

Ordinance No. 369- 2006

**ORDINANCE REGARDING 10-YEAR COMPREHENSIVE PLAN UPDATE REVISIONS TO
KITSAP COUNTY CODE TITLE 21 (LAND USE PROCEDURES)**

BE IT ORDAINED:

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

1. On May 7, 1998, the Board of County Commissioners (Board) adopted the 1998 Kitsap County Comprehensive Plan. Adoption of the 1998 plan satisfied the requirements set forth in the Growth Management Act (GMA). As part of the GMA requirement to continuously review and, if needed, revise the Comprehensive Plan set forth in RCW 36.70A.130(1), Kitsap County made subsequent amendments in June 2002, December 2003, and October 2004 after extensive review and recommendation by the public and Planning Commission.
2. The GMA, pursuant to RCW 36.70A.130(3), requires Kitsap County to “review, at least every ten years, its designated urban growth area or areas, and the densities permitted within both the incorporated and unincorporated portions of each urban growth area.” Additionally, “[t]he county comprehensive plan designating urban growth areas, and the densities permitted in the urban growth areas by the comprehensive plans of the county and each city located within the urban growth areas, shall be revised to accommodate the urban growth projected to occur in the county for the succeeding twenty-year period.”
3. Kitsap County Code 21.08.040 provides that the Board will establish a schedule for review and possible amendment of the Comprehensive Plan.
4. On June 28, 2005, the Central Puget Sound Growth Management Hearings Board (Hearings Board), in its Final Decision and Order in *1000 Friends of Washington v. Kitsap County*, CPSGMHB 04-3-0031c, determined that Kitsap County was out of compliance with the GMA by not having completed its 10-Year review of its Urban Growth Areas, and the densities permitted within, by 2004. The Hearings Board ordered Kitsap County to take appropriate legislative action by June 30, 2006. The Hearings Board later granted an extension to the deadline of December 31, 2006 in *1000 Friends of Washington v. Kitsap County*, CPSGMHB 04-3-0031c, Order Amending Compliance Schedule (October 14, 2005).
5. On July 26, 2006, the Hearings Board, in its Final Decision and Order in *KCRP v. Kitsap County*, CPSGMHB 06-3-0007, remanded components of the Kingston Sub-Area Plan, adopted December 21, 2005, to the County for review and revision. The components included:
 - a. Allocating population without completing the 10-Year Update to the Kitsap County Comprehensive Plan as required by the Growth Management Act;
 - b. The inclusion of a sewer reduction factor in the Updated Land Capacity Analysis (ULCA) used to size the urban growth area;
 - c. Reasonable measure review and implementation; and

- d. Inadequate capital facilities planning which was unable to ensure the provision of urban services to the urban growth area.

Section 2. General Procedural Findings. The Kitsap County Board of Commissioners makes the following findings regarding the public participation process of the 10-Year Update of the Comprehensive Plan:

1. On February 14, 2006, following timely and effective public notice, the Board held a work-study session to discuss and review the draft public involvement plan for the 10-Year Update to the Comprehensive Plan (10-Year Update).
2. On February 28, 2006, following timely and effective public notice, the Kitsap County Planning Commission (Planning Commission) held a work-study session to review and discuss the 10-Year Update draft schedule, project strategies, task prioritization and public involvement plan.
3. On March 13, 2006, following timely and effective public notice, the Board approved Resolution No. 045-2006. The resolution established an application period for land use reclassification requests, ending on April 10, 2006. The resolution also established screening and evaluation criteria for the reclassification requests, as well as the initial docket for text and area-wide map amendments.
4. On March 15, 2006, following timely and effective notice, the Board held a work-study session to review and discuss the 10-Year Update draft vision review and project strategies.
5. On March 18, 2006, following timely and effective public notice, Kitsap County issued a Determination of Significance and scoping notice and document. The scoping notice solicited comments for consideration in the Environmental Impact Statement. The scoping period closed on April 10, 2006.
6. On March 20, 2006, following timely and effective public notice, the Board held an administration briefing to discuss the format and content of the public workshops on the vision statement and the details of the land use reclassification requests submitted by that date.
7. On March 23, 2006, a Public Involvement Plan was issued by Kitsap County to detail the public involvement program Kitsap County was committed to following during the 10-Year Update.
8. On March 23, 27 and 28, 2006, following timely and effective public notice, Kitsap County held public workshops to review the 1998 Comprehensive Plan vision statement and solicited suggestions and revisions for consideration. The vision workshops were from 6:00 to 9:00PM and located in North, Central and South Kitsap, with approximately two hundred and thirty-seven participants. All three workshops included a brief introduction, a question and answer period, followed by four to eight small group exercises.
9. On March 28, April 11, April 25, May 9 and May 23, 2006, following timely and effective public notice, the Planning Commission held work-study sessions to review and discuss the framework and assumptions of the Updated Land Capacity Analysis (ULCA), land use reclassification requests, population and employment projections, reasonable measures, the integration of sub-area planning, preliminary land use alternatives and other issues related to the 10-Year Update.

