

Ordinance No. XX-XX

ORDINANCE AMENDING KITSAP COUNTY CODE TITLE 16 (LAND DIVISION AND DEVELOPMENT), TITLE 17 (ZONING), TITLE 21 (LAND USE AND DEVELOPMENT PROCEDURE, AND TITLE 22 SHORELINE MASTER PROGRAM

BE IT ORDAINED:

Section 1. General Findings. The Kitsap County Board of Commissioners (Board) makes the following general findings:

1. Kitsap County is subject to the requirements of the Washington State Growth Management Act (GMA), Chapter 36.70A RCW.

2. The GMA, in RCW 36.70A.130(1), mandates that Kitsap County's Comprehensive Plan and development regulations be subject to continuing review and evaluation.

3. RCW 36.32.120(7) provides that the county legislative authorities shall make and enforce, by appropriate resolutions or ordinances, all such police and sanitary regulations as are not in conflict with state law.

4. After review of Kitsap County Code, the Department of Community Development (DCD) identified various administrative amendments to Kitsap County Code which are intended to remove redundancies, reduce conflicts, and increase consistency, clarity, and predictability.

5. After review of Director’s Interpretations affecting Kitsap County Code, DCD identified two Interpretations to include in the administrative amendments to reduce conflicts, and increase consistency, clarity, and predictability.

6. Kitsap County Code (KCC) Chapter 21.08 sets forth a process and criteria for making amendments to development regulations. Specifically, KCC 21.08.100 outlines review by the Kitsap County Planning Commission and KCC 21.08.110 outlines review by the Board of County Commissioners. For any amendment, the following shall be considered:

- a. whether the proposal is supported by capital facility plans;
- b. whether the proposal is consistent with the requirements of the GMA, Kitsap Countywide Planning Policies or other applicable laws or provisions of the Comprehensive Plan;
- c. whether the proposal reflects current local circumstances; and

- 1
2 d. whether the proposal bears a substantial relationship to the public's general
3 health, safety, morals, or welfare
4

5 **Section 2. General Procedural Findings. The Kitsap County Board of Commissioners**
6 **(Board) makes the following procedural findings:**

- 7
8 **1.** Public outreach regarding the proposed amendments was conducted
9 through a dedicated up-to-date web page, postings in the Kitsap Sun newspaper,
10 and direct notification to over 6,140 GovDelivery subscribers.
11
12 **2.** On May 19, 2026, during a regularly scheduled and properly noticed meeting,
13 the Planning Commission held a briefing to review the workplan for the code
14 changes and summarize proposed edits.
15
16 **3.** On May 20, 2026, during the DCD monthly update, staff briefed the Board on
17 the proposed edits.
18
19 **3.** On May 26, 2026, a State Environmental Policy Act (SEPA) Determination of
20 Non-significance was issued for proposed amendments. A 14-day comment period
21 concluded on June 9, 2026.
22
23 **4.** On June 2, 2026, during a regularly scheduled and properly noticed meeting,
24 the Planning Commission held a work study session to review and discuss the
25 proposed amendments.
26
27 **5.** On August 6, 2026, a 60-day Notice of Intent to Adopt was sent to the
28 Washington State Department of Commerce as required by RCW 36.70A.106.
29
30 **6.** On June 16, 2026, following timely and effective public notification, the
31 Planning Commission held a public hearing to accept comments from interested
32 parties.
33
34 **7.** On June 16, 2026, the written comment period closed with the Planning
35 Commission receiving 15 comments. A total of 21 public comments were received
36 throughout the duration of the project.
37
38 **8.** On July 21, 2026, during a regularly scheduled and properly noticed meeting,
39 the Planning Commission considered the proposed amendments, the testimony
40 presented, and the record, and made recommendations via approved motions
41 during deliberations.
42

1 **9.** On July 21, 2026, during a regularly scheduled and properly noticed meeting,
2 the Planning Commission approved findings of fact, conclusions, and
3 recommendations regarding the proposed amendments and forwarded them to
4 DCD for consideration by the Kitsap County Board of County Commissioners.
5

6 **10.** On XXX, 2026, Kitsap County issued a Notice of Public Hearing for the Board
7 of County Commissioners in the legal publication of record regarding the content of
8 the proposed amendments.
9

10 **11.** On XXX, 2026, following timely and effective public notification, the Board
11 held a public hearing to accept comments from interested parties.
12

13 **12.** On XXX, 2026, the written comment period closed with Board.
14

15 **13.** On XXX, 2026, during a regularly scheduled and properly noticed meeting,
16 the Board of County Commissioners considered the proposed amendments,
17 ordinance, the testimony presented, and the record. The Board moved to continue
18 deliberations to the XXX, 2026 Board of County Commissioners meeting.
19

20 **14.** On XXX, 2026, during a regularly scheduled and properly noticed meeting,
21 the Kitsap County Board of Commissioners continued deliberations and adopted
22 the Ordinance.
23

24 **Section 3. Substantive Findings related to the Comprehensive Plan. The Board of**
25 **County Commissioners (Board) makes the following findings:**
26

27 **1.** The proposed code amendments were developed with opportunities for
28 public participation and comment as required by GMA and the State Environmental Policy
29 Act (SEPA), chapter 43.21C RCW.
30

31 **2.** The proposed code amendments were developed according to, and are
32 compliant with, the requirements of GMA, chapter 36.70A RCW, the Countywide Planning
33 Policies, the Kitsap County Comprehensive Plan, Kitsap County Code, and other
34 applicable laws and policies.
35

36 **3.** The proposed code amendments are consistent with the Kitsap County
37 Comprehensive Plan by:
38

39 a. Eliminating or reducing conflicting provisions of code.
40

41 b. Adding clarity to existing sections of code without changing meaning or
42 intent of language.

1
2 c. Removing redundancy or regulation that is no longer applicable, or providing
3 for new state legislative requirements.
4

5 d. Creating more predictability and certainty in development standards and the
6 permit review process.
7

8 **4.** The proposed code amendments promote the public interest and welfare of
9 the citizens of Kitsap County.
10

11 **Section 4: Kitsap County Code Section 16.04.050 Applicability and exemptions, last**
12 **amended by Ordinance 637-2024, is amended as follows:**
13

14 **16.04.050 Applicability and exemptions**
15

16 The provisions of Chapters 16.40, Subdivisions; 16.48, Short Subdivisions; and 16.52,
17 Large Lot Subdivisions, shall apply to all divisions and redivisions of land for the
18 purposes of sale, lease or other transfer of ownership except:
19

20 A. A division of land for cemeteries and other burial plots while used for that purpose;
21

22 B. A division of land into lots or tracts, as follows: one-thirty-second of a section or
23 larger, or twenty acres or larger if the land is not capable of description as an aliquot part
24 of a section. Lots within a rural zoning designation may include, for the purposes of area
25 calculation, the portion of county right-of-way fronting the lot; said portion of county
26 right-of-way shall be bounded by the right-of-way centerline, the front property line and
27 the side lot lines of the lot running perpendicular to such centerline;
28

29 C. A division of land made by testamentary provision, or the laws of descent.
30 Development of such divisions of land is subject to the zoning regulations set forth at
31 Title 17;
32

33 D. A division of land into lots, or tracts classified for industrial or commercial use when
34 the county has approved a binding site plan for the use of the land in accordance with
35 this title;
36

37 E. A division for the purpose of lease when no residential structure other than mobile
38 homes or travel trailers is permitted to be placed upon the land when the county has
39 approved a binding site plan for the use of the land in accordance with local regulations;
40

