

FILE

ORDINANCE NO. 290 -2002

TRANSFERRING SOME PERMIT REVIEW AUTHORITY FROM THE DEPARTMENT OF
PUBLIC WORKS TO THE DEPARTMENT OF COMMUNITY DEVELOPMENT

BE IT ORDAINED:

Section 1. Kitsap County Code Title 12, "Stormwater", Subsection 12.08.010 (18), adopted by Ordinance 199-1996, is amended as follows:

12.08.010 Definitions.

18. "Director" means:
- A. The director of the Kitsap County department of public works or his designee for the administration of the stormwater maintenance program; and
 - B. The director of the Kitsap County department of community development or his designee for all permit related activities.

Section 2. Kitsap County Code Section 12.10.010, adopted by Ordinance 199-1996, is amended as follows:

12.10.010 Review by department of community development.

Proposed site development activities shall be reviewed by the Kitsap County department of community development to determine the permits required.

Section 3. Kitsap County Code Section 12.10.030, adopted by Ordinance 199-1996, is amended as follows:

12.10.030 Site development activity permits required.

A site development activity permit, issued by the Kitsap County department of community development, shall be required for any of the following activities:

- (1) Site development or redevelopment activities that meet the definition of a major development;
- (2) Site development or redevelopment activities that require connection to a public storm drainage system;
- (3) Grading activities that result in the movement of one hundred fifty cubic yards or more of earth;
- (4) Grading activities that will result in a temporary or permanent slope having a steepness exceeding three to one (three feet horizontal to one foot vertical) and having a total slope height, measured vertically from toe of slope to top of slope, exceeding five feet.

(5) Grading activities that include the construction of embankment berms which will result in the impoundment of water to a depth exceeding eighteen inches and/or with a maximum volume exceeding two thousand five hundred cubic feet of water;

(6) Grading activities that will result in the diversion of existing drainage courses, both natural and manmade, from their natural point of entry or exit from the grading site;

(7) Any land clearing or grading on slopes steeper than thirty percent, or within the mandatory setback of a wetland, stream, lake, Puget Sound, as established by separate ordinance or by the Kitsap county department of community development.

No site development activity, including land clearing, grading or other construction activity as described in this title, shall occur until a site development activity permit has been issued, nor shall said site development activity continue without a site development activity permit in force.

Section 4. Kitsap County Code Section 12.10.100, adopted by Ordinance 199-1996, is amended as follows:

12.10.100 Permit modifications.

Proposed modifications to an approved site development activity permit must be submitted to the department of community development and be reviewed for compliance with this title. Substantial proposed modifications, as determined by the director, shall require additional review fees and shall require re-issuance of the required permit. Minor proposed modifications may be accepted by the director without requiring the re-issuance of the accepted permit or the payment of additional review fees.

Section 5. Kitsap County Code Section 13.04.030, adopted by Resolution 130-1981, is amended as follows:

13.04.030 County Engineer to review plans.

A professional engineer in the department of community development is established as the engineer designated to review water or sewer district general comprehensive plans, and any amendments to, alterations of, or additions to such plans.

Section 6. Kitsap County Code Title 16, "Land Division and Development", Chapter 16.48, "Short Subdivisions", Subsection 16.48.090, adopted by Ordinance 108E-1991, is amended as follows:

16.48.090 Review by director.

(1)The director shall review the application to ascertain if it conforms to the following:

- (A) Zoning, Title 17 Kitsap County Code;
- (B) Comprehensive Plan and subarea plans;
- (C) Shoreline Management Master Program, Title 22 Kitsap County Code;
- (D) Flood Hazard Areas, Title 15 Kitsap County Code;
- (E) Environment, Title 18 Kitsap County Code;
- (F) Critical Areas Ordinance, Title 19 Kitsap County Code.

(G) Storm Water Drainage, Title 12 Kitsap County Code

(2) The director shall determine if the proposal will cause an undue burden on the drainage basin or water quality or will unreasonably interfere with the use and enjoyment of properties downstream;

(3) The director shall determine if the streets in the proposal align with and are otherwise coordinated with streets serving adjacent properties;

(4) The director shall determine if the streets as proposed are adequate to accommodate anticipated traffic;

(5) The director shall determine if the proposal would adversely impact an environmentally sensitive area and what mitigative measures are needed.

(6) If the director finds in favor of the preliminary application with respect to those items in (1) - (5), and Sections 16.48.100 the director shall signify his or her approval by providing a letter to the applicant and the surveyor which will include any conditions of approval.

(7) If the director disapproves the application he or she shall provide a written explanation thereof to the applicant and surveyor.