10. On May 3, 2006, following timely and effective public notice, the Board held a work-study session to review preliminary draft land use alternatives.
11. On May 15, 18, and 24, 2006, following timely and effective public notice, Kitsap County held public workshops to review preliminary draft land use alternatives. The alternative workshops were from 6:00 to 9:00PM and located in North, Central and South Kitsap County, with approximately one hundred and fifty-seven participants. All three workshops included a brief introduction, a question and answer period, followed by six small group exercises. Groups discussed various components of the preliminary land use alternatives, including, but not limited to urban growth area sizing and composition.
12. On May 30, 2006, following timely and effective public notice, the Planning Commission and Board held a joint work-study session to review the preliminary draft alternatives, land use reclassification requests and public comment submitted during the May alternative public workshops. The joint work-study session also included discussion of the range and magnitude of environmental impacts from alternatives one and three for review in the Draft Environmental Impact Statement.
13. On May 31, 2006, following timely and effective public notice, the Board held a work-study session to provide guidance to the Department of Community Development on the range and magnitude of Alternatives one and three for review in the Draft Environmental Impact Statement.
14. On June 27, 2006, following timely and effective public notice, the Planning Commission held a work-study session to review and discuss key components to be analyzed in the Draft Environmental Impact Statement and Capital Facilities Plan.
15. On July 10, 2006, following timely and effective public notice, the Planning Commission and Board held a joint public hearing to consider testimony on the magnitude and range of alternative two for review in the Draft Environmental Impact Statement and Capital Facilities Plan. Over 120 people attended with half testifying on the potential range of sizes and compositions of Kitsap County's urban growth areas.
16. On July 11, 2006, following timely and effective public notice, the Planning Commission held a work-study session to refine the range and magnitude of Alternative two for review in the Draft Environmental Impact Statement and Capital Facilities Plan.
17. On July 12, 2006, following timely and effective public notice, the Board held a work-study session to refine the range and magnitude of Alternative two for review in the Draft Environmental Impact Statement and Capital Facilities Plan.
18. On July 19, 2006, following timely and effective public notice, the Board approved Resolution 129-2006. The Resolution outlined direction to the Department of Community Development for preparation of the Draft Environmental Impact Statement and alternatives one through three, including criteria for considering land use reclassification requests.
19. On August 23, 2006, following a timely and effective public notice, the Board held a work-study session to discuss major components and organization of Volumes I: Comprehensive Plan Policy Document, Volume II: Draft Environmental Impact Statement (DEIS) and Volume III: Proposed Regulations for the 10-Year Update.

20. On August 29, 2006, Kitsap County issued Volume I: Comprehensive Plan Policy Document, Volume II: Draft Environmental Impact Statement (DEIS) and Volume III: Proposed Regulations for the 10-Year Update. These documents were posted on the MyKitsap.org web page and made available to the public and agencies. Additionally, in mid-August 2006, thirty-two thousand mailings were sent to property owners within and/or adjacent to the land use alternatives. The mailing included information on the document release, comment opportunities, and dates of the open houses and upcoming public hearings.
21. On August 29, 2006, notice of all amendments to the comprehensive plan and development regulations proposed to fulfill the requirements of RCW 36.70A.130 was sent to the Washington State Department of Community, Trade and Economic Development at least sixty days before the amendments were adopted, in accordance with RCW 36.70A.106.
22. On August 30, 2006, Kitsap County published a DEIS Notice of Availability in the legal publication of record.
23. On September 2, 2006, Kitsap County published in the legal publication of record the Notice of Application and Notice of Availability of Volumes I through III of the 10-Year Update, which had been issued on August 29, 2006.
24. On August 29 and September 7 and 14, 2006, following timely and effective public notice, the County held open houses on Volume I: Draft Comprehensive Plan Policy Document, Volume II: Draft Environmental Impact Statement and Volume III: Proposed Regulations. The open houses were from 6:00 to 9:00PM and located in North, Central and South Kitsap County, All three open houses included a brief introduction, a question and answer period, followed by an open house with six informational stations. Each informational station included professional staff available to answer questions regarding all three volumes. Approximately one hundred and sixty-one participants attended.
25. On September 5 and 12, 2006, following timely and effective public notice, the Planning Commission held work-study sessions to review and discuss components of Volume I: Draft Comprehensive Plan Policy Document, Volume II: Draft Environmental Impact Statement and Volume III: Proposed Regulations.
26. On September 11, 2006, following timely and effective public notice, the Board held an administration briefing to review and discuss components of Volume I: Draft Comprehensive Plan Policy Document, Volume II: Draft Environmental Impact Statement and Volume III: Proposed Regulations.
27. On September 13, 2006, following timely and effective public notice, the Board held a work-study session to review and discuss components of Volume I: Draft Comprehensive Plan Policy Document, Volume II: Draft Environmental Impact Statement and Volume III: Proposed Regulations.
28. On September 18, 2006, the Department of Community Development presented errata sheets for Volumes I through III to the Planning Commission and Board and posted them on the MyKitsap.org web page. These errata sheets included omissions and corrections to improve the accuracy, clarity and consistency of the documents.