41 F. A division of land into lots or tracts if: (1) Such division is the result of subjecting a
42 portion of a parcel or tract of land to either Chapter 64.32 or 64.34 RCW subsequent to
43 the recording of a binding site plan for all such land; (2) the improvements constructed or

1 to be constructed thereon are required by the provisions of the binding site plan to be
2 included in one or more condominiums or owned by an association or other legal entity
3 in which the owners of units therein or their owners' associations have a membership or
4 other legal or beneficial interest; (3) the county has approved the binding site plan for all
5 such land; (4) such approved binding site plan is recorded with the county auditor; and
6 (5) the binding site plan contains thereon the following statement:
7

8 All development and use of the land described herein shall be in accordance with
9 this binding site plan, as it may be amended with the approval of the county
10 having jurisdiction over the development of such land, and in accordance with
11 such other governmental permits, approvals, regulations, requirements, and
12 restrictions that may be imposed upon such land and the development and use
13 thereof. Upon completion, the improvements on the land shall be included in one
14 or more condominiums or owned by an association or other legal entity in which
15 the owners of the units therein or their owners' associations have a membership
16 or other legal or beneficial interest. This binding site plan shall be binding upon all
17 now or hereafter having any interest in the land described herein.
18

19 The binding site plan may depict or describe the boundaries of the lots or tracts resulting
20 from subjecting a portion of the land to either Chapter 64.32 or 64.34 RCW. A binding site
21 plan shall be deemed to have been approved if the binding site plan was approved by the
22 county pursuant to Chapter 16.56;
23

24 G. A division made for the purpose of alteration by adjusting boundary lines, between
25 platted or unplatted lots or both, that does not create any additional lot, tract, parcel,
26 site or division, nor result in any lot, tract, parcel, site or division that contains
27 insufficient area and dimension to meet minimum requirements for width and area for a
28 building site;
29

30 H. A division for the purpose of leasing land for facilities providing personal wireless
31 services while used for that purpose. For the purposes of this subsection "personal
32 wireless services" means any federally licensed personal wireless service; and
33 "facilities" means unstaffed facilities that are used for the transmission or reception, or
34 both, of wireless communication services including, but not necessarily limited to,
35 antenna arrays, transmission cables, equipment shelters, and support structures. The
36 division shall comply with Kitsap County Code Title 17 'Zoning'; and
37

38 I. A division of land into lots of less than three acres that is recorded in accordance with
39 Chapter 58.09 RCW and is used or to be used for the purpose of establishing a site for
40 construction and operation of consumer-owner or investor-owned electric utility
41 facilities. For purposes of this subsection, "electric utility facilities" means unstaffed
42 facilities, except for the presence of security personnel, that are used for or in
43 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;

J. A division of land made for the purpose of transferring land to a governmental entity and/or nonprofit land trust to accomplish any public purpose. The public purpose must confer a significant benefit to the general public.

Section 5: Kitsap County Code Section 17.110.318 Group Living, last amended by Ordinance 637-2024, is amended as follows:

17.110.318 Group Living

"Group living" means the residential occupancy of a structure that does not meet the definition of family living. Generally, group living facilities have a common eating area for residents, and residents may receive care or training. Group living includes the following:

- A. Assisted living facility.
- B. Boarding house, rooming house, ~~or~~ lodging house, or co-living.
- C. Congregate care facility.
- D. Dormitory.
- E. Hospice.
- F. Monastery or convent.
- G. Independent living facility.
- H. Shelter, nontransitory accommodation.
- I. Skilled nursing care facility, memory care, convalescent or rest home.
- J. Transitional housing (as defined by RCW 84.36.043(3)(c)).
- K. Permanent supportive housing (as defined by RCW 36.70A.030(31)).

Section 6: Kitsap County Code Section 17.110.504 Multiple-Family, last amended by Ordinance 637-2024, is amended as follows:

17.110.504 Multiple-Family

“Multiple-family” means a building or portion thereof containing three or more dwelling units constructed with units above other units, ~~or side-by-side units, and designed for occupancy by three or more families.~~

Section 7: Kitsap County Code Section 17.415.115 Club, last amended by Ordinance 611-2022, is amended as follows:

In rural protection (RP), rural residential (RR), or parks (P) zone, all buildings and activities shall be set back a minimum of fifty feet ~~from a side or rear lot line. In all other zones, the minimum setback shall be~~ and thirty-five feet ~~in all other zones from a side or rear lot line.~~ All such uses shall access directly to a county right-of-way determined to be adequate by the county engineer and be able to provide access without causing traffic congestion on local residential streets. Any such use shall not be materially detrimental to any adjacent (existing or future) residential development due to excessive traffic generation, noise, light or other circumstances. The director may increase setback, buffer and landscaping standards or impose other conditions to address potential impacts.

Section 8: Kitsap County Code Section 17.415.395 Places of Worship, last amended by Ordinance 611-2022, is amended as follows:

In the rural protection (RP) or rural residential (RR) zones, all buildings and activities shall be set back a minimum of fifty feet ~~from a side or rear lot line. In all other zones, the minimum setback shall be~~ and thirty-five feet ~~in all other zones from a side or rear lot line.~~ All such uses shall access directly to a county right-of-way determined to be adequate by the county engineer and be able to provide access without causing traffic congestion on local residential streets. Any such use shall not be materially detrimental to any adjacent (existing or future) residential development due to excessive traffic generation, noise, light or other circumstances. The director may increase setback, buffer and landscaping standards or impose other conditions to address potential impacts.

Section 9: Kitsap County Code Section 17.420.052 Rural, resource, and urban residential zones density and dimensions table, last amended by Ordinance 637-2024, is amended as follows:

17.420.052 Rural, resources, and urban residential zones density and dimensions table

Standard	Rural			Resource		Urban Low Density Residential				Urban Medium/High Density Residential	
	<u>RR</u>	<u>RP</u>	<u>RW</u>	<u>FRL</u>	<u>MRO</u>	<u>UR</u> (33)(53) ()	<u>GB</u>	<u>UL</u> (5)(33) (25)	<u>UCR</u> (5)(25)	<u>UM</u> (5)	<u>UH</u> (33)(55)
Min. density (du/acre)	NA	NA	NA	NA	NA	1 (18)	1 (18)	5 (3)	5 (3)	10	19
Max. density (du/acre)	1 du/5 acres	1 du/10 acres	1 du/20 acres	1 du/40 acres	0 (19)	5, up to 10 in Gorst (18)(53)	4 (18)	9/14 (59)	9	30	60
Min. lot size (63)	5 acres	10 acres	20 acres	40 acres	20 acres (30)	5,800 s.f./ 1,200 for attached housing	5,800 s.f./ 1,200 for attached housing	2,400 s.f./ 1,200 for attached housing	2,400 s.f./ 1,200 for attached housing	NA	NA
Max. lot size	NA	NA	NA	NA	NA	NA	NA	9,000 s.f. (25)	9,000 s.f. (25)	NA	NA
Min. lot width	140	140	140	140	60 (31)	60/20 for attached	60/20 for attached	40/20 for attached	40/20 for attached	NA	NA