(8) The director has ninety calendar days in which to review a complete application. If no action can be taken to approve or disapprove the application within the ninety calendar days, the director must notify the applicant and surveyor the reasons for the delay and steps necessary to complete the short subdivision. If at any time during the application process it appears that the ninety-day review time can not be met, it shall be the responsibility of the director to advise the applicant and surveyor of the reasons for the delay.

Section 7. Kitsap County Code Section 16.48.110, "Review by Engineer", adopted by Ordinance 108E-1991, is repealed.

Section 8. Kitsap County Code Section 16.52.090, adopted by Ordinance 106D-2000, is amended as follows:

16.52.090 Review by director

a. No later than two working days following receipt of the application, the director shall transmit a complete copy of the application to the health district.

b. The director shall review the application to ascertain if it conforms to the following:

- (1) Zoning, Title 17 Kitsap County Code;
- (2) Comprehensive Plan and subarea plans;
- (3) Shoreline Management Master Program, Title 22 Kitsap County Code;
- (4) Flood Hazard Areas, Title 15 Kitsap County Code;
- (5) Environment, Title 18 Kitsap County Code;
- (6) Critical Areas Ordinance, Title 19 Kitsap County Code.
- (7) Storm Water Drainage, Title 12 Kitsap County Code;

c. The director shall determine if the proposal will cause an undue burden on

the drainage basin or water quality or will unreasonably interfere with the use and enjoyment of properties downstream;

d. The director shall determine if the streets in the proposal align with and are otherwise coordinated with streets serving adjacent properties;

e. The director shall determine if the streets as proposed are adequate to accommodate anticipated traffic;

f. The director shall determine if the proposal would adversely impact an environmentally sensitive area and what mitigative measures are needed.

g. If the director disapproves the application, he or she shall provide a written explanation thereof to the applicant.

h. The director has twenty-five working days in which to approve or disapprove the application.

i. If the director finds in favor of the preliminary application with respect to those items in Sections 16.52.090, and 16.52.100, the director shall signify approval by providing a letter to the applicant and the surveyor which shall include any conditions of approval.

Section 9. Kitsap County Code Section 16.52.110, "Review by Engineer", adopted by Ordinance 106D-2000, is repealed.

Section 10. Kitsap County Code Section 16.52.180, "Final large lot subdivision review by county engineer", adopted by Ordinance 106D-2000, is repealed.

Section 11. Kitsap County Code Section 16.52.190, adopted by Ordinance 106D-2000, is amended as follows:

16.52.190 Final large lot subdivision review by department of community development.

a. No later than two working days following receipt of the final application, the director shall transmit a complete copy of the application the health district.

b. The director shall review the application for compliance with all terms of preliminary approval. including but not limited to:

(1) The final large lot plat meets all standards established by state law and this chapter;

(2) The proposed final large lot plat bears the certificates and statements of approval required by this chapter;

(3) The facilities and improvements required to be provided by the subdivider have been completed;

c. If the application does conform, the director shall signify his or her approval by subscribing the approval line on the face of the plat.

d. If the director disapproves the application, he or she shall provide a written explanation thereof to the applicant.

e. The director has twenty working days in which to approve or disapprove an application.

Section 12. Kitsap County Code Section 18.16.130, adopted by Ordinance 150A-2000, is amended as follows

18.16.130 Review by director.

(a) The director shall consider the following to assure the application meets the guideline of WAC 222-20-040:

- (1) Zoning, Title 17 Kitsap County Code;
- (2) Comprehensive plan and subarea plans;
- (3) Shoreline Management Master Program, Title 22 Kitsap County Code;
- (4) Flood Hazard Areas, Title 15 Kitsap County Code;
- (5) Environmental Policy, Title 18 Kitsap County Code;
- (6) Critical Areas Ordinance, Title 19 Kitsap County Code;
- (7) Storm Water Drainage, Title 12 Kitsap County Code;
- (8) Construction of Approaches to County Roads, Chapter 11.24 Kitsap County Code;
- (9) Location and design of roads;
- (10) Other applicable ordinances and regulations.

(b) The director shall determine if the application conforms to the requirements of this chapter.

(c) If the director approves of the timber harvest permit or conversion option harvest plan, he or she shall signify his or her approval by providing a letter to the owner within thirty calendar days of the application submittal.

(d) If the director disapproves or finds the application incomplete, he or she shall provide a written explanation thereof within 30 calendar days of the application submittal to the owner.

Section 13. Kitsap County Code Section 18.16.140, "Review by engineer", adopted by Ordinance 150A-2000, is repealed.