29. On September 18, 20 and 21, 2006, following timely and effective public notice, the Planning Commission and Board held joint public hearings to consider testimony on Volume I: Draft Comprehensive Plan Policy Document, Volume II: Draft Environmental Impact Statement and Volume III: Proposed Regulations. Approximately 100 residents and interested parties testified, with the majority of testimony relating to selection of a preferred land use alternative and urban growth area composition and sizing.
30. On September 26 and 27 and October 3 and 6, 2006, following timely and effective public notice, the Planning Commission held public meetings to deliberate on the proposed recommendations for Volume I: Draft Comprehensive Plan Policy Document, Volume II: Draft Environmental Impact Statement and Volume III: Proposed Regulations.
31. On October 4, 2006, following timely and effective public notice, the Board held a work-study session to review and discuss the Department of Community Development's recommendations and the Planning Commission deliberations for the 10-Year Update.
32. On October 6, 2006, following timely and effective public notice, the Planning Commission approved Findings of Fact and Recommendations for Volume I: Draft Comprehensive Plan Policy Document, Volume II: Draft Environmental Impact Statement and Volume III: Proposed Regulations to be forwarded to the Board.
33. On October 11, 2006, following timely and effective public notice, the Board held a work-study session to review the Planning Commission's Findings of Fact and Recommendations for the 10-Year Update.
34. On October 23, 2006, following timely and effective public notice, the Board held a public hearing to consider testimony on the Planning Commission's recommendations. The public hearing was then continued to October 25, 2006 for further public testimony, with written comments allowed through October 30, 2006. Approximately forty-eight citizens and interested parties testified.
35. On October 25, 2006, following timely and effective public notice, the Board held a work-study session to review and discuss the Department's and Planning Commission's recommendations and to review and discuss components of Volume I: Draft Comprehensive Plan Policy Document, Volume II: Draft Environmental Impact Statement and Volume III: Proposed Regulations.
36. On October 30, 2006, following timely and effective public notice, the Board held an administration briefing to review and discuss the Department's and Planning Commission's recommendations and to review and discuss components of Volume I: Draft Comprehensive Plan Policy Document, Volume II: Draft Environmental Impact Statement and Volume III: Proposed Regulations.
37. On October 30, 2006, at 4:30PM, the 60-day comment period on the Volume I: Draft Comprehensive Plan Policy Document, Volume II: Draft Environmental Impact Statement and Volume III: Proposed Regulations closed.
38. On November 1 and 6, 2006, following timely and effective public notice, the Board began deliberations and approved a preferred land use alternative, plan policy document, and associated development regulations.