Standard	Rural			Resource		Urban Low Density Residential				Urban Medium/High Density Residential	
	<u>RR</u>	<u>RP</u>	<u>RW</u>	<u>FRL</u>	<u>MRO</u>	<u>UR</u> (33)(53) ()	<u>GB</u>	<u>UL</u> (5)(33) (25)	<u>UCR</u> (5)(25)	<u>UM</u> (5)	<u>UH</u> (33)(55)
(feet) (63)						housing	housing	housing	housing		
Min. lot depth (feet) (63)	140	140	140	140	NA	60	60	60	60	NA	NA
Max. height (feet) (37)(40) (50)	35 (2)	35 (2)	35 (2)	35 (1)	NA	35	35	35	35	45 (17)	55 (17)
Max. impervious surface coverage	NA	NA	NA	NA	NA	50%, up to 55% in Gorst (53)	40%	NA	NA	85%	85%
Max. lot coverage	NA	NA	NA	NA	NA	50%, up to 55% in Gorst (53)	40%	NA	NA	85%	NA

Standard	Rural			Resource		Urban Low Density Residential				Urban Medium/High Density Residential	
	<u>RR</u>	<u>RP</u>	<u>RW</u>	<u>FRL</u>	<u>MRO</u>	<u>UR</u> (33)(53) ()	<u>GB</u>	<u>UL</u> (5)(33) (25)	<u>UCR</u> (5)(25)	<u>UM</u> (5)	<u>UH</u> (33)(55)
Setbacks (34)(35)(48)											
Min. front (feet) (41)(42) (43)	50 (29)	50 (29)	50 (29)	50 (29)	NA	20, 15 in Gorst (29)(54)	20 for garage or carport; 10 for habitable area (29)	20 for garage or carport; 10 for habitable area (29)	20 for garage or carport; 10 for habitable area (29)	10 for multifamily; for single-family: 20 for garage or carport, 10 for habitable area (29)	10 for multifamily; for single-family: 20 for garage or carport, 10 for habitable area (29)
Max. front (feet)	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Min. side (feet) (42)(43)	20 feet; 5 feet for accessory structures (29)	20 feet; 5 feet for accessory structures (29)	20 (29)	20 (29)	NA	0 feet for attached housing, 5 feet for detached	0 feet for attached housing, 5 feet for detached	0 feet for attached housing, 5 feet for detached	0 feet for attached housing, 5 feet for detached	0 feet for attached housing, 5 feet for detached	0 feet for attached housing, 5 feet for detached

Standard	Rural			Resource		Urban Low Density Residential				Urban Medium/High Density Residential	
	<u>RR</u>	<u>RP</u>	<u>RW</u>	<u>FRL</u>	<u>MRO</u>	<u>UR</u> (33)(53) ()	<u>GB</u>	<u>UL</u> (5)(33) (25)	<u>UCR</u> (5)(25)	<u>UM</u> (5)	<u>UH</u> (33)(55)
						hed housing, 20 for a garage or carport if that side opens onto a street or alley (29)	hed housing, 20 for a garage or carport if that side opens onto a street or alley (29)	hed housing, 20 for a garage or carport if that side opens onto a street or alley (29)	hed housing, 20 for a garage or carport if that side opens onto a street or alley (29)	housing, 20 for a garage or carport if that side opens onto a street or alley (29)	housing, 20 for a garage or carport if that side opens onto a street or alley (29)
Min. rear (feet) (42)(43)	20 feet; 5 feet for accessory structures (29)	20 feet; 5 feet for accessory structures (29)	20 (29)	20 (29)	NA	10, 15 in Gorst (29)(54)	10, 20 for a garage or carport if that side opens onto a street	10, 20 for a garage or carport opening directly onto a	10, 20 for a garage or carport opening directly onto a	10, 20 for a garage or carport opening directly onto a street or alley (29)	10, 20 for a garage or carport if that side opens onto a street

Standard	Rural			Resource		Urban Low Density Residential				Urban Medium/High Density Residential	
	<u>RR</u>	<u>RP</u>	<u>RW</u>	<u>FRL</u>	<u>MR</u> <u>O</u>	<u>UR</u> (33)(53))	<u>GB</u>	<u>UL</u> (5)(33) (25)	<u>UCR</u> (5)(25)	<u>UM</u> (5)	<u>UH</u> (33)(55)
							or alley (29)	street or alley (29)	street or alley (28)(29)		or alley (29)

Section 10: Kitsap County Code Section 17.495.020 Applicability, last amended by Ordinance 637-2024, is amended as follows:

17.495.020 Applicability

A. Tree canopy requirements shall apply to ~~commercial uses~~, subdivision of land, or single-family and multi-family development creating four or more developable lots or units or on a property of one-half acre or more within unincorporated urban growth areas.

B. Tree canopy shall be determined based on the required tree density of a property expressed as tree units per acre.

C. Trees or vegetation required by other regulations (e.g., landscaping, critical area buffers) may count towards these standards.

D. Retention of trees greater than eighteen inches at diameter breast height (DBH) is encouraged.

E. Tree retention is preferred to tree replacement.

Section 11: Kitsap County Code Section 17.495.030 Tree Density Requirements by Land Use Zone, last amended by Ordinance 637-2024, is amended as follows:

17.495.030 Tree Density Requirements by Land Use Zone

A. A minimum tree density, expressed as a tree unit credit per acre, shall be maintained on the gross acreage of the lot as specified in Table 17.495.030-1. Only healthy trees can count toward the required minimum tree density per Table 17.495.030-2. If the number of trees required includes a fraction of a tree, any amount equal to or greater than one-half shall be rounded up. Tree density may be achieved through use of the replacement or retention standards of this chapter, or a combination of replacement and retention.

Table 17.495.030-1 Minimum Tree Unit Credits by Land Use Zone

Comprehensive Plan Land Use Designation	Land Use Zone	Tree Unit Credits per Gross Acre ^{1,2}
Urban Low Residential	Urban Restricted	20
	Urban Low Residential	
	Urban Cluster Residential	
	Greenbelt	
Urban Medium Residential	Urban Medium Residential	10
Urban High Residential	Urban High Residential	10
Urban Low Intensity Commercial	Urban Village Center	15
	Neighborhood Commercial	
Urban High Intensity Commercial	Commercial	10
	Regional Center	
	Low Intensity Commercial	

¹ Example: To calculate the minimum tree unit credits for a seven thousand five hundred square foot lot in the ULR zone: $7,500/43,560 \times 20 = 3.44$, rounded down to three.

² Trees growing on a property line shall count towards the tree credits listed.

B. The following process shall be used for calculating the required minimum tree unit credits. The required tree credits shall be multiplied by the gross acreage of the lot.

C. Tree density requirements for a lot can be met by trees located within shoreline jurisdiction, critical areas, and their associated buffers. Tree management and protection within critical areas and their buffers are regulated by Title 19, Critical Areas Ordinance, and trees within shoreline jurisdiction are regulated by the shoreline master program.

D. Lots under development subject to the tree density requirements of Table 17.495.030-1 shall meet the required minimum tree density through the planting of replacement trees and/or by retaining existing on-site trees.

E. "Diameter at breast-height (DBH)" means the diameter of a tree trunk measured at four and one-half feet above average grade. DBH is used in determining the diameter of existing trees. For trees located on a slope, the diameter is measured from the average of the highest and lowest ground points or, on very steep slopes where this is not possible, the lowest practical point on the uphill side. Where a tree splits into several trunks close to ground level, the DBH for the tree is the square root of the sum of the DBH for each individual stem squared (example with three stems: $DBH = \text{square root} [(stem1)^2 + (stem2)^2 + (stem3)^2]$).

