criteria and limitations for amending an approved preliminary short subdivision, including amendments to conditions of approval.

A. Notification. Any requested amendment to an approved preliminary short subdivision shall require a Notice of Application to all parties who received the Notice of Application of the original preliminary short subdivision, all property owners within the notification radii required in Title 21 KCC and all parties of record, in accordance with Title 21 KCC.

B. Minor amendment.

1. General Requirements. Minor amendments are classified as Type II applications under Chapter 21.04 KCC and address those changes to an approved preliminary short subdivision that fall within the scope of the original approval and do not significantly increase impacts to surrounding properties. For these purposes, "significant" shall mean a greater than 10% increase when the impact is quantifiable.

2. Written Findings. A proposed minor short subdivision amendment may be approved if the Director makes written findings that all of the following are satisfied. If one or more are not satisfied, the application must proceed as a Major Amendment.

- a. The proposal does not result in significant impacts to the short subdivision or the surrounding property. Impacts include, but are not limited to, stormwater, traffic, open space, landscaping, on-street or set-aside parking, or noise;
- b. The proposal satisfies the applicable general requirements of this title;
- c. The proposal does not result in a change of use;
- d. The proposal falls within the scope of the original approval and complies with the intent of the conditions originally imposed;
- e. The proposal does not change the perimeter boundary of the original short plat;
- f. The proposal does not increase residential density by greater than 10%, provided the density requirements of the zone are maintained;
- g. The proposal does not increase the intensity of housing types; for example, from single-family to duplex;
- h. The proposal does not reduce the designated perimeter buffers, recreation or open space areas by more than 10%;
- i. The proposal does not reduce, increase or significantly alter access points;
- j. The proposal does not reduce required setbacks; and
- k. The proposal does not reduce any street frontage improvements (e.g.: sidewalks, curb/gutter, and bicycle lanes).

C. Major Amendments.

1. General Requirements. Major amendments address those amendments not otherwise classified as minor.

a. Major amendments to preliminary short plats that were approved after a public hearing are classified as Type III applications under Chapter 21.04 KCC. Such amendments shall require a hearing and shall satisfy the requirements of KCC 16.40.040(C).

b. Major amendments to preliminary short plats that were approved administratively are classified as Type II applications. Such amendments shall satisfy the requirements of this section.

c. Any amendment that requires a discretionary permit other than those granted in conjunction with the original preliminary short subdivision application shall require the approval of such permit before or with the decision on the proposed major short subdivision amendment.

2. Written findings. A proposed major amendment shall not be approved unless the Director makes written findings that the public use and interest is served by the amendment and that the amendment complies with all development regulations in effect at the time of preliminary short subdivision approval.

16.48.040 Final short subdivisions.

At any time within five years following a notice of decision for preliminary approval, the subdivider may submit a final short subdivision application to the Director that is consistent with the approved preliminary short subdivision. The Director shall review the application to ascertain if it conforms to the following requirements. If approved the Director shall sign the approval line on the face of the final short plat.

- A. Chapter 16.04 KCC, General Provisions;
- B. Chapter 16.24 KCC, Land Segregation Standards;
- C. The final short plat shall consist of the following:

1. The original map that is drawn in permanent black ink on mylar, suitable for producing legible prints through scanning, microfilming or other standard copying procedures. The map shall be drawn to scale no less than one inch to one hundred feet, which scale shall be shown on the drawing both graphically and textually.

2. The first sheet shall have a vertical title block on the right side that contains the following information:

- a. The disclaimer set forth in KCC 16.48.050;
 - b. The declaration set forth in KCC 16.48.060;
 - c. Signature and date lines for approval by the Director;
 - d. Treasurer's Certificate that reads as follows: "I hereby certify that real property taxes on the above-described property have been paid, satisfied or discharged up to and including the year 20____." , along with signature and date lines;
 - e. Surveyor's Certificate, stamped, signed and dated by a registered land surveyor, that reads as follows: "I, _____, registered as a professional land surveyor by the State of Washington, certify that this short plat is based on an actual survey of the land described herein, conducted by me or under my supervision, during the period of _____, 20__, through _____, 20__; that the distances, courses and angles are shown hereon correctly; and that lot corners have been staked on the ground as depicted hereon."; and
 - f. Signature and date lines for the County Auditor, along with space to insert recording information.
- 3. North point and origin of meridian or basis of bearings;
 - 4. Lots labeled alphabetically;
 - 5. The perimeter (which shall be shown by heavier lines) of the proposal, together with all internal lots and blocks;
 - 6. The dimensions of the perimeter and all lots;
 - 7. Ties to permanent monuments;
 - 8. Controlling reference points or monuments;
 - 9. The bearing and length of lines;
 - 10. The legal description of the real property to be divided;
 - 11. The names and locations of adjacent segregations;
 - 12. The location of all existing structures;

13. The location of all existing and proposed roads, rights-of-way and access easements within and adjacent to the proposal, labeling each of the foregoing by width;

14. The location of all other existing and proposed easements appurtenant to the property, labeled with dimensions;

15. The location of all property to be dedicated and a textual declaration of the dedication;

16. For short subdivisions within a rural zoning designation, a native vegetation buffer around the perimeter of the short subdivision, minimum 25 feet wide or as conditioned with the Notice of Decision;

17. The location of all critical areas identified during the preliminary short subdivision process, along with required buffers and construction setbacks;

18. The location of existing on-site sewage systems, and wells with their protective well radii within, contiguous to and adjacent to the proposal;

19. The location of soil logs, if the short subdivision is not required to connect to public sewer;

20. A declaration or dedication statement, as applicable, by all persons having interest in the subdivided land, with name(s) printed and signed by said person(s) and acknowledged before a notary public, consenting to the dedication and/or subdivision of land;

21. Notes depicting articles of encumbrances as noted in Schedule B of the plat certificate; and

22. Conditions relevant to the development of the short subdivision, as set forth in the decision granting preliminary approval.

D. The final short subdivision meets all standards established by state and local law;

E. The final short subdivision is in compliance with the conditions of preliminary approval for the short subdivision;

F. The title insurance report provided by the subdivider confirms the title of the land in the proposed short subdivision is vested in the name(s) of the owner(s) whose signatures appear on the short plat declaration or dedication statement; and

G. The required road and stormwater facilities and improvements have been completed by the subdivider.

16.48.050 Road disclaimer.

Roads within a short subdivision will not be constructed or maintained by the county unless such roads have been improved to current County Road Standards and have been accepted into the county road system. Therefore, unless so improved and accepted, the responsibility for maintenance shall lie with the owners of the lots within the short subdivision. In such case, the face of the short plat shall contain the following disclaimer: "Responsibility and expense for maintenance of roads leading to or serving lots within this short subdivision (unless and until such roads have been accepted into the county's road system) shall rest with the lot owners."

16.48.060 Declaration regarding further segregation.

A. Land in a short subdivision may not be further divided in any manner within a period of five years after the recording of the final short plat without the filing of a final plat pursuant to Chapter 16.40 KCC; except, that when the short plat contains fewer than four lots, nothing in this section shall prevent the owner who filed the original short plat from filing an alteration within the five-year period to create up to a total of four lots within the original short plat boundaries.

B. Short subdivisions shall not be used, either by a person alone or by persons acting together, at one time or over a period of time, as a means to circumvent compliance with the more stringent subdivision requirements, as set forth in this title. When an application for a short subdivision is filed within five years after the approval of a short subdivision on a contiguous lot, a rebuttable presumption of an attempt to circumvent subdivision requirements may be invoked by the Director as a basis of further investigation to assure compliance with the intent of this provision.