Section 14. Kitsap County Code Section 21.04.010, adopted by Ordinance 219-1998, is amended as follows

21.04.010 Purpose - Applicability - General process - Administrative Code interpretation.

A. Purpose and Applicability. The purpose of the ordinance codified in this chapter is to provide timely and predictable procedures and an integrated project review process for applications for development under the following ordinances and chapters of the Kitsap County Code:

1. Subdivisions (Chapters 16.04 through 16.44);
2. Short Subdivisions (Chapter 16.48);
3. Large Lot Subdivisions (Chapter 16.52);
4. Binding Site Plans (Chapter 16.56);
5. Zoning (Title 17);

6. Road Vacations;
7. Critical Areas (Title 19);
8. SEPA (Chapter 18.04);
9. Shorelines (Title 22);
10. Timber Harvest Permits (Chapter 18.16);
11. Storm Water Management (Chapters 12.04 through 12.32); and
12. Concurrency (Chapter 20.04);

B. Conflicts. In the event of conflicts between any provision of this chapter and the ordinances listed in subsection (A) above, the procedures contained in this chapter shall govern.

C. Process. Generally, the process for review of project applications shall consist of the following stages:

1. Preapplication meeting.
2. County summary of requirements for processing.
3. Application.
4. Application type classification by county.
5. County completeness determination(s).
6. County initiation of appropriate public involvement process.
7. Decision by appropriate official or body.
8. Appeal period.

D. Code Interpretations. The director or other county staff shall provide administrative code interpretations of its development regulations to the public as follows:

1. Upon written request directed to the appropriate county official, the official shall provide a formal written interpretation of specific development regulations. Code interpretations shall be provided by the following county officials:

- a. Director - Subdivisions, Zoning, SEPA, Shorelines, Forest Practices, Erosion Control, Drainage, Clearing.
- b. County Engineer - Road Vacations, Concurrency
- c. Kitsap County Building Official - Kitsap County Building Code.

2. Code interpretations are Type I actions, subject to the appeal provisions of this chapter.

Section 15. Kitsap County Code Section 21.04.030, "Table 21.04.030", adopted by Ordinance 219-1998, is amended as shown in attachment A to this ordinance:

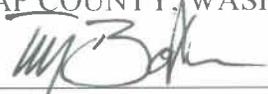
Severability. If any provision of this ordinance, or its application to any person, entity or circumstance is for any reason held invalid, the remainder of the ordinance, or the application of the provision to other persons, entities or circumstances is not affected.

DATED this _____ day of _____ 2002.

BOARD OF COUNTY COMMISSIONERS

DATED this 16th day of Dec 2002.

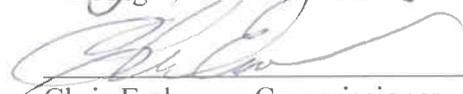
**BOARD OF COUNTY COMMISSIONERS
KITSAP COUNTY, WASHINGTON**



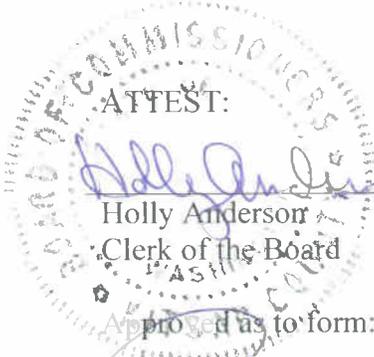
Tim Botkin, Chair



Jan Angel, Commissioner



Chris Endresen, Commissioner



Holly Anderson
Clerk of the Board

Approved as to form:



Deputy Prosecuting Attorney

ATTACHMENT A

TABLE 21.04.030

TABLE 21.04.030

PERMIT/ACTIVITY	Review Authority	CLASSIFICATION				
		Exempt	Type I	Type II	Type III	Type IV
Amendments – Comprehensive Plan (Legislative)	BC					X
Amendments – Regulations (Legislative)	BC					X
Appeals	HE				X	
Binding Site Plan	HE				X	
Building Code Interpretation	BO		X			
Building Permit	D	X				
Complete Application	D		X			
Conditional Use Permit	HE				X	
Construction Standards, Amendment	BC					X
Critical Areas Variance	HE				X	
Concurrency Certificates	CE		X			
Determination of Zone Boundaries	D		X			
Discretionary Administrative Determinations	D		X			
Final Plat	BC			X		
Landscape Plan Approval	D		X			
Large Lot Subdivision	CE D			X		
Master Plan Developments	BC				X	
Minor Site Plan Review	D		X			
Plan Interpretations	D		X			
Performance Based Development	HE				X	
Preapplication Conference Request	D		X			
Preliminary Plat	HE				X	
Road Vacation	BC				X	
Subdivision	HE				X	
SEPA Threshold Determination	D			X		
Shorelines Substantial Development, Conditional Use, Variance Permit	HE				X	
Short Subdivision	D/HE			X		
Site Development Activity Permit (grading, clearing, drainage)	CE D			X		
Site Plan Review	D/HE			X		
Temporary Use	D		X			
Timber Harvest Permit	D		X			
Variance	HE				X	
Zoning Interpretations	D		X			
D = Director	CE = County Engineer	BO = Building Official	HE = Hearing Examiner	BC = Board of Commissioners		