F. Existing on-site tree unit credits shall be calculated according to Table 17.495.030-2.

Table 17.495.030-2 Credit Values for
Existing and Replacement Trees

Tree Category (DBH ¹ or Size)	Tree Unit Credit (per Tree)
Existing healthy trees between 1" and up to 8" DBH	1
Existing larger than 8" and up to 12" DBH	1.5
Existing larger than 12" and up to 18" DBH	2
Existing larger than 18" and up to 24" DBH	3
Existing larger than 24" and up to 36" DBH	4.5
Existing larger than 36" DBH	5.5
Existing groves of three or more trees, each with DBH larger than 8" DBH	6.5
Replacement 2-inch caliper deciduous or broadleaf tree	1
Replacement 6-foot-tall evergreen, conifer tree	1

¹ Diameter at breast height (DBH) is used in determining the diameter of existing trees. For example: On a seven thousand five-hundred-square-foot lot in ULR zone (three credits needed) with one twenty-four-inch DBH tree, one twelve-inch DBH tree, and two six-inch DBH trees, the minimum tree unit credits are met by retaining the twenty-four-inch DBH tree only, or retaining the twelve-inch DBH tree and ~~one~~ both of the six-inch DBH trees, or

1 remove all trees on site and plant ~~six~~three new deciduous or three new conifers to meet
2 the minimum tree density units for the lot.

3
4 **Section 1: Kitsap County Code Section 17.530.060 Regulations for tower-based**
5 **wireless communication facilities, last amended by Ordinance 570-2019, is**
6 **amended as follows:**

7
8 **17.530.060 Regulations for tower-based wireless communication facilities**
9

10 A. Development Regulations. Except as provided in subsection (B) of this section,
11 “Development Regulations in the Public Right-of-Way (ROW),” and in addition to Section
12 17.530.040, “General development standards,” the following applies to all tower-based
13 wireless communication facilities (facilities) for which an ACUP or CUP is required.

14
15 1. Modification or Collocation.

16
17 a. New tower-based facilities that exceed sixty feet in height and require a
18 CUP are prohibited unless a propagation study shows coverage or capacity
19 gaps cannot be filled through other means. Technical evidence shall
20 demonstrate the inability to fill coverage or capacity gaps through related
21 equipment, such as repeaters or antennas installed on existing structures to
22 extend or infill service.

23
24 b. A new tower-based facility that requires a CUP and is within one mile of
25 an existing wireless support structure may not exceed forty feet in height
26 unless collocation has been actually and reasonably considered and,
27 despite good-faith efforts, the nontower facility cannot be accommodated on
28 an existing structure or building for one of the following reasons, or cannot be
29 sited on land owned and maintained by the county:

30
31 i. The proposed antenna and related equipment exceeds the
32 structural capacity of the existing building, structure or tower.

33
34 ii. The proposed antenna and related equipment causes radio
35 frequency interference with other existing equipment for that existing
36 building, structure, or tower and the interference cannot be
37 prevented.

38
39 iii. The existing buildings, structures, or towers do not have adequate
40 location, space, access, or height to accommodate the proposed
41 equipment or to allow it to perform its intended function.
42

1 iv. An agreement could not be reached with the owner of such
2 building, structure, or tower after a good-faith effort.

3
4 2. Location.

5
6 a. The location of a tower-based facility that exceeds sixty feet in height and
7 requires a CUP shall be necessary to provide coverage or capacity for the gap
8 shown in the propagation study for the service area.

9
10 b. The location shall be the least visually intrusive to the surrounding
11 community or shall be the only viable location to provide coverage or
12 capacity for a gap shown in a propagation study, when required through
13 Section 17.530.030(E)(3).

14
15 3. Height.

16
17 a. A tower-based facility shall be constructed to:

18
19 i. The minimum functional height when applicable. A propagation
20 study, when required through Section 17.530.030(E)(3), will state a
21 minimum functional height necessary for a tower-based facility to fill
22 a gap in coverage or capacity.

23
24 ii. Not exceed forty feet taller than surrounding tree height.

25
26 iii. Not exceed two hundred feet.

27
28 b. Tower-based facilities over forty feet in height shall be equipped with an
29 anti-climbing feature.

30
31 4. Related Equipment.

32
33 a. Ground-mounted related equipment associated, or connected, with a
34 tower-based facility must be placed underground, or enclosed and screened
35 through stealth technology or fencing and landscaping in a screening buffer.
36 The buffer requirement shall be contained in a recorded easement.
37 Vegetation shall not be removed without approval by the department of
38 community development. Fencing shall be a nonobtrusive material such as a
39 dark coated chain link to blend in with the surroundings.

40
41 b. All related equipment, utility buildings and accessory structures shall be
42 architecturally and aesthetically designed to blend into the environment in

1 which they are situated and meet the minimum setback requirements of the
2 underlying zone.

3
4 5. Signs. Tower-based facilities shall post an easily visible emergency contact sign.
5 The sign shall include the name and phone number for a point of contact in case of
6 an emergency. No other sign is allowed except those required by the FCC or other
7 federal or state agencies.

8
9 6. Use of Property and Setbacks.

10
11 a. Sole Use. A tower-based facility may be allowed as the only use on a
12 parcel if:

13
14 i. The parcel is at least six thousand square feet; and

15
16 ii. The distance between the base of the tower-based facility and the
17 nearest property line is at least one hundred ten percent of the
18 proposed height of the tower-based facility.

19
20 b. Combined Use. A tower-based facility may be allowed with an existing
21 use, or on a vacant parcel in combination with another use, subject to the
22 following minimum conditions:

23
24 i. The nonfacility use on the property is any allowed use in the zone;
25 ~~except residential~~, and need not be affiliated with the facility.

26
27 ii. The lot:

28
29 (a) Complies with the dimensional requirements of the zone;
30 and

31
32 (b) Is sufficiently sized to accommodate the tower-based
33 facility and any equipment buildings, security fences, buffers
34 and setbacks.

35
36 iii. The minimum distance between the base of a tower-based facility
37 and the nearest property line is at least one hundred ten percent of
38 the proposed tower-based facility height or the minimum setback of
39 the underlying zone, whichever is greater.

40
41 7. Leasehold Division of Property
42

1 a. Subject to meeting all other requirements of this chapter an applicant may
2 divide land in accordance with RCW 58.17.040(8) to prepare a leasehold
3 interest in property where a wireless communications facility (WCF) is
4 proposed. Such division shall be a Type 1 permit action by DCD. A leasehold
5 division may result in a parcel exempt from minimum lot sizes established by
6 KCC 17.420, provided:

7
8 i. The owner provides a binding assurance that the leasehold parcel
9 shall be aggregated with one or more of the other parcels that were
10 modified by the leasehold division, upon (a) denial of land use
11 approval required by KCC Chapter 17.530, (b) revocation of such land
12 use approval, or (c) abandonment of use of the leasehold parcel;

13
14 ii. All other requirements, including but not limited to, KCC titles 17
15 Zoning, 18 Environment, 19 Critical Areas Ordinance, 21 Land Use
16 and Development Procedures, and 22 Shoreline Master Program shall
17 apply to the leasehold parcel; and

18
19 iii. A legally enforceable document, such as a covenant, shall be
20 recorded. The document shall prescribe the enforceability of the
21 leasehold parcel conditions.

22
23 **78. Screening, Landscaping, and Fencing.**

24
25 a. A tower-based facility disguised through stealth technology as a tree,
26 natural feature, or structure (e.g., silo, church steeple, or clock tower) that is
27 compatible with its surroundings and meets the requirements of Section
28 17.530.040(B), "Visual Appearance," shall be exempt from the tower
29 screening requirements in subsections (A)(7)(b) and (d) of this section.
30 Related equipment screening requirements still apply.