C. The face of the short plat shall contain the following declaration: "No lot in a short subdivision can be divided further without following Kitsap County Code in effect at the time of application for said further division."

16.48.070 Recording requirements.

The final plat shall be recorded in accordance with the provisions set forth at KCC 16.04.110.

Chapter 16.52
LARGE LOT SUBDIVISIONS

Sections:

- 16.52.010 Purpose.
- 16.52.020 Preliminary large lot subdivisions.
- 16.52.030 Amendment to preliminary large lot subdivisions.
- 16.52.040 Final large lot subdivisions.
- 16.52.050 Road disclaimer.
- 16.52.060 Declaration regarding further segregation.
- 16.52.070 Recording requirements.

16.52.010 Purpose.

The purpose of this chapter is to provide requirements for the division of land that are specific to large lot subdivisions. These requirements are in addition to those set forth in Chapters 16.04 and 16.24 KCC.

16.52.020 Preliminary large lot subdivisions.

Preliminary large lot subdivisions are classified as Type II applications under Chapter 21.04 KCC. The Director shall review the application to ascertain if it conforms to the following requirements:

- A. Chapter 16.04 KCC, General Provisions;
- B. Chapter 16.24 KCC, Land Segregation Standards;
- C. The preliminary large lot plat shall consist of the following:
 - 1. Maps drawn on a minimum eighteen inch by twenty-four inch paper, to scale no less than one inch to one hundred feet, which scale shall be shown on the drawing, both graphically and textually;
 - 2. Map signed and sealed by a surveyor registered in the State of Washington;
 - 3. North point;
 - 4. Lots labeled numerically;
 - 5. The location of existing structures;
 - 6. The location of existing road approaches;
 - 7. The location of all existing and proposed roads, rights-of-way, and easements, labeling each of the foregoing by width;
 - 8. The location of all other existing and proposed easements appurtenant to the property, labeled with dimensions;
 - 9. The location of all property to be dedicated;
 - 10. A minimum 25-foot wide native vegetation buffer around the perimeter of the large lot subdivision. If this area, as it exists, is void of native vegetation, plantings will be required to create or recreate the buffer. This requirement may be modified by the Director to be compatible with the surrounding area, upon submittal with the preliminary application, of narrative and photographic documentation of existing conditions;

11. The location of all water bodies (including, but not limited to lakes, ponds, saltwater shorelines, streams, and wetlands) their associated buffers and construction setbacks, and mapped flood hazard areas;

12. The location of geologically hazardous areas and their associated buffers and construction setbacks. Delineate all slopes thirty percent in grade or greater and all slopes from fifteen percent to thirty percent in grade where they are rated as areas of “moderate” or “high” geologic hazard pursuant to KCC 19.400.410;

13. The location of existing on-site sewage systems, and wells with their protective well radii within, contiguous to and adjacent to the proposal; and

14. The location of soil logs holes, together with data regarding soil type and depth, if the large lot subdivision is not required to connect to public sewer.

- D. The proposed streets shall align and be coordinated with streets serving adjacent properties.
- E. The proposed streets shall be adequate to accommodate anticipated traffic.
- F. If road or pedestrian connectivity between the large lot subdivision and adjacent properties is required, all ingress/egress accesses shall be dedicated to the public and developed consistent with Kitsap County Road Standards or applicable access standards.
- G. The Health District shall recommend approval or denial. Said recommendation shall be in writing and shall address conformity with current regulations regarding domestic water supply.

16.52.030 Amendment to preliminary large lot subdivisions.

This section provides the criteria and limitations for amending an approved preliminary large lot subdivision, including amendments to conditions of approval.

A. Notification. Any requested amendment to an approved preliminary large lot subdivision shall require a Notice of Application to all parties who received the Notice of Application of the original preliminary large lot subdivision, all property owners within the notification radii required in Title 21 KCC and all parties of record, in accordance with Title 21 KCC.

B. Minor amendment.

1. General Requirements. Minor amendments are classified as Type II applications under Chapter 21.04 KCC and address those changes to an approved preliminary large lot subdivision that fall within the scope of the original approval and do not significantly increase impacts to surrounding properties. For these purposes, “significant” shall mean a greater than 10% increase when the impact is quantifiable.

2. Written Findings. A proposed minor large lot subdivision amendment may be approved if the Director makes written findings that all of the following are satisfied. If one or more are not satisfied, the application must proceed as a Major Amendment.

a. The proposal does not result in significant impacts to the large lot subdivision or the surrounding property. Impacts may include, but are not

limited to, stormwater, traffic, open space, landscaping, on-street or set-aside parking, or noise;

- b. The proposal satisfies the applicable general requirements of this title;
- c. The proposal does not result in a change of use;
- d. The proposal falls within the scope of the original approval and complies with the intent of the conditions originally imposed;
- e. The proposal does not change the perimeter boundary of the original large lot plat;
- f. The proposal does not increase residential density by greater than 10%, provided the density requirements of the zone are maintained;
- g. The proposal does not increase the intensity of housing types; for example, from single-family to duplex;
- h. The proposal does not reduce the designated perimeter buffers, recreation or open space areas by more than 10%;
- i. The proposal does not reduce, increase or significantly alter access points;
- j. The proposal does not reduce required setbacks; and
- k. The proposal does not reduce any street frontage improvements (e.g.: sidewalks, curb/gutter, and bicycle lanes).

C. Major Amendments.

1. General Requirements. Major amendments address those amendments not otherwise classified as minor.

a. Major amendments to preliminary large lot plats that were approved after a public hearing are classified as Type III applications under Chapter 21.04 KCC. Such amendments shall require a hearing and shall satisfy the requirements of KCC 16.40.040(C).

b. Major amendments to preliminary large lot plats that were approved administratively are classified as Type II applications. Such amendments shall satisfy the requirements of this section.

c. Any amendment that requires a discretionary permit other than those granted in conjunction with the original preliminary large lot subdivision application shall require the approval of such permit before or with the decision on the proposed major large lot subdivision amendment.

2. Written findings. A proposed major amendment shall not be approved unless the Director makes written findings that the public use and interest is served by the amendment and that the amendment complies with all development regulations in effect at the time of preliminary large lot subdivision approval.

16.52.040 Final large lot subdivisions.

At any time within five years following a notice of decision for preliminary approval, the subdivider may submit a final large lot subdivision application to the Director that is consistent with the approved preliminary large lot subdivision. The Director shall review the application to ascertain if it conforms to the following requirements and, if approved, shall sign the approval line on the face of the final large lot plat.

A. Chapter 16.04 KCC, General Provisions;

B. Chapter 16.24 KCC, Land Segregation Standards;

C. The final large lot plat shall consist of the following:

1. The original map that is drawn in permanent black ink on mylar, suitable for producing legible prints through scanning, microfilming or other standard copying procedures. The map shall be drawn to scale no less than one inch to one hundred feet, which scale shall be shown on the drawing both graphically and textually.