Section 3. Substantive Findings. The Board of County Commissioners makes the following findings with respect to the amendments to Title 21 of the Kitsap County Code:

1. These amendments were developed in consideration of the goals of the GMA for the development of local comprehensive plans, as codified at RCW 36.70A.020, and reflect a careful balancing these goals within the local conditions of Kitsap County.
2. These amendments were developed according to and are found to comply with the requirements of the GMA, RCW 36.70A.
3. The amendments adopted by this ordinance are within the range of the alternatives analyzed in the Draft Environmental Impact Statement (DEIS) and within the scope of additional analysis contained within the Final Environmental Impact Statement (FEIS). This FEIS also provides update responses to the integrated Port Orchard/South Kitsap Sub-Area Plan Draft EIS consistent with the 10-Year Update. The County prepared a Preliminary Final Sub-Area Plan EIS that addressed comments prior to final decisions on the 10-Year Update. This 10-Year Update FEIS completes the Port Orchard/South Kitsap Sub-Area Plan environmental review process.
4. There has been early and continuous public participation in the review of the proposed amendments, as required by the GMA, and consistent with KCC 21.08 and the State Environmental Policy Act.
5. The Board bases its findings and conclusions on the entire record of the planning commission, the findings and conclusions of the Planning Commission, and all of the testimony, oral or written, and exhibits submitted to the Board. Any finding that should be deemed a conclusion, and any conclusion that should be deemed a finding, is hereby adopted as such.
6. The Board has considered the following criteria consistent with Kitsap County Code Sections 21.08.160 and 21.08.170, and makes the following findings:
 - a. Circumstances in Kitsap County have substantially changed since the adoption of the 1998 Comprehensive Plan and/or subsequent amendments;
 - b. New information is available that was not considered in the adoption of the 1998 Comprehensive Plan and/or subsequent amendments;
 - c. The proposed amendments are consistent with or support other plan elements and/or development regulations;
 - d. The proposed amendments reflect the goals, objectives and policies of the Comprehensive Plan;
 - e. The proposed amendments are consistent with the Countywide Planning Policies; and
 - f. The proposed amendments are compliant with the requirements of the Growth Management Act.
7. The Board has reviewed the Central Puget Sound Growth Management Hearings Board Decision in *1000 Friends v. Kitsap County*, CPSGMHB 04-3-0031c regarding the completion of the 10-

Year Comprehensive Plan Update and finds that the remand issue has been addressed and resolved in the 10-Year Update.

8. The Board has reviewed the Central Puget Sound Growth Management Hearings Board Decision in *KCRP v. Kitsap County*, CPSGMHB 06-3-0007 regarding the Kingston Sub-Area Plan, and finds the remand issues have been addressed and resolved in the 10-Year Update:
 - a. Kitsap County has completed its 10-Year Comprehensive Plan Update;
 - b. The sewer reduction factor within the Updated Land capacity Analysis has been removed from the County methodology used to size its urban growth areas;
 - c. The 10-Year Update adopts additional reasonable measures and employs additional development regulations to reinforce existing reasonable measures;
 - d. The 10-Year Update includes a complete capital facilities plan that includes analysis and funding strategies for urban infrastructure.

Section 4. Kitsap County Code Chapter 21.04 Table of Contents is amended as follows:

Chapter 21.04

LAND USE AND DEVELOPMENT PROCEDURES

Sections:

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|----------------------|--|
| 21.04.010 | Purpose – Applicability – General process – Administrative Code I Interpretation. |
| 21.04.020 | Definitions. |
| 21.04.030 | Type classification of development activities, permits and regulations. |
| 21.04.035 | Consolidation of project permit applications. |
| 21.04.040 | Predevelopment and P preapplication meeting. |
| 21.04.045 | Submittal requirements. |
| 21.04.050 | Application completeness. |
| 21.04.060 | Type I – Ministerial decision. |
| 21.04.070 | Type II – Administrative decision. |
| 21.04.080 | Type III – Quasi-judicial decision. |
| 21.04.090 | Type IV – Legislative decision. |
| 21.04.100 | Public notice. |
| 21.04.105 | Integration of SEPA review with project permit review. |
| 21.04.110 | Timelines and duration of approval. |
| 21.04.120 | Appeals. |

Section 5. Kitsap County Code Section 21.04.020.G last amended by Ordinance No. 219-1998 is amended as follows:

21.04.020 Definitions.

- G. “Project permit” or “project permit application” means any land use or environmental permit or license required from Kitsap County for a project action, including, but not limited to, building permits, subdivisions, binding site plans, planned unit developments, conditional uses, shoreline substantial development permits, ~~site plan review~~, permits or approvals required by critical area ordinances, ~~and~~ site-specific rezones authorized by the Kitsap County Comprehensive Plan (Plan) or a subarea plan, but

excluding the adoption or amendment of the Plan, a subarea plan, or development regulations except as otherwise specifically included in this chapter.