31
32 b. Tower-based facilities shall be screened with landscaping or other
33 screening features. This requirement applies to all associated equipment
34 shelters, cabinets, and other ground-mounted related equipment.

35
36 c. Existing trees, shrubs, and other vegetation shall be preserved to the
37 maximum extent possible. Removal of existing vegetation requires prior
38 approval from the department. Existing vegetation used to screen shall
39 provide, through size and density, adequate, long-term screening. The
40 existing vegetative buffer shall surround the entire facility and be at least five
41 feet wide.
42

1 d. Screening shall maximize coverage and visually cover at least seventy-
2 five percent of the height of the tower-based facility. Recommended species
3 for screening of tower-based facilities include Douglas fir, big leaf maple, and
4 western red cedar. Planting height shall be at least six feet for an evergreen
5 tree or two-inch caliper for a deciduous tree. Deciduous trees shall not
6 exceed twenty-five percent of the trees used for screening. An analysis of the
7 site potential tree height at fifty years (SPTH (50)), based on soil types, is
8 required.

9
10 e. The department may require additional screening to adequately screen
11 adjacent residential properties based on site-specific conditions.

12
13 f. The department may allow a combination of existing vegetation,
14 topography, walls, decorative fences or other features instead of
15 landscaping. The combination of features must:

16
17 i. Achieve the same degree of screening.

18
19 ii. Be consistent with surrounding vegetation.

20
21 iii. Not obstruct or interfere with the use of the ROW or county work.

22
23 g. Screening requirements shall be recorded as a covenant running with the
24 permit.

25
26 **89.** Access Road. Tower-based facilities shall provide adequate emergency and
27 service access to the facility. An access road, turnaround space and parking shall
28 be provided. The access must:

29
30 a. Maximize to the extent practicable the use of existing public or private
31 roads.

32
33 b. Match road grades to natural contours to minimize visual disturbance,
34 soil erosion, and stormwater impacts.

35
36 c. Where the access road is not owned by the applicant, a copy of an
37 easement authorizing the use of the access road shall be submitted to the
38 county.

39
40 **910.** Parking. One tower-based facility requires at least one off-street parking
41 space.
42

1 ~~10-11.~~ Future Use. A proposed tower-based facility shall be designed structurally,
2 electrically, and in all respects to accommodate both the proposed antennas and
3 comparable antennas in the future.
4

5 B. Development Regulations in the Public Right-of-Way (ROW). The following additional
6 regulations apply to all tower-based facilities located in the ROW. If any conflict exists
7 between these regulations and those elsewhere in this chapter, the regulations herein shall
8 control.
9

10 1. Location.
11

12 a. All facilities located in the right-of-way shall be located, designed, and
13 installed to match the pole placement and bolt pattern identified by Kitsap
14 County public works design standards.
15

16 b. Tower-based facilities are prohibited from locating in the ROW in front of
17 the facade of any structure facing the ROW.
18

19 c. Tower facilities and related equipment in the ROW shall not cause any
20 physical or visual obstruction to pedestrian or vehicular traffic, create safety
21 hazards to pedestrians and/or motorists, or inconvenience public use of the
22 ROW.
23

24 d. All equipment exceeding four inches above the ground shall be placed
25 outside of the clear zone or mitigated in accordance with the current edition
26 of the County Road Standards. Ground-mounted related equipment, walls,
27 or landscaping shall be located at least eighteen inches from the face of the
28 curb, sidewalk or paved pathway.
29

30 e. Unless approved by the county engineer, ground-mounted related
31 equipment is prohibited in a ROW when:
32

33 i. The ROW width is fifty feet or less.
34

35 ii. Exclusively single-family residential lots front both sides of the
36 street.
37

38 2. Height. Tower-based facility height in the ROW shall not exceed forty feet.
39

40 3. Design Requirements. Ground-mounted related equipment that cannot be
41 placed underground shall be screened, to the fullest extent possible, through the
42 use of landscaping or other decorative features.
43

1 4. Construction – Time, Place and Manner. The county shall determine the time,
2 place and manner of construction, maintenance, repair and/or removal of all tower-
3 based facilities in the ROW based on public safety, traffic management, physical
4 burden on the ROW, and related considerations. All work shall be performed at the
5 applicant's expense.

6
7 5. Tree Trimming. Tree trimming around facilities shall comply with industry
8 standards. Tree trimming activities that impact traffic require a traffic control plan
9 approved by the department of public works. Trimming that involves a wireless
10 support structure requires submittal of written permission from the owner of the
11 structure to the county. The county shall not be liable for any damages, injuries, or
12 claims arising from the applicant's actions under this subsection.

13
14 **Section 13: Kitsap County Code Section 17.570.040 Nonconforming Structures, last**
15 **amended by Ordinance 534-2016, is amended as follows:**

16
17 **17.570.040 Nonconforming Structures**

18
19 When, before the effective date of the adoption or amendment of the applicable regulation.
20 A lawful structure existed that would not be permitted by the regulations thereafter
21 imposed by this title, or amendments thereof, the structure may be continued so long as it
22 remains otherwise lawful, and shall be deemed a nonconforming structure.

23
24 A. A structure nonconforming to the dimensional standards of this title may not be altered
25 or enlarged in any manner unless such alteration or enlargement would bring the structure
26 into conformity with the requirements of the zone in which it is located; provided structural
27 change may be permitted when required to make the structure safe for occupancy or use,
28 provided structural enlargements may be allowed in conformity with the setback
29 requirements of the zone in which it is located, and provided structural enlargements may
30 be allowed if they would not further violate setback requirements; and provided further,
31 that a nonconforming mobile home may be replaced notwithstanding the setback and
32 density provisions of this title, so long as the structure does not further encroach upon any
33 required yard.

34
35 B. If a nonconforming structure is destroyed by any cause, it shall be allowed to be
36 reconstructed as a nonconforming structure up to the same size (total square footage of
37 structure, square footage of footprint of the building and height) and appearance; provided,
38 however, the director has the discretion to allow a different appearance if he finds that it
39 would be more compatible with the zone in which it is located. A complete application for
40 such reconstruction must be filed with the department within a one-year period from the
41 date the structure was destroyed. When requested by the applicant, the replacement
42 square footage of a mobile or manufactured home under this section may be exceeded by

1 no greater than 10% in size if they can demonstrate they meet the variance criteria noted in
2 17.105.010.

3
4 C. A mobile home and/or single-family residence located on a legal nonconforming lot
5 may be replaced if destroyed.

6
7 D. Notwithstanding the foregoing provisions, if a nonconforming structure presents a
8 public health, safety or welfare hazard, it may not be considered a legal nonconforming
9 structure.

10
11 **Section 14: Kitsap County Code Section 22.400.135 View Blockage, last amended by**
12 **Ordinance 598-2021, is amended as follows:**

13
14 **22.400.135 View Blockage**

15
16 A. In order to protect water views, all principal buildings, and all additions to a principal
17 building, shall be located to maintain the minimum shoreline structure setback line. All
18 such buildings must also be designed not to significantly impact views from principal
19 buildings on adjoining and neighboring property or properties including reconstruction of
20 existing principal buildings allowed per Section [22.400.100\(B\)](#). The shoreline structure
21 setback line for the purpose of this subsection is based on the location of the principal
22 building(s) at the time of a permit for a new principal building, and shall be determined as
23 follows:

- 24
25 1. No Adjacent Principal Buildings. Where there are no adjacent principal
26 buildings, the shoreline structure setback line shall be the vegetation conservation
27 buffer and setback specified in Section [22.400.120](#). See Figure 22.400.135(A)(1).