2. The first sheet shall have a vertical title block on the right side that contains the following information:

- a. The disclaimer set forth in KCC 16.52.050;
 - b. The declaration set forth in KCC 16.52.060;
 - c. Signature and date lines for approval by the Director;
 - d. Treasurer's Certificate that reads as follows: "I hereby certify that real property taxes on the above-described property have been paid, satisfied or discharged up to and including the year 20____.", along with signature and date lines;
 - e. Surveyor's Certificate, stamped, signed and dated by a registered land surveyor, that reads as follows: "I, _____, registered as a professional land surveyor by the State of Washington, certify that this large lot plat is based on an actual survey of the land described herein, conducted by me or under my supervision, during the period of _____, 20__, through _____, 20__; that the distances, courses and angles are shown hereon correctly; and that lot corners have been staked on the ground as depicted hereon."; and
 - f. Signature and date lines for the County Auditor, along with space to insert recording information.
3. North point and origin of meridian or basis of bearings;
 4. Lots labeled numerically;
 5. The perimeter (which shall be shown by heavier lines) of the proposal, together with all internal lots and blocks;
 6. The dimensions of the perimeter and all lots;
 7. Ties to permanent monuments;
 8. Controlling reference points or monuments;
 9. The bearing and length of lines;
 10. The legal description of the real property to be divided;
 11. The names and locations of adjacent segregations;
 12. The location of all existing structures;
 13. The location of all existing and proposed roads, rights-of-way and access easements within and adjacent to the proposal, labeling each of the foregoing by width;
 14. The location of all other existing and proposed easements appurtenant to the property, labeled with dimensions;
 15. The location of all property to be dedicated and a textual declaration of the dedication;

16. A native vegetation buffer around the perimeter of the large lot subdivision, minimum 25 feet wide or as conditioned with the Notice of Decision;

17. The location of all critical areas identified during the preliminary large lot subdivision process, along with required buffers and construction setbacks;

18. The location of existing on-site sewage systems, and wells with their protective well radii within, contiguous to and adjacent to the proposal;

19. The location of soil log holes, if the large lot subdivision is not required to connect to public sewer;

20. A declaration or dedication statement, as applicable, by all persons having interest in the subdivided land, with name(s) printed and signed by said person(s) and acknowledged before a notary public, consenting to the dedication and/or subdivision of land;

21. Notes depicting articles of encumbrances as noted in Schedule B of the plat certificate; and

22. Conditions relevant to the development of the large lot subdivision, as set forth in the decision granting preliminary approval.

D. The final large lot subdivision meets all standards established by state and local law.

E. The final large lot subdivision is in compliance with the conditions of preliminary approval for the large lot subdivision.

F. The title insurance report provided by the subdivider confirms the title of the land in the proposed large lot subdivision is vested in the name(s) of the owner(s) whose signatures appear on the large lot plat declaration or dedication statement.

G. The required road and stormwater facilities and improvements have been completed by the subdivider.

16.52.050 Road disclaimer.

Roads within a large lot subdivision will not be constructed or maintained by the county unless such roads have been improved to current County Road Standards and have been accepted into the county road system. Therefore, unless so improved and accepted, the responsibility for maintenance shall lie with the owners of the lots within the large lot subdivision. In such case, the face of the large lot plat shall contain the following disclaimer: "Responsibility and expense for maintenance of roads leading to or serving lots within this large lot subdivision (unless and until such roads have been accepted into the county's road system) shall rest with the lot owners."

16.52.060 Declaration regarding further segregation.

The face of the final large lot plat shall contain the following declaration: "No lot in a large lot subdivision can be divided further without following Kitsap County Code in effect at the time of application for said further division."

16.52.070 Recording requirements.

The final plat shall be recorded in accordance with the provisions set forth at KCC 16.04.110.

Chapter 16.56
BINDING SITE PLANS

Sections:

- 16.56.010 Purpose.
- 16.56.020 Applicability.
- 16.56.030 General requirements.
- 16.56.040 Binding site plan contents and approval criteria.

16.56.010 Purpose.

The purpose of this chapter is to provide an alternative method of dividing land as authorized by RCW 58.17.035 and by RCW 58.17.040(4) and (7).

16.56.020 Applicability.

The provisions of this chapter apply to the following:

A. Binding Site Plan – Commercial and Industrial Land Use. A binding site plan may be utilized for the divisions of land lying within any commercial or industrial zoning designation.

B. Binding Site Plan – Condominium. A binding site plan is required for the division of land through a condominium subject to Chapter 64.32 or 64.34 RCW, pursuant to RCW 58.17.040(7). For the purpose of approval of condominium developments, the provisions of this chapter shall apply when a land division is proposed as a condominium that results in the subdivision of land into separately owned lots, and that will subject the land to Chapter 64.34 RCW (the "Condominium Act").

16.56.030 General requirements.

A. Legally existing structures are not required to meet current zoning regulations as a condition of binding site plan approval. Proposed lots or units without legally existing structures or uses must meet current zoning regulations.

B. A binding site plan shall depict building envelopes and all existing and proposed land use(s) for each lot on the face of the binding site plan.

C. A parking lot plan is required for the binding site plan. The plan shall allocate parking to each lot or condominium unit or specify joint use parking. Proposed lots containing legally existing structures and uses may maintain parking as originally approved for the uses, but if changes are made the parking must meet current parking requirements for the use.

D. Access to each lot or condominium unit within the binding site plan shall be depicted. Emergency vehicle access shall be provided in accordance with the applicable provisions of KCC Chapter 14, Building and Construction and KCC Chapter 11.22, Kitsap County Road Standards.

E. Binding site plans shall be reviewed for storm drainage, roads, road frontage improvements, water supply, sanitary sewage disposal, access or easement for vehicles, utilities, fire protection and for zoning requirements. Binding site plan review shall also consider previous decisions affecting the property, accuracy of legal description, ownership, lot dimensions, improvements on each lot and compliance with RCW 58.09 and WAC 332-130.

F. A binding site plan cannot amend or conflict with previously granted use permit approvals or conditions of approval. Amendments to said use permit approvals or conditions shall be accomplished through the appropriate amendment process prior to an application for a binding site plan.

G. Proposed uses must comply with the underlying zone classification. Should a proposed use require a use permit, such as a conditional use permit, said permit shall be requested and reviewed concurrently or prior to approval of the binding site plan. Binding site plan approval does not constitute approval for other required permits.

16.56.040 Binding site plan contents and approval criteria.

Binding site plans are classified as Type II applications under Chapter 21.04 KCC. The Director shall review the application for conformity with the following requirements. If approved, the Director shall sign the approval line on the face of the binding site plan.

- A. Chapter 16.04 KCC, General Provisions;
- B. Chapter 16.24 KCC, Land Segregation Standards;
- C. The binding site plan shall consist of the following:

1. The original map that is drawn in permanent black ink on mylar, suitable for producing legible prints through scanning, microfilming or other standard copying procedures. The map shall be drawn to scale no less than one inch to one hundred feet, which scale shall be shown on the drawing.