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Kitsap County Board of Commissioners will hold a public hearing on **December 16, 2002** at the hour of 10:00 AM in its chambers, County Administration Building, 614 Division Street, Port Orchard, WA, to consider an **Ordinance** transferring some permit review authority from the department of public works to the department of community development. A summary of the ordinance follows:

Sections 1 through 4 transfer review of stormwater, erosion control and grading standards as they relate to land use permits and approvals and site development activity permits, listed in Title 12 of the Kitsap County Code, from the Director of Public Works to the Director of Community Development.

Section 5 transfers review of sewer and water comprehensive plans, listed in Title 13 of the Kitsap County Code, from the County Engineer to the professional engineer assigned to the department of community development.

Sections 6 and 7 transfers the review of storm drainage and street configuration proposals associated with short subdivisions, listed in Section 16.48 of the Kitsap County Code, from the County Engineer to the Director of Community Development.

Sections 8 through 11 transfers the review of storm drainage and street configuration proposals associated with large lot subdivisions, listed in Section 16.52 of the Kitsap County Code, from the County Engineer to the Director of Community Development.

Sections 12 and 13 transfer the review of storm drainage, erosion control, and street configuration proposals associated with Timber Harvest Permits, listed in Section 18.16 of the Kitsap County Code, from the County Engineer to the Director of Community Development.

Section 14 transfers clearing, grading and storm drainage code interpretations, listed in section 21.04 of the Kitsap County Code, from the County Engineer to the Director of Community Development.

Section 15 transfers site development activity permit and large lot subdivision review authority, listed in title 21.04 of the Kitsap County Code, from the County Engineer to the Director of Community Development.

The full text of the ordinance will be sent upon request.

ALL THOSE INTERESTED are welcome to attend the hearing

HOLLY ANDERSON, Clerk of the Board
Kitsap County Commissioners

NOTE: KITSAP COUNTY DOES NOT DISCRIMINATE ON THE BASIS OF DISABILITY. INDIVIDUALS WHO REQUIRE ACCOMMODATIONS SHOULD CONTACT THE COMMISSIONERS' OFFICE AT (360) 337-4428 OR TDD (360) 337-7275 OR 1-800-816-2782. (PLEASE PROVIDE TWO WEEKS NOTICE FOR INTERPRETER SERVICES.)

Publication Date: December 4, 2002
THE KITSAP NEWSPAPER GROUP

G:/legals/Transfer Permit Review Authority, 2002



Meeting Date: 12/16/02
Agenda Item No. 10:00 C

Kitsap County Board of Commissioners

Department: Community Development
Staff Contact: David Tucker, (360) 337-5625

Title: Public Hearing on An Ordinance transferring permit review authority from the Director of Public Works and County Engineer to the Director of Community Development.

Recommended Action:

- 1) Conduct a Public Hearing on the proposed Ordinance
- 2) Motion to Adopt the Ordinance
- 3) If no action taken, continue discussion and decision to next scheduled Board meeting.

Summary: This ordinance amends the Kitsap County Code to transfer the permit review authority from the Director of Public Works and County Engineer to the Director of Community Development for the following sections of the Kitsap County Code:

Title 12: Stormwater Management -Transfers Review of Stormwater Drainage permits, Grading permits to DCD.

Title 13: Waters and Sewers -Transfers review of water or sewer district general comprehensive plan from County Engineer to Professional Engineer assigned to DCD.

Title 16: Land Division and Development -Transfers Items reviewed by County Engineer regarding Large Lots and Short Subdivisions to DCD.

- Storm Drainage
- Street Configuration/Traffic

Title 18: Environment - Transfers items reviewed by County Engineer Regarding Timber Harvest to DCD.

- Storm Drainage
- Erosion Control
- Street Configuration

Title 21: Land Use and Development Procedures - Transfers Clearing, Grading and Storm Drainage code interpretations to DCD; Transfers Site Development Activity Permit Review and Large Lot Authority to DCD; SDAP (Storm Drainage and Grading)

Attachments:

- 1) Ordinance ___-2002 An Ordinance transferring permit review authority from the Director of Public Works and County Engineer to the Director of Community Development.

Fiscal Impact *JSP* P.H. 12/16/02

Related Revenue:
Cost Savings:
Net Fiscal Impact:
Source of Funds :

\$ None
\$None
General and Road Funds

✓ To PAPW: 11/25/02

Publish: 12/4/02

Clearances

Affected Departments	Department Representative
Public Works	<i>Ral</i>
Community Development	<i>Bruce Fredland</i>