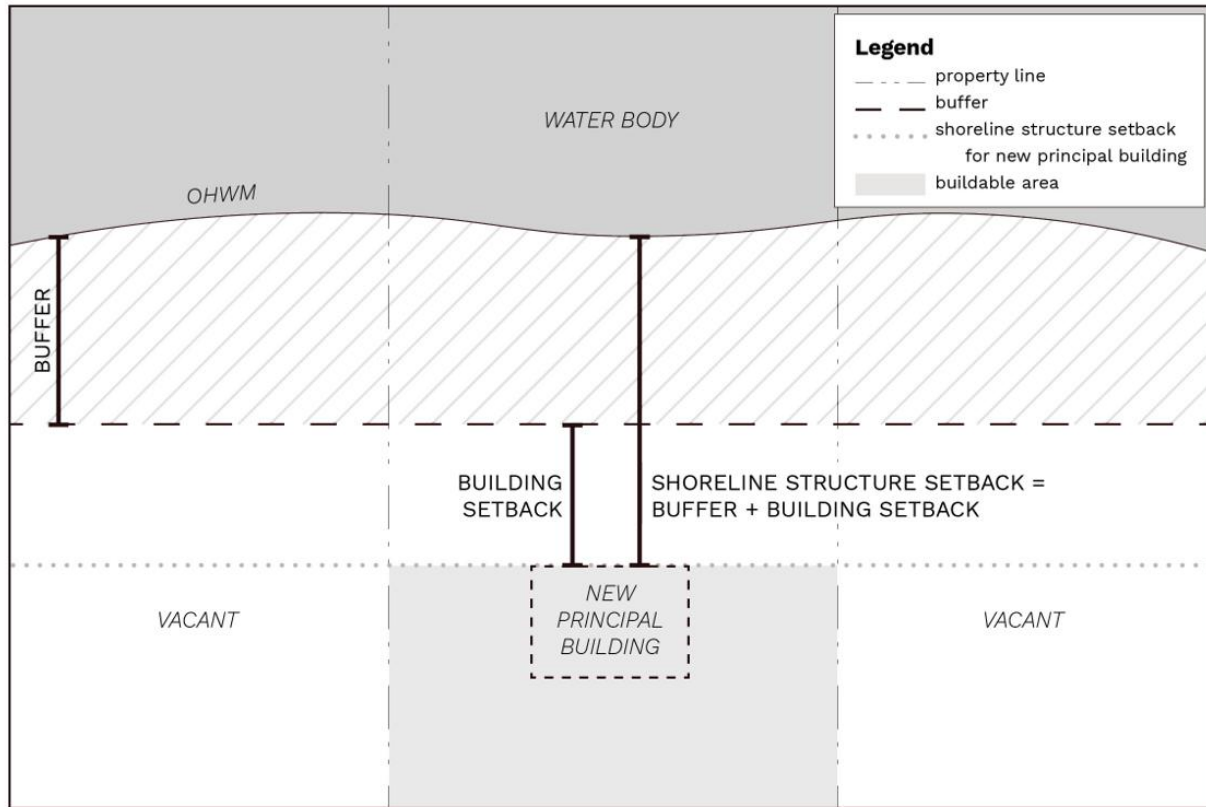


Figure 22.400.135(A)(1)

Buffer and shoreline structure setback with no adjacent structure.

2. Adjacent Principal Building on One Side. Where there is an adjacent principal building on one side, the shoreline structure setback line shall be a distance no less than that of the adjacent principal building to the shoreline or the buffer and setback specified elsewhere in this program, whichever is greater. See Figures 22.400.135(A)(2)(a) and 22.400.135(A)(2)(b).

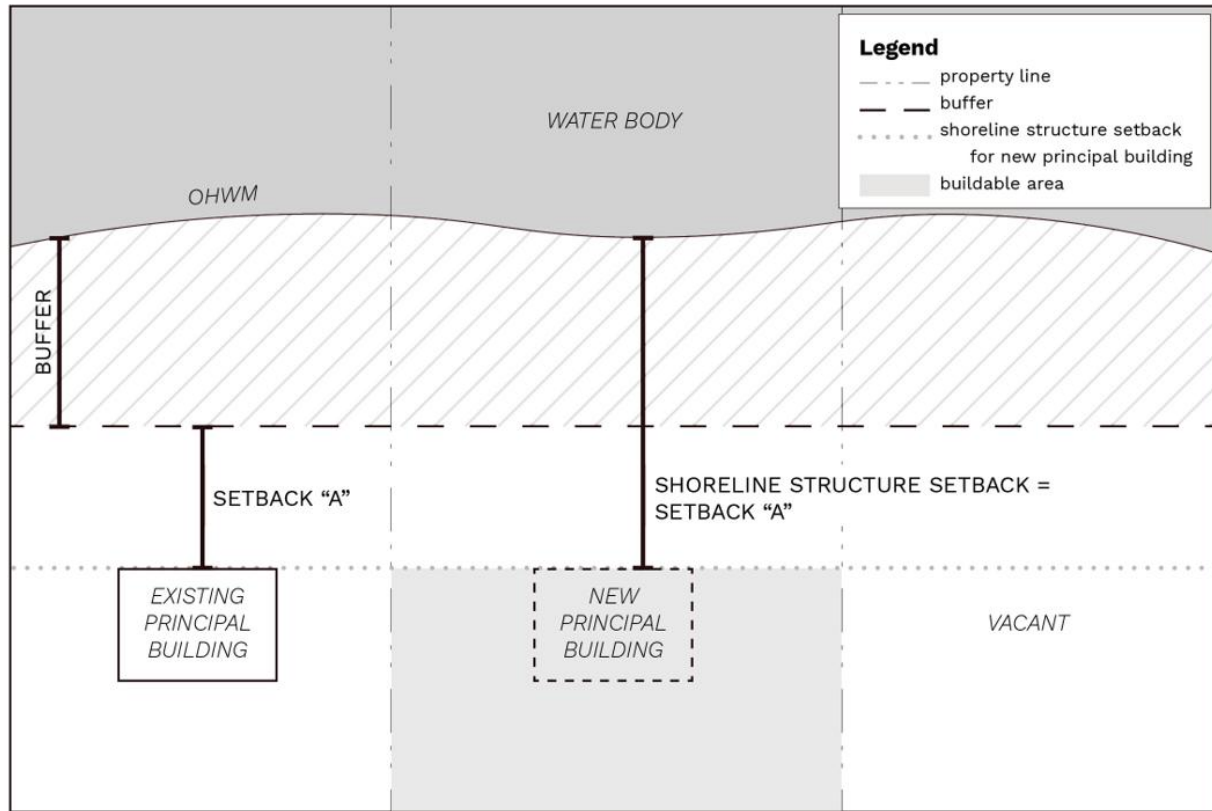


Figure 22.400.135(A)(2)(a)

Buffer and shoreline structure setback with adjacent structure landward of buffer on one side.