2. The first sheet shall have a vertical title block on the right side that contains the following information:

- a. Signature and date lines for approval by the Director;
- b. Treasurer's Certificate that reads as follows: "I hereby certify that real property taxes on the above-described property have been paid, satisfied or discharged up to and including the year 20____.", along with signature and date lines;
- c. Surveyor's Certificate, stamped, signed and dated by a registered land surveyor, that reads as follows: "I, _____, registered as a professional land surveyor by the State of Washington, certify that this binding site plan plat is based on an actual survey of the land described herein, conducted by me or under my supervision, during the period of _____, 20__, through _____, 20__; that the distances, courses and angles are shown hereon correctly; and that property corners have been staked on the ground as depicted hereon."; and

- d. Signature and date lines for the County Auditor, along with space to insert recording information.
3. North point and origin of meridian or basis of bearings;
 4. Lots labeled alphabetically;
 5. The perimeter boundary (which shall be shown by heavier lines) of the proposal, surveyed by a land surveyor licensed in the State of Washington pursuant to RCW 18.43, together with all internal lots and blocks. The map may, but need not, depict or describe the boundaries of the lots or tracts to result from subjecting a portion of the land to either Chapter 64.32 or 64.34 RCW subsequent to the recording of the binding site plan;
 6. The dimensions of the perimeter and all lots;
 7. Ties to permanent monuments;
 8. Controlling reference points or monuments;
 9. The bearing and length of lines;
 10. The legal description of the real property to be divided;
 11. The names and locations of adjacent subdivisions;
 12. The location of all existing structures and proposed building envelopes, along with their existing and proposed uses;
 13. The location of all existing and proposed roads, rights-of-way and access easements within and adjacent to the proposal, labeling each of the foregoing by width;
 14. The location of all road frontage improvements;
 15. The location of all other existing and proposed easements appurtenant to the property, labeled with dimensions;
 16. The location of all property to be dedicated and a textual declaration of the dedication;
 17. For binding site plans within a rural zoning designation, a native vegetation buffer around the perimeter of the binding site plan, minimum 25 feet wide or as set forth in Title 17 KCC;
 18. The location of all water bodies (including, but not limited to lakes, ponds, saltwater shorelines, streams, and wetlands), their associated buffers and constructions setbacks, and mapped flood hazard areas;
 19. The location of geologically hazardous areas and their associated buffers and constructions setbacks. Delineate slopes thirty percent in grade or greater and all slopes from fifteen percent to thirty percent in grade where they are rated as areas of "moderate" or "high" geologic hazard pursuant to KCC 19.400.410;
 20. The location of existing on-site sewage systems, and wells with their protective well radii within, contiguous to and adjacent to the proposal;
 21. The location of soil logs, if the binding site plan is not required to connect to public sewer;
 22. A declaration or dedication statement, as applicable, by all persons having interest in the land, with name(s) printed and signed by said person(s) and acknowledged before a notary public, consenting to the dedication and/or segregation of land;

23. Notes depicting articles of encumbrances as noted in Schedule B of the plat certificate;

24. Conditions relevant to the development of the binding site plan; and

25. One of the following statements:

a. A binding site plan for commercial and/or industrial use, as set forth at KCC 16.56.020A: "All development and use of the land described herein shall be in accordance with this binding site plan, or as it may be amended with the approval of Kitsap County, and in accordance with such other governmental permits, approvals, regulations, requirements, and restrictions that may be imposed upon such land and the development and use thereof. This binding site plan shall be binding upon all now or hereafter having any interest in the land described herein."

b. A binding site plan for a proposed condominium development, as set forth at KCC 16.56.020B: "All development and use of the land described herein shall be in accordance with this binding site plan, or as it may be amended with the approval of Kitsap County, and in accordance with such other governmental permits, approvals, regulations, requirements, and restrictions that may be imposed upon such land and the development and use thereof. Upon completion, the improvements on the land shall be included in one or more condominiums or owned by an association or other legal entity in which the owners of units therein or their owners' associations have a membership or other legal or beneficial interest. This binding site plan shall be binding upon all now or hereafter having any interest in the land described herein."

- D. The binding site plan must meet all standards established by state and local law.
- E. The binding site plan is in compliance with the conditions of approval of any previously granted use permit approval.
- F. The approved binding site plan shall be recorded with the County Auditor with a record of survey.

Chapter 16.60
ALTERATIONS AND VACATIONS

Sections:

- 16.60.010 Purpose.
- 16.60.020 Alterations of final plats.
- 16.60.030 Alterations of final short plats, large lot plats and binding site plans.
- 16.60.040 Vacations of final plats, final short plats, final large lot plats and binding site plans.

16.60.010 Purpose.

The purpose of this chapter is to provide the procedures for alterations and vacations of recorded final plats, short plats, large lot plats, and binding site plans. Procedures for revisions following preliminary approval, but prior to recording (land segregation amendments) are set forth in the Chapters addressing each segregation type.

16.60.020 Alterations of final plats.

- A. Alterations after a final plat has been recorded shall be processed in accordance with RCW 58.17.215 through 58.17.218, provided that when an application for plat alteration is submitted more than seven years after final plat approval, the altered portions of the plat shall comply with regulations in effect at the time the alteration application was determined complete.
- B. An application for an alteration of a recorded final plat shall be processed as a Type III application.
- C. Alteration applications and documents to be recorded shall contain the signatures of a majority of those persons having an ownership interest in lots, tracts, parcels or divisions in the subject subdivision or portion to be altered.
- D. Any features contained on the original subdivision that have been relied upon in subsequent land development or County planning decisions shall be retained and depicted on the alteration map.
- E. If the final plat is subject to restrictive covenants that were filed at the time of the recording of the final plat, and the application for alteration would result in the violation or alteration of a covenant, the application shall contain an agreement signed by all parties required by the provisions of the covenants, providing that the parties agree to terminate or alter the relevant covenants to accomplish the purpose of the alteration.
- F. The Hearing Examiner shall determine the public use and interest in the proposed alteration and may deny or approve the application for alteration. If any land within the alteration is part of an assessment district, any outstanding assessments shall be equitably divided and levied

against the remaining lots, parcels or tracts, or be levied equitably on the lots resulting from the alteration. If any land within the alteration contains a dedication to the general use of persons residing within the subdivision, such land may be altered and divided equitably between the adjacent properties.

G. Any easement established by dedication cannot be extinguished or altered without the approval of the easement owner or owners, unless the plat or other document creating the dedicated easement provides for an alternative method to extinguish or alter the easement.

H. After approval of an alteration, the applicant shall submit a drawing of the approved alteration of the final subdivision, to be processed, approved and recorded in the same manner as set forth for final subdivisions at Chapter 16.40 KCC.

16.60.030 Alterations of final short plats, large lot plats and binding site plans.

A. Except as provided herein, alterations for final short plats, final large lot plats and binding site plans shall be accomplished by following the same process required for new applications as set forth in Chapters 16.48, 16.52 and 16.56 KCC, respectively. An application for an alteration of a recorded final short subdivision, large lot subdivision or binding site plan shall be processed as a Type II application, unless the short subdivision, large lot subdivision or binding site plan was approved through a process requiring a public hearing in the first instance. In such case, the alteration shall be processed as a Type III application.

B. Alteration applications and documents to be recorded shall contain the signatures of a majority of those persons having an ownership interest in lots, tracts, parcels or divisions in the subject short subdivision, large lot subdivision or binding site plan, or portion to be altered.

C. Any features contained on the original short subdivision, large lot subdivision or binding site plan that have been relied upon in subsequent land development or County planning decisions shall be retained and depicted on the alteration map.

D. If the final short plat, large lot plat or binding site plan is subject to restrictive covenants that were filed at the time of the recording, and the application for alteration would result in the violation or alteration of a covenant, the application shall contain an agreement signed by all parties required by the provisions of the covenants, providing that the parties agree to terminate or alter the relevant covenants to accomplish the purpose of the alteration.

E. The Department (in the case of a Type II application) or Hearing Examiner (in the case of a Type III application) shall determine the public use and interest in the proposed alteration and may deny or approve the application for alteration. If any land within the alteration is part of an

assessment district, any outstanding assessments shall be equitably divided and levied against the remaining lots, parcels, or tracts, or be levied equitably on the lots resulting from the alteration. If any land within the alteration contains a dedication to the general use of persons residing within the subdivision, such land may be altered and divided equitably between the adjacent properties.

