

ORDINANCE REGARDING DEVELOPMENT REGULATIONS FOR THE APPLICATION OF COMMUNITY SEWAGE DISPOSAL SYSTEMS AND LARGE ON-SITE SEWAGE SYSTEMS IN THE RURAL AREAS OF KITSAP COUNTY.

WHEREAS, the Growth Management Act (GMA) requires Kitsap County to adopt a comprehensive plan, including a “rural element” (RCW 36.70A.070(5)); and

WHEREAS, the GMA requires that the rural element make provisions for rural development “that will accommodate rural densities and uses that are not characterized by urban growth” (RCW 36.70A.070(5)); and

WHEREAS, Kitsap County has designated urban growth areas pursuant to RCW 36.70A.110, outside of which growth can occur only if it is not urban in nature; and

WHEREAS, the Kitsap County Comprehensive Plan includes a Rural Lands Chapter, which “is intended to preserve and protect rural character by reducing the inappropriate conversion of undeveloped rural land into more intensive uses;” and

WHEREAS, the use of on-site septic systems and soil types coupled with minimum lot size requirements have historically provided a constraint on urban level residential development in rural zones; and

WHEREAS, there are pre-GMA lots existing at urban densities in designated rural areas in Kitsap County; and

WHEREAS, development or redevelopment of these pre-existing lots utilizing community sewage disposal systems or large on-site sewage systems, may result in urban-like residential densities, which would not be consistent with the rural elements of the Kitsap County Comprehensive Plan and GMA; and

WHEREAS, the Kitsap County Board of Commissioners, through adoption of Ordinance 445-2010, has therefore determined that policies and/or regulations for the use of community sewage disposal systems and large on-site sewage systems shall be considered and adopted.

BE IT ORDAINED:

Section 1. General Findings.

The recitals set forth above are hereby adopted as the Kitsap County Board of Commissioner’s findings in support of the development regulations imposed by this ordinance. Code is amended as shown in the following sections.

Section 2. NEW SECTION 17.383.010 Development regulations for Community Sewage Disposal Systems and Large On-Site Sewage Systems in the rural areas - Applicability.

These regulations apply to all development, proposed after the effective date of this Ordinance, and located outside of urban growth areas (UGAs) and Limited Areas of More Intensive Rural Development (LAMIRDs).

Section 3. NEW SECTION 17.383.020 Definitions.

A. Public Sewer System

A sewerage system which is:

1. Owned and operated by a city, town, county, or other municipal corporation such as a water, sewer, or water-sewer district; public utility district; port district; or federal, state, local agency or department thereof, or a person regulated by the Utilities and Transportation Commission; and
2. Consisting of a collection system and necessary trunks, pumping facilities and a means of final treatment and disposal of sewage; and
3. Approved by or under permit from the Department of Ecology, the Department of Health or the local Health Officer; and
4. Located within a UGA or LAMIRD, or otherwise approved pursuant to RCW 36.70A.110(4).

B. Community Sewage Disposal System

Any system of piping, treatment devices and/or other facilities which:

1. Conveys, stores, treats and/or provides subsurface soil treatment and disposal on-site or on adjacent or nearby property under the control of the users; and
2. The system is not connected to a public sewer system; and
3. Is designed to serve more the one (1) single-family dwelling or one (1) multi-family dwelling but the design capacity DOES NOT exceed 3,500 gallons of sewage volume per day.

C. Large On-Site Sewage System (LOSS)

An Onsite Sewage System (OSS) that consists of an integrated system of components, located on or nearby the property it serves, that conveys, stores, treats, and provides subsurface soil treatment and disposal of domestic sewage with design flows of at least three thousand five hundred gallons of sewage volume per day up to and including one hundred thousand gallons of sewage volume per day.

Section 4. NEW SECTION 17.383.030 Community Sewage Disposal System or Large On-Site Sewage Disposal System .

A. New construction of a Community Sewage Disposal System or Large On-Site Sewage Disposal System and subsequent connection(s) to such systems for existing or new development shall be allowed only:

1. Where it is a necessary response to a documented public health or environmental hazard by the Kitsap County Health District or the Kitsap County Health District recommends that new development be connected to such systems; or
2. If the property is an essential public facility; or
3. If the system providing service for an approved rural clustering program; or
4. The property is zoned and developed as a rural commercial or rural industrial site.

B. All such connections to a Community Sewage Disposal System or Large On-Site Sewage Disposal System shall also meet the following criteria:

1. Such connection does not allow for further development on the property that would not conform to current comprehensive plan land use and zoning designations; and
2. For new development, the development shall be at a total gross density equal to or less than that permitted by the zone(s) in which it occupies and meets all other zoning requirements such as setbacks, dimensions, et cetera.

Section 5. Repealer.

Kitsap County Ordinance No 445-2010 is hereby repealed.

Section 6. Severability.

If any provision of this ordinance, or its application to any person, entity or circumstance is for any reason held invalid, the remainder of the ordinance, or the application of the provision to other persons, entities or circumstances, is not affected.

Section 7. Effective Date.

This Ordinance is effective immediately.

The Kitsap County Board of County Commissioners hereby finds and declares this ordinance become effective immediately.

ENACTED this ____ day of _____, 2010

KITSAP COUNTY BOARD OF COMMISSIONERS

JOSH BROWN, CHAIR

STEVE BAUER, COMMISSIONER

ATTEST:

Opal Robertson
Clerk of the Board

CHARLOTTE GARRIDO, COMMISSIONER

Approved as to Form:

Shelley Kneip
Deputy Prosecuting Attorney