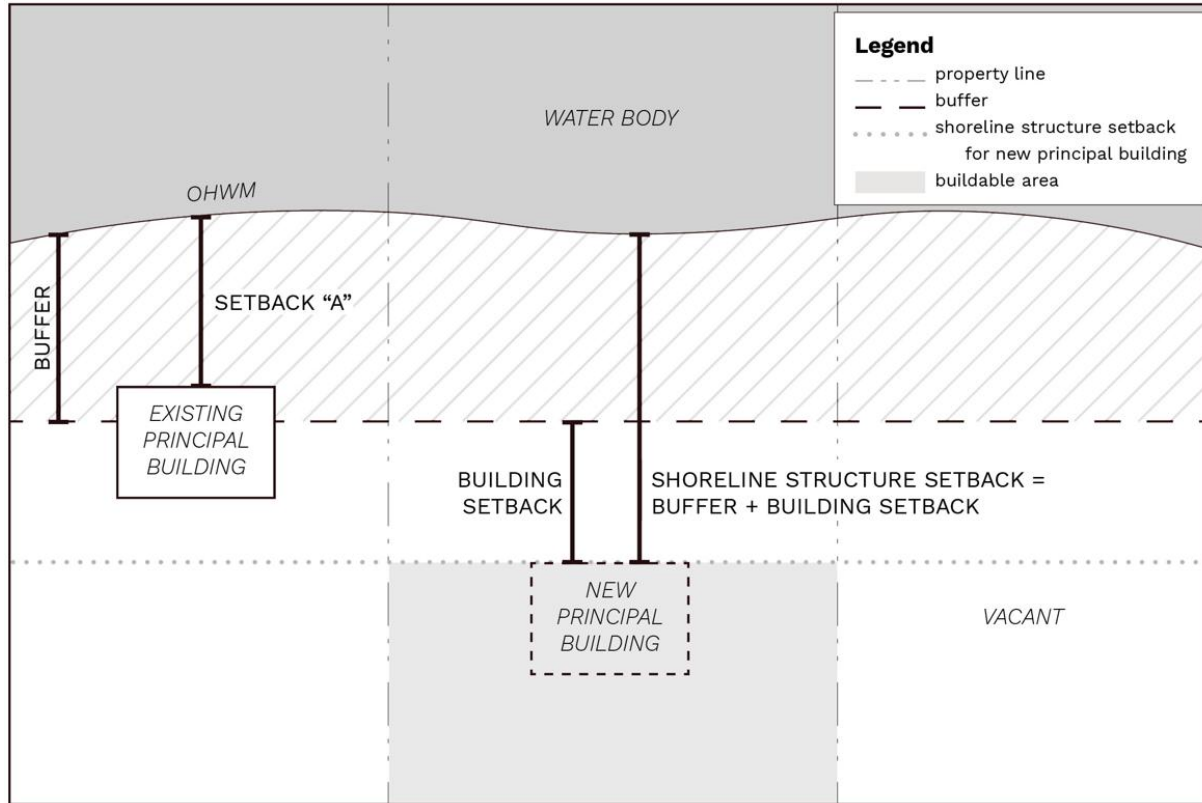


Figure 22.400.135(A)(2)(b)

Buffer and shoreline structure setback with adjacent primary structure within buffer on one side.

3. Adjacent Principal Buildings on Both Sides on a Linear Shoreline. Where there are adjacent principal buildings on both sides of the proposed structure on a linear shoreline (not along a peninsula or cove), the shoreline structure setback line shall be determined by a stringline setback or the buffer and setback specified elsewhere in this program, whichever is greater. A “stringline setback” means a straight line drawn between the points on the primary structures having the greatest projection waterward. If one of the adjacent properties is developed landward of the vegetation conservation buffer and setback, the line shall not be drawn to that adjacent structure but be drawn to the point where the standard buffer meets the side property line of the lot to be improved. See Figure 22.400.135(A)(3).

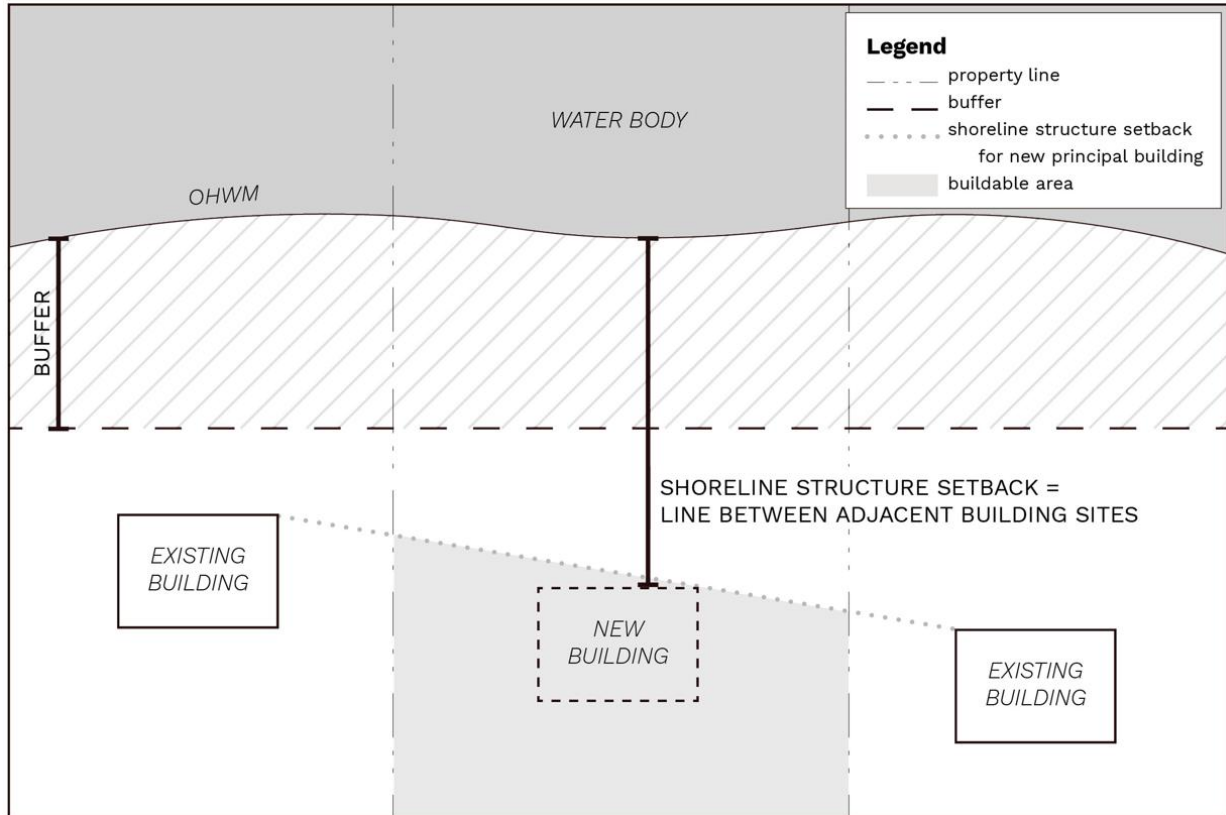


Figure 22.400.135(A)(3)

Buffer and shoreline structure setback on a regular shoreline with adjacent primary structures on both sides.

4. Where there are two adjacent principal structures on a shoreline which forms a cove, peninsula, or irregular shoreline, the shoreline structure setback line shall be determined by averaging the existing setback lines of the two adjacent principal buildings or the buffer and setback specified elsewhere in this program, whichever is greater. See Figure 22.400.135(A)(4).