F. Any easement established by dedication cannot be extinguished or altered without the approval of the easement owner or owners, unless the plat or other document creating the dedicated easement provides for an alternative method to extinguish or alter the easement.

G. After approval of an alteration, the applicant shall submit a revised drawing of the altered final short plat, large lot plat or binding site plan, to be processed, approved and recorded in the same manner as set forth for final short subdivisions at Chapter 16.48 KCC, final large lot subdivisions at Chapter 16.52 KCC or binding site plans at Chapter 16.56 KCC.

H. Alterations of short plats that involve a public dedication shall be processed according to RCW 58.17.215.

16.60.040 Vacations of final plats, final short plats, final large lot plats and final binding site plans.

A. Plat vacations shall be processed as a Type III application.

B. Short plat, large lot plat and binding site plan vacations shall be processed as a Type II permit, unless the short subdivision, large lot subdivision or binding site plan was approved through a process requiring a public hearing in the first instance. In such case, the vacation shall be processed as a Type III application.

C. The application for vacation shall set forth the reasons for vacation and shall contain signatures of all parties having an ownership interest in that portion of the land segregation subject to vacation. The applicant(s) must demonstrate that property within or abutting the boundaries of the subject plat or binding site plan will not be adversely impacted and the vacation will not have an adverse impact on the provision of utilities in the areas. Additionally, the vacation shall not result in a conflict with the Comprehensive Plan, applicable sub-area plan.

D. If the land segregation is subject to restrictive covenants which were filed at the time of the approval, and the application for vacation would result in the violation or alteration of a covenant, the application shall contain an agreement signed by all parties required by the provisions of the covenants, providing that the parties agree to terminate or alter the relevant covenants to accomplish the purpose of the vacation of the segregation or portion thereof. In the event the entire land segregation is proposed for vacation, the application

shall contain a document, to be recorded with the segregation vacation, revoking the covenants.

E. Legally existing structures and uses shall not be required to correct existing nonconforming features to meet current regulations as a condition of approval of a vacation.

F. Applications for vacation of County right-of-way within the plat shall be processed in accordance with KCC 11.42. The right-of-way vacation application shall be processed concurrently with the application for vacation of the plat.

G. The Department (in the case of a Type II application) or the Hearing Examiner (in the case of a Type III application) may approve or deny the vacation of the segregation after determining the public use and interest to be served by the vacation. If any portion of the land contained in the segregation was dedicated to the public for public use or benefit, such land, if not deeded to the County, shall be deeded to the County unless the Department or Hearing Examiner sets forth specific findings that the public use would not be served in retaining title to those lands.

H. Title to the vacated property shall vest with the rightful owner as shown in the county records. If the vacated land is land that was dedicated to the public, for public use other than a road or street, and the Department or Hearing Examiner has found that retaining title to the land is not in the public interest, title thereto shall vest with the person or persons owning the property on each side thereof, as determined by the County. When the road or street that is to be vacated was contained wholly within the segregation and is part of the boundary of the segregation, title to the vacated road or street shall vest with the owner or owners of property contained within the vacated segregation.

LEGAL LOT DETERMINATION

Chapter 16.62

- 16.62.010 Purpose and summary
- 16.62.020 Applicability and burden of proof
- 16.62.030 Determination process
- 16.62.040 Application and submittal requirements
- 16.62.050 Approval standards
- 16.62.060 Effect of legal lot determination
- 16.62.070 Potential remedial measures

16.62.010 Purpose and Summary.

A. Pursuant to RCW 58.17.210, the purpose of this chapter is to provide a process and standards for determining whether lots are legal lots of record consistent with applicable state and local law, and to provide potential remedial measures available to owners of property that do not meet the standards.

B. Parcels are considered legal lots of record if they were in compliance with applicable laws regarding platting at the time of their creation. Platting laws pertain primarily to the review process used in the creation of the lots. Specific provisions are listed herein.

C. Platting dates pertinent to legal lot determination:

1. August 11, 1969 – Revised Washington State subdivision law
2. July 1, 1974 – First Kitsap County Short Subdivision ordinance
3. January 13, 1986 – First Kitsap County Large Lot Subdivision ordinance

16.62.020 Applicability and Burden of Proof.

A. This chapter applies to all requests for legal lot determinations and to applications for any permit, including but not limited to building permits, subdivisions, hearing examiner conditional use permits, administrative conditional use permits, rezones and comprehensive plan change applications.

B. A lot is presumed to be a legal lot of record, but may be investigated by the Department upon submittal of a building or other development permit.

C. The burden of proving that a lot is legal rests with the applicant.

16.62.030 Determination Process.

Legal lot of record status may be formally determined through the following ways:

A. Legal Lot Determinations as Part of a Building Permit or Other Development Application. Building permits for placement or replacement of primary structures and other development applications shall be reviewed by the Director for compliance with the standards of this chapter, according to the timelines and procedures associated with the particular building permit or development application. A separate written approval will not be issued unless requested by the applicant. Fees for legal lot determination shall be assessed pursuant to Title 21 KCC, unless the parcel was recognized through a previous legal lot determination or other review in which such recognition was made.

B. Legal Lot Determination Requests Submitted Without Other Development Review. Requests for determination of legal lot of record status not involving any other county development reviews shall be through an application for legal lot determination, along with the submittal of applicable fees, pursuant to Title 21 KCC. This application will be processed as a Type I application. The County will issue a letter of determination in response to all such requests.

C. Prior Legal Lot Determination. Lots that have been previously recognized as a legal lot of record shall remain legal lots of record unless changed by action of the owner. Any such change shall necessitate a new legal lot determination through the processes outlined at KCC 16.62.030(A) or (B).

D. Parcels that are not considered Legal Lots.

1. Tax title strips
2. Vacated rights-of-way
3. Tidelands
4. Parcels designated solely for access purposes
5. Hiatuses created by legal descriptions
6. Parcels created through a tax segregation, unless resulting parcels are twenty (20) acres (or 1/32nd of a section) or larger in size.

E. The Director's determination of legal lot status shall not be construed as a guarantee that the lot constitutes a Building Site as defined in KCC 16.08.085.

16.62.040 Application and Submittal Requirements.

A. To be considered complete, applications for Legal Lot Determination shall include the following:

1. Application form completed with notarized signatures of the property owner(s) or authorized agent.
2. All documents demonstrating compliance with approval standards, including, but not limited to, the following:
 - a. Prior county-approved land segregation, legal lot determination or other written approval, if any, in which the parcel was formally created or determined to be a legal lot of record;
 - b. Sales or transfer deed indicating lot status prior to July 1, 1974;
 - c. Prior tax segregation request, if any;
 - d. Prior recorded survey, if any; and/or
 - e. Any other information demonstrating compliance with platting laws.

16.62.050 Approval Standards.

Parcels that meet the following platting standards will be considered legal lots of record:

- A. The parcel was created through a plat, short plat, large lot plat, or binding site plan approved by Kitsap County and recorded with the Kitsap County Auditor; or
- B. The parcel is five (5) acres or larger, or 1/128th of a section or larger, and was created by Record of Survey before January 13, 1986, the date of Kitsap County's first large lot subdivision ordinance; or

C. The parcel was lawfully created through testamentary provisions, or the laws of descent. Development of said parcel is subject to the zoning regulations set forth at KCC Title 17; or

D. The parcel was created through an exemption listed in RCW 58.17.035 or RCW 58.17.040 or other statutory exemptions available at the time it was created; or

E. The parcel is twenty (20) acres (or 1/32nd of a section) or larger in size; or

F. The parcel deed description shown in a sales or transfer deed dated prior to July 1, 1974 is the same as the current parcel description; or

G. The parcel is a resultant parcel of a BLA that utilized parcels legally created through a tax segregation and said resultant parcel conforms to area and dimensional requirements at the time it was created.