Section 6. Kitsap County Code Table 21.04.030 last amended by Ordinance No. 311-2003 is amended as follows:

TABLE 21.04.030

PERMIT/ACTIVITY/ <u>DECISION</u>	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/BC				X	<u>X</u>
Binding Site Plan	HE				X	
Building Code Interpretation	BO		X			
Building Permit	D	X				
Complete Application	D		X			
<u>Conditional Use Permit - Administrative</u>	<u>D</u>			<u>X</u>		
Conditional Use Permit – <u>Hearing Examiner</u>	HE				X	
<u>Conditional Use Permits – Minor Revisions</u>	<u>D</u>		<u>X</u>			
<u>Conditional Use Permits - Vacation</u>	<u>D</u>		<u>X</u>			
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			
<u>Development Standard Modifications or Waivers – Mixed Use Development</u>	<u>D/HE</u>			<u>X</u>	<u>X</u>	
Final Plat	BC			X		
<u>Height Increase – 10% or less</u>	<u>D</u>			<u>X</u>		
<u>Height Increase – more than 10%</u>	<u>HE</u>				<u>X</u>	
Landscape Plan Approval	D		X			
Large Lot Subdivision	CE			X		
Master Plan Approval	D/HE			X ¹	X ²	
Master Planned Developments	BC				X	

¹ Approval process for master plans within the South Kitsap Industrial Area (except those for the Industrial Multi-Purpose Recreational Area designation (see 17.322.030))

² Approval process for master plans within the ULID #6 Sub-Area

Master Plan Scoping	<u>D</u>			X		
Minor Site Plan Review	D		X			
Plan Interpretations	D		X			
Performance Based Development	HE				X	
Pre-application Conference Request	D		X			
Preliminary Plat	HE				X	
<u>Rezone – With Annual Comprehensive Plan Amendment</u>	<u>BC</u>					<u>X</u>
<u>Rezone – Authorized by Comprehensive Plan</u>	<u>BC</u>					<u>X</u>
Road Vacation	BC				X	
<u>Rural Wooded Incentive Program – Preliminary Plat</u>	<u>HE</u>				<u>X</u>	
<u>Rural Wooded Incentive Program – Release of Subsequent Phases</u>	<u>D</u>			<u>X</u>		
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			X		
Site Plan Review	D/HE			X		
Temporary Use	D		X			
Timber Harvest Permit	D		X			
<u>Transfer of Development Right – Certification</u>	<u>D</u>		<u>X</u>			
<u>Transfer of Development Right – Permit</u>	<u>D/HE/BC</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>
Variance	HE				X	
Zoning Interpretations	D		X			
D = Director	CE = County Engineer	BO = Building Official	HE = Hearing Examiner	BC = Board of Commissioners		

NEW SECTION. Section 7. A new section is hereby added to Kitsap County Code Chapter 21.04 as follows:

21.04.035 Consolidation of project permit applications.

A. The County shall consolidate project permit applications and review in order to integrate the project permit and environmental review process and avoid duplication of the review processes. Consolidated permit processing shall follow the review and approval process of the highest numbered

permit type represented among the required permits. For non-legislative actions, Type III is considered the highest and Type I is considered the lowest.

- B. The applicant may determine whether the multiple permit applications shall be processed concurrently or independently, except that the director has the discretion to require a variance, height increase, development standards modification or waiver to be processed concurrently with the associated project permit application.
- C. For applications that are processed individually, the highest numbered permit type shall be acted upon prior to processing the lower numbered permit type, unless the higher numbered permit type is dependent on first obtaining a favorable Type I or Type II decision.

Section 8. Kitsap County Code Section 21.04.040 last amended by Ordinance No. 219-1998 is amended as follows:

21.04.040 Predevelopment and Ppreapplication meeting.

- A. Predevelopment meeting. Applicants may request and participate in an informal meeting prior to the formal preapplication meeting, although such predevelopment meetings are not required. The purpose of the meeting is to discuss in general terms the proposed development, application requirements, design standards, design alternatives, other required permits and the approval process.
- B.A. Preapplication meeting. The purposes of the preapplication meeting and review are:
 1. To provide the county with sufficient information about a proposed project to enable county staff to classify the project and inform the applicant of approval requirements;
 2. To acquaint the applicant with the requirements of this chapter and other applicable law. County staff shall inform applicants that they should not consider the meeting and review as providing an exhaustive review of all the potential issues that a given application could raise and that applicants should seek independent advice if they have questions or concerns of any kind. Preapplication review shall not prevent the county from applying all relevant laws to the application; and
 3. To provide an opportunity for other agency staff and the public to become acquainted with the proposed application and applicable law. Members of the