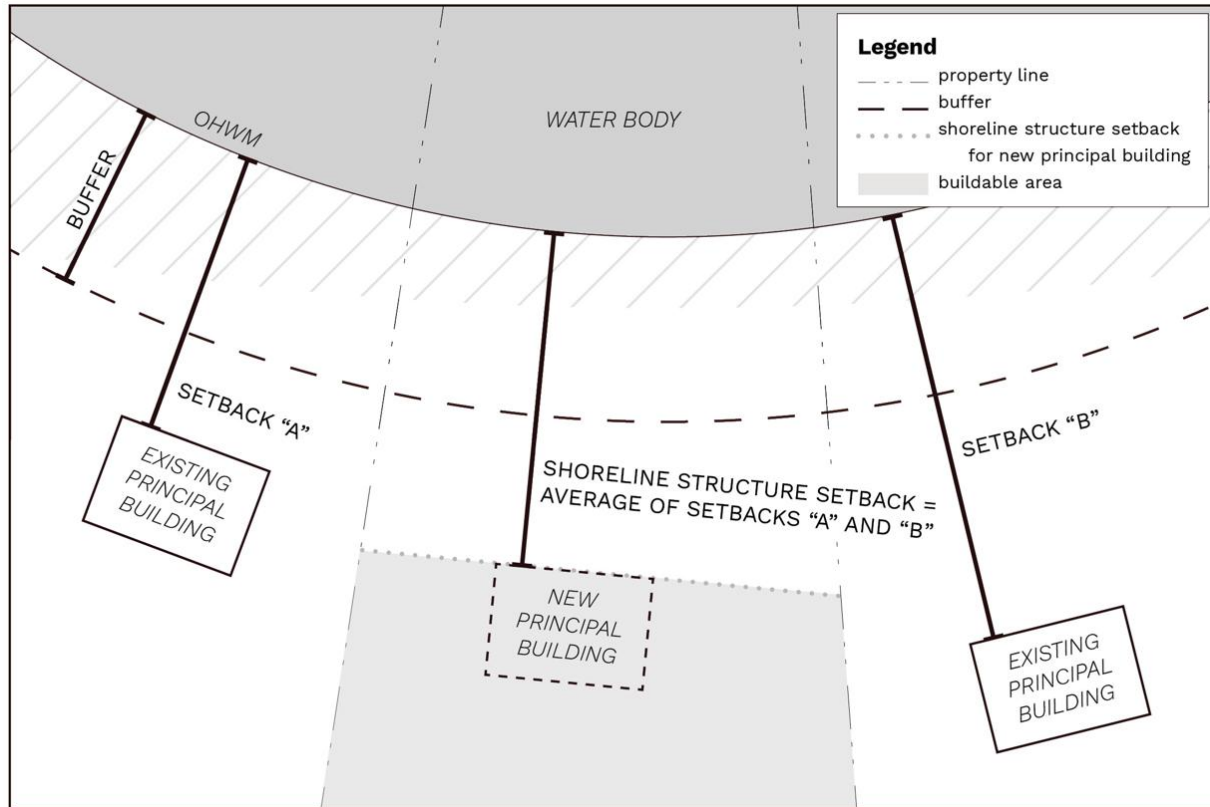


Figure 22.400.135(A)(4)

Buffer and shoreline structure setback on a irregular shoreline with adjacent primary structures on both sides.

5. Consideration of Existing Mitigating Circumstances. The shoreline structure setback line may not be applied to limit distance from the shoreline where an elevation survey prepared by a qualified professional demonstrates that existing topography or vegetation already significantly blocks views on or adjacent to the common border of the two parcels, and the proposed principal building will not result in additional view blockage to an existing adjacent principal building(s). In such cases, the buffer and setback specified elsewhere in this program shall apply.

6. Setback Line for Additions, Remodels or Rebuilds. Where there will be additions or rebuilt structures on a subject parcel with existing primary structures on adjacent parcel(s), the shoreline structure setback line(s) shall be based on the straight line drawn between the points on the primary structures having the greatest projection waterward of the existing/previously existing primary structure(s) on the subject parcel and to that of the adjacent primary structure(s) or the buffer and setback specified elsewhere in this program, whichever is greater. If there are primary structures on each adjacent parcel, there will be two intersecting shoreline structure setback lines representing the existing view lines that must be maintained for the addition/rebuild.

1
2 B. Accessory Structures. Accessory structures, for the purpose of this section, include
3 but are not limited to accessory dwelling units, boat houses, sheds, decks, and fences.
4

5 1. Siting Accessory Structures. Accessory structures may be sited within the
6 shoreline structure setback area; provided, that they do not substantially obstruct
7 the view of adjacent principal buildings and they comply with applicable buffer
8 provisions. Fences six feet or less, unenclosed decks eighteen inches or less from
9 average grade, and structures less than ten feet in height from grade level and under
10 two hundred square feet do not constitute view blockage but are still subject to the
11 other provisions of this title including vegetation conservation buffers. Water-
12 oriented storage structures that meet the requirements in
13 Section ~~22.400.120(D)(1)(e)~~ 22.400.120(D)(1)(f) do not constitute a view blockage.
14

15 2. Use of Accessory Structures in Determining View Line. Accessory structures
16 shall not be used to determine a view line for a new or replacement primary
17 structure on the same or adjacent parcels. For additions and remodels, the
18 shoreline structure setback line(s) shall be based on the line drawn between the
19 waterward-most building edge of the existing/previously existing primary
20 structure(s) on the subject parcel and to that of the adjacent primary structure(s) or
21 the buffer and setback specified elsewhere in this program, whichever is greater.
22

23 C. Appeal Procedure. Determinations of shoreline structure setback lines are classified
24 as Type I decisions under Chapter 21.04 and may be subject to appeal as provided therein.
25

26 D. Conditional Waiver Procedure.
27

28 An applicant aggrieved by the strict application of this section may seek a
29 conditional waiver from the director. Such a waiver shall be a Type II administrative
30 decision and require an application to the department. A conditional waiver may be
31 granted after the applicant demonstrates the following:
32

- 33 1. ~~a~~ The hardship which results from the application of the requirements of this
34 section is specific to the property of the applicant and does not apply
35 generally to other property in the vicinity;
36
37 2. ~~b~~ The hardship which results from the application of the requirements of this
38 section is not a result of the applicant's own actions;
39
40 3. ~~c~~ The conditional waiver, if granted, will be in harmony with the general
41 purpose and intent of the Act and this program in preserving the views of the
42 adjacent shoreline residences; and
43

1 4. ~~d~~The conditional waiver, if granted, will not cause more harm to adjacent
2 neighbors than would occur to the applicant in applying the county's view
3 blockage requirements in this section.
4

5 **Section 15: Scrivener's Error.** Should any amendment made to this Ordinance that was
6 passed by the Board during its deliberations inadvertently be left out of the final printed
7 version of the plan, maps, or code, the explicit action of the Board as discussed and
8 passed shall prevail upon subsequent review and verification by the Board and shall be
9 corrected.
10

11 **Section 16: Severability.**

12 If any provision of this ordinance or its application to any person or circumstance is held
13 invalid or unconstitutional, the remainder of the ordinance or its application to other
14 persons or circumstances shall not be affected.
15

16 **Section 17: Effective Date.**

17 The effective date of this ordinance will be XXXX, 2026.

Adopted this XX day of XX 2026

BOARD OF COUNTY COMMISSIONERS
Kitsap County, Washington

ATTEST:

ORAN ROOT, Chair

KATHERINE T. WALTERS, Commissioner

XX XX, Clerk of the Board

CHRISTINE ROLFES, Commissioner

Approved as to form:

Lisa Nickel, Deputy Prosecuting Attorney