16.62.060 Effect of legal lot determination.

A. In urban areas, all lots found to be legal lots of record may be developed consistent with the requirements of Kitsap County Code.

B. In rural areas, lots found to be legal lots of record may be developed consistent with the requirements of Kitsap County Code, as follows:

1. Single Ownership. A parcel in single ownership may be developed consistent with the requirements of Kitsap County Code and must be capable of individually meeting the definition of a building site.

2. Contiguous parcels in common ownership. Contiguous parcels in common ownership, or the legal equivalent thereof, as of the date of passage of this ordinance may not be developed individually unless capable of individually meeting the definition of a building site. Contiguous parcels in common ownership not individually meeting the definition of a building site must be aggregated to the extent necessary to meet the definition of a building site.

16.62.070 Potential Remedial Measures.

Knowingly transferring or selling lot(s) created in violation of land division regulations is a gross misdemeanor pursuant to RCW 58.17.300. The owner(s) of illegally created lot(s) per this chapter may consider pursuing one or more of the following actions. This list is not exhaustive and is not intended to provide legal advice.

A. Apply for a Public Interest Determination under KCC 16.04.160(A);
B. Apply for Innocent Purchaser status under KCC 16.04.160(B);
C. Pursue a private right of action as provided in RCW 58.17.210;
D. Acquire additional land from adjoining properties, through a boundary line adjustment, in order to achieve adequate dimension and area to meet the criteria for a building site.

BOUNDARY LINE ADJUSTMENT
Chapter 16.64

Sections:

- 16.64.010 Purpose**
- 16.64.020 General provisions**
- 16.64.030 Applicability and exclusions**
- 16.64.040 Application submittal and contents**
- 16.64.050 Review process and standards**

16.64.010 Purpose

The purpose of this chapter is to provide a process and review standards for the adjustment of boundary lines between two or more contiguous lots, for purposes that include, but are not limited to: (1) rectifying defects in land descriptions, (2) allowing the enlargement of lots to provide adequate building site, (3) correcting situations where an established use encroaches on a lot line, or (4) for other purposes not inconsistent with applicable County Code. Boundary Line Adjustments (BLA) shall not create additional lots.

16.64.020 General Provisions

- A. BLA applications shall be processed as Type I applications under Chapter 21.04 KCC.
- B. BLAs do not constitute a conveyance of real property. A BLA involving lots under separate ownerships must be recorded concurrently with a conveyance instrument executed in accordance with applicable laws.
- C. Approval of a BLA does not guarantee the existence of a building site, as defined in this Title. Such determination of the existence of a building site is dependent on other approvals, such as water, sanitary sewage system, setbacks, and environmental requirements.
- D. BLAs approved in compliance with this chapter shall expire one year after date of approval if the BLA is not recorded with the County Auditor.

16.64.030 Applicability and exclusions

- A. This chapter applies to adjustments of boundary lines between platted or unplatted parcels of land or both, which does not create any additional lot, tract, parcel, site or division, nor create any lot, tract, parcel, site or division that contains insufficient area and dimension to meet minimum requirements for a building site.
- B. Agreements made pursuant to RCW 58.04.007 are excluded from meeting the requirements of this chapter.
- C. The following types of property shall not be utilized in a BLA to obtain additional building sites:
 - 1. Tax title strips;

2. Vacated rights-of-way;
3. Tidelands designated with a separate tax parcel number;
4. Parcels designated for access purposes;
5. Hiatuses between legal descriptions;
6. Parcels created by tax segregation request (except parcels that are twenty (20) acres or 1/32nd of a section or greater in size).

D. The BLA will not be reviewed to determine potential impacts to drainage, critical areas, water supply, existing sanitary sewage disposal, utilities or fire protection for any lot, tract, parcel or site, and improvements on the lots, tracts and parcels. These aspects will be reviewed at the time of building permit or other land use application.

16.64.040 Application Submittal and Contents

To be considered complete, applications for BLAs shall include the following:

- A. Application form completed with the notarized signatures of all affected real property owners.
- B. Two copies each of two types of exhibit maps that are clean, legible, and suitable for recording. The first map shall show the existing or current parcel information and shall be titled "Existing Parcels" and the second map shall show the proposed parcel reconfiguration and shall be titled "Resultant Parcels". The maps shall be prepared by a land surveyor registered pursuant to Chapter 18.43 RCW. Exhibit maps shall be sealed and signed by the land surveyor and must contain the following:
 1. Maps prepared on 8.5" X 11" or 8.5" X 14" paper with proper margins for recording;
 2. North point and scale;
 3. All existing and proposed lot lines;
 4. Resultant parcel area(s), to the nearest 1/100th acre;
 5. Adjacent street names;
 6. Information to demonstrate that all resultant parcels have legal access, where the subject parcels are under more than one ownership;
 7. If parcels are under single ownership, a condition stating that any necessary access easement(s) shall be established at the time of conveyance of the resultant parcels;
 8. Parcel identification by letter designations that match the land descriptions;
 9. Solid lines shall delineate lot boundaries;
 10. Dashed lines shall delineate easements;
 11. Where parcels are not surveyed, a disclaimer on both maps that they are "NOT SURVEYED".
- C. Two copies of land descriptions, prepared in accordance with WAC 332-130-040 by a land surveyor licensed in the State of Washington. Descriptions for the individual existing or current parcels and the individual resultant parcels shall be provided. Existing or current parcel descriptions shall be labeled with letter designations that match the map and labeled with existing tax account numbers. Resultant parcel descriptions shall be labeled with letter

designation. The resultant land descriptions shall be sealed and signed by the land surveyor.

D. Treasurer's Certification. The boundary line adjustment document shall contain a Treasurer's Certificate that reads as follows: "I hereby certify that real property taxes on the above-described property have been paid, satisfied or discharged up to and including the year 20____.", along with signature and date lines.

E. Director's Approval. The boundary line adjustment document shall contain the following statement: "Approved pursuant to KCC 16.64", along with signature and date lines.

16.64.050 Review Process and Standards

In reviewing a proposed BLA, the department may approve the application if all of the following are met:

- A. The BLA is for adjusting boundary lines between adjoining lots.
- B. The BLA shall not result in:
 - 1. The creation of any additional lots other than the number that existed prior to the BLA;
 - 2. A lot not meeting the definition of a legal lot of record, as set forth in KCC 16.08.215;
 - 3. A lot that becomes nonconforming to the area and dimensional requirements of the applicable zone, except as set forth in KCC 16.64.050F;
 - 4. A resultant lot having more than one zoning designation, provided:
 - a. one or more of the existing lots contains multiple zoning designations; or
 - b. when the BLA is for the purpose of resolving an encroachment, intrusion into another zoning designation shall be the minimum necessary to resolve the encroachment;
 - 5. A resultant lot bisected by County right-of-way;
 - 6. Lots that do not have a common boundary.
- C. The BLA shall not violate any conditions of approval as may be established by a previously approved land segregation or permit.
- D. The BLA shall not reduce the area devoted to open space in a land segregation or land use permit.
- E. The BLA shall not attempt to circumvent the land segregation procedures set forth in this title. When the resultant BLA would have more appropriately been accomplished through a land segregation process set forth in this title, it shall be basis for denial of the BLA.
- F. The BLA does not involve nonconforming lots unless:
 - 1. The BLA serves to bring one or more nonconforming lots into greater compliance with the area requirements of the applicable zone and all resultant lots are of sufficient size to accommodate setback requirements of the zone in which the lots are located; or

- dispute; or
2. The BLA is to resolve an encroachment or other boundary line
 3. The BLA serves to remedy adverse topographical features; or
 4. The BLA serves to provide access to a landlocked parcel.

Draft

Chapter 16.66
ADDRESSING OF LAND

Sections:

16.66.010	Purpose.
16.66.015	Powers and duties of department.
16.66.020	Official map.
16.66.030	Designation of way of travel.
16.66.040	Numerical designation of buildings and real property.
16.66.050	Denoting of ways of travel (road naming).
16.66.060	Display of designations.
16.66.070	Enforcement.

16.66.010 Purpose.

This chapter provides the procedures and guidelines for regulating addressing within unincorporated Kitsap County.

16.66.015 Powers and duties of department.

- A. The Director is authorized and empowered to assign and/or change numerical designations of buildings and real property.
- B. Addresses shall be assigned in conjunction with the approved building permit application process or during the preliminary plat process. Community or public facilities without structures, such as parks and utilities, shall be addressed.
- C. The Director is authorized and empowered to assign and/or change the names of ways of travel and numerical designations.
- D. The Director is authorized to administer and implement the provisions of this chapter and develop policies (e.g., interpretations) to ensure the proper operation.
- E. The Director is authorized and empowered to designate roads if determined to be in the interest of public safety. If there are multiple segments or branches of a road, it will be at the department's discretion as to the number of road names assigned.
- F. The processing fees for assignment of new addresses and petitions for road naming shall be in accordance with KCC 21.06.100.
- G. The Director is authorized and empowered to accept an agreement and covenant regarding address waiver and/or road name waiver, to be signed by property owner and recorded with Kitsap County auditor to run with the land.

16.66.020 Official map.

- A. The *Kitsap County Official Addressing Map* (hereinafter referred to as the "official map") shall divide Kitsap County into six districts: (1) Northwest (NW); (2) Northeast (NE); (3) East (E); (4) Southeast (SE); (5) Southwest (SW); and (6) West (W).
- B. The official map shall establish the numerical addressing grid for Kitsap County.

C. The official map is kept and maintained by the Department, and is hereby adopted as part of this chapter and incorporated by reference as though fully set forth herein.

D. The official map and addresses thereof shall be maintained at the Kitsap County department of community development. The official map or copy thereof shall be available for public inspection during regular business hours.

16.66.030 Designation of way of travel.

A. Ways of travel running generally or predominantly north and south shall be suffixed with the abbreviated name of the district for the entire way of travel in which they are situated when initially named.

B. Ways of travel running generally or predominantly east and west shall be prefixed with the abbreviated name of the district for the entire way of travel in which they are situated when initially named.

C. Ways of travel shall be designated by a name in accordance with KCC 16.66.050.

16.66.040 Numerical designation of buildings and real property.

A. Buildings with an occupancy classification other than Group U shall be designated numerically. For measurement purposes in determining the numerical designation, the location of the main entrance to the property on which the building is situated or unimproved real property shall be used.

B. Buildings with an occupancy classification of Group U, or buildings accessory to those that are numerically designated, may be designated numerically at the discretion of the director provided appropriate justification can be established indicating the need for a separate numerical designation.

C. Buildings with multiple tenant spaces, suites or dwelling units shall receive one numerical designation per building.

Exceptions:

1. Mini-storage complexes may have one address for multiple buildings provided each building is designated with the numerical designation of the complex as well as the individual unit designation and the site plan showing all building and unit designations is submitted to and approved by the department.

2. Residential duplexes may have two numerical designations.

D. The numerical designations shall be assigned based on the geographic direction of the way of travel, as determined by observing its overall length and noting its general or predominant direction, as follows:

1. In the northwest, northeast and west districts, even numerical designations shall be assigned to the north and east sides of ways of travel and odd numerical designations shall be assigned to the south and west sides of ways of travel.

2. In the southwest, southeast, and east districts, even numerical designations shall be assigned to the south and west sides of ways of travel and odd numerical designations shall be assigned to the north and east sides of ways of travel.

E. From the point of origin, when possible, even and odd numerical designations shall be assigned consecutively and opposite one another for the entire way of travel in which they are situated when initially named. However,

buildings and real property situated on a circle, court, or loop shall be numbered consecutively beginning at the point of origin and proceeding progressively around such circle, court or loop in a clockwise direction.

F. Buildings with multiple tenant spaces, suites or dwelling units shall have the suites/units further identified with suite, unit or apartment numbers. Assignment of suite or apartment numbers of commercial occupancies shall be from left to right facing the buildings or units. All suite, apartment or unit numbers shall use "100" numbers for units located on the first floor of buildings, "200" numbers for units located on the second floor, "300" numbers for units on the third floor, and continue likewise for successive floors. Suite, unit or apartment numbers on floor levels below the first floor (sub-grade levels) shall use the letter "S" preceding the suite/unit numbers. For example, on the floor level immediately below the first floor, "S100" numbers shall be used. The next floor level down shall use "S200" numbers and continue likewise for successive sub-grade or basement levels.

1. Multi-unit commercial occupancies, other than Group R, shall have suite/unit numbers in ten-number increments, whenever possible, to ensure adequate opportunity for future changes to be numbered in correct order. When the building has an odd numerical designation, suite/unit numbers shall be odd. For example, a building with an address of 123 NW Alphabet St. would have suite/units 101, 111, 121, etc. on the first floor; 201, 211, 221 on the second floor, etc. Buildings with even numerical designations shall use even suite/unit numbers.

2. Multi-unit commercial occupancies with Group R units shall have suite/unit numbers consecutively. For example, a multi-unit Group R building would have suite/units 100, 101, 102, 103 on the first floor, suite/units 200, 201, 202, 203 on the second floor, etc. A multi-unit Group R building with interior access corridors may use consecutive even and odd numbers on opposite sides of the corridor. Suite/unit numbers of different floors, whenever possible, shall be "stacked"; for example, unit 112 should be directly below unit 212, which would be directly below unit 312, etc.

16.66.050 Denoting of ways of travel (road naming).

A. Ways of travel shall be named when they serve a minimum of five or more parcels, or three or more buildings with an occupancy group other than Group U. Requests for road names shall be petitioned to, and approved by, the department.

The road name is the principal identifying component of a full street name, which in most cases should uniquely distinguish a street from all others. In addition to emergency response, addresses are used to record the location of events and objects in databases throughout the county. It is important that road names be easy to input correctly. The following road name criteria reflect that need as well as the needs of emergency response:

1. No road name shall be used more than once. For example, two roads may not be named Cedar even if they have different road types.

2. Road names shall not sound alike. For example, two roads may not be named Stephen and Steven.

3. Names that tend to be mispronounced or misspelled shall not be used. For example, names like Javelina, Weimaraner, and Perseverance are either hard to spell or pronounce and would be subject to increased scrutiny during the name review process.

4. Road names should be composed of one word wherever possible and limited to thirteen characters or less. This does not include directionals or identifiers which are assigned by the department according to the Kitsap County official grid map.

5. Two-word names or one-word names that can be confused as two-word names shall not be used. For example, names like Clearlake, Clear Lake, and Baytree would not be acceptable.

6. Names that include directional words such as North, South, East, or West shall be avoided. For example, North East Beach would not be acceptable.

7. Names that include punctuation shall be used without the punctuation. For example, NW George's Rd would be approved as NW Georges Rd.

8. Except where historically significant, road names shall not include proper names.

9. The department shall promote road name continuity. For example, a private or unmaintained county road extending from the end of a dead-end county-maintained road shall retain the same name as the county road.

10. Road names shall not include any of the road types listed in Chapter 16.08 KCC, Definitions. For example, Mountain Loop Rd would not be an acceptable name.

B. Road name changes may be initiated by the department when the road name fails to meet the criteria in subsection (A) of this section or when the road name serves to compromise the E911 system in any way. KCDCCD shall work in cooperation with CenCom and other departments in making changes. Except as detailed in this section, existing road names shall not be required to meet the criteria of this chapter.

C. The department is authorized to affirmatively take all lawful action to cure or fix the problem of road names not meeting the criteria of this chapter provided written notice of the proposed action is provided to all persons owning property on the way of travel in question, and all persons affected or impacted by the proposed action, via U.S. mail or other appropriate means, and all the following procedures are followed:

1. Petition for road name will be mailed to each parcel owner allowing thirty days from the date of the letter to provide input on the name selection.

2. If a majority vote is not received for a road name that can be approved by the department, a second letter will be sent out to each parcel owner allowing an additional fourteen days from the date of the letter to provide input on the proposed name selection.

3. If a simple majority vote is not received for a road name that can be approved by the department, then the department will select the new road name.

4. When the approved road name has been selected and assigned by the department, a letter will be sent out to each parcel owner with the approved name and instructions for the construction of the road sign. On private roads or

unmaintained county roads, the parcel owners shall have the sign constructed and installed within thirty days.

5. When the road naming process is complete, a letter will be sent out to each parcel owner notifying them of the new address number assignment with the new road name. The parcel owners shall have the new address numbers posted within thirty days.

D. All new or replaced road name signs shall be constructed and placed pursuant to Kitsap County public works sign standards. Costs and maintenance of any road signs for a private or unmaintained road shall be the sole responsibility of the parcel owners on said road. Failure to maintain road signs for a private or unmaintained road can constitute a separate Class 1 civil infraction against each and every parcel owner served by such road, in accordance with KCC 16.66.070.

16.66.060 Display of designations.

A. The owner, occupant, tenant, lessee or any other person or entity having an interest in any addressed building shall conspicuously display the numerical designation assigned to such building. The numerical designation shall be easily legible with numerals displayed upon a contrasting background, for example, black on white, or white on blue, etc. Whenever possible, numerical designations should not be placed on window glazing.

1. Number size for all residential occupancies shall be four inches minimum height with one-half-inch stroke.

2. All commercial addresses shall be posted as follows: numerals on buildings located fifty feet or less from the named way of travel shall be twelve inches minimum height with one-and-one-half-inch stroke; numerals on buildings located between fifty and one hundred feet from the named way of travel shall be eighteen inches in height with two-inch stroke; numerals on buildings located more than one hundred feet from the named way of travel shall be twenty-four inches minimum height with two-and-one-half-inch stroke.

B. Premises Identification. Approved numbers or address shall be posted for all new and existing buildings in such a position, facing the way of travel, as to be plainly visible and legible from the street or road fronting the property. If the numerical designation of the building is not clearly visible from a named way of travel, the numerical designation shall also be displayed near the main entrance to the property and the driveway entrance upon which the building is situated. During the construction of buildings, the numerical designation shall be posted at the premises prior to requesting any department inspections.

16.66.070 Enforcement.

A. The director is authorized to enforce this chapter, and to designate county employees as authorized representatives of the department to investigate suspected violations of this chapter, and to issue orders to correct violations and notices of infraction.

B. A violation of any provision of this chapter shall constitute a Class 1 civil infraction. Each violation shall constitute a separate infraction for each and every

day during which the violation is committed, continued, or permitted. Infractions shall be processed in accordance with Chapter 2.116.

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Chapter 16.68
POULSBO URBAN TRANSITION AREA

Sections:

- 16.68.010 Purpose.
- 16.68.020 City Subdivision Ordinance adopted – Exceptions.

16.68.010 Purpose.

The purpose of this chapter is to recognize the adoption of the Poulsbo Subarea Plan and designation of the Poulsbo Urban Growth Area (UGA), and to provide for development within the UGA that is consistent with the City of Poulsbo's existing development standards, thereby allowing for a smooth transition of the UGA into the City's corporate limits through future annexations. (Ord. 273 (2002) § 4 (part), 2002)

16.68.020 City Subdivision Ordinance adopted – Exceptions.

A. Subject to the changes and exceptions listed in this section, the Subdivision Ordinance adopted by the City of Poulsbo on December 28, 1994, (Title 17) (Attachment 8 to this ordinance), is adopted and incorporated herein by reference for the sole purpose of regulating land division and development within the Poulsbo Urban Transition Area, as depicted on the county's Comprehensive Plan Land Use Map:

1. "Comprehensive plan" means the Kitsap County comprehensive plan;
2. "Director" means the director of the Kitsap County department of community development;
3. "City" or the "City of Poulsbo" means Kitsap County or Poulsbo Urban Transition Area, as the context may require;
4. "City council" means county;
5. For matters covered by the following sections and chapters of the City of Poulsbo's Subdivision Ordinance, the equivalent county regulations, if any, shall apply instead:

- a. Chapter 17.04 – General Provisions;
- b. Chapter 17.08 – Preliminary Plat:

Sections:

- (1) 17.08.010 – Application-Requirements;
- (2) 17.08.020 – Preparation;
- (3) 17.08.030 – Application review – Responsibility;
- (4) 17.08.040 – Hearing notice;
- (5) 17.08.050 – Review;
- (6) 17.08.060 – Hearing procedure;
- (7) 17.08.070 – Criteria for recommendation;
- (8) 17.08.170 – Planning commission report and recommendation;
- (9) 17.08.180 – Council consideration;
- (10) 17.08.200 – Approval decision notification;
- (11) 17.08.210 – Expiration of approval;

- c. Chapter 17.12 – Final Plat;
- d. Chapter 17.16 – Short Plats and Short Subdivisions;
- e. Chapter 17.20 – All Plats:

Sections:

- (1) 17.20.010 – Improvement plans – All maps;
- (2) 17.20.020 – Improvement agreement;
- (3) 17.20.030 – Improvement security;
- (4) 17.20.040 – Completion of improvements;
- (5) 17.20.050 – Acceptance of improvements;
- (6) 17.20.070 – Appeal to city council;

- f. Chapter 17.24 – Administration and Enforcement;

B. If it is not clear from subsection (A) above whether the city subdivision ordinance or county regulations apply, then this Section 16.02.020 shall be interpreted in accordance with the following general rules:

- 1. The substantive requirements of the city's subdivision ordinance apply instead of the substantive requirements of this title; and
- 2. The procedural requirements for reviewing and processing development permits and for appeals of decisions on such permits, as well as any other procedural requirements of this title, and the procedural requirements of the county's procedures ordinance (Chapter 21.04 of the Kitsap County Code), apply instead of the procedural requirements of the city's subdivision ordinance.

(Ord. 273 (2002) § 4 (part), 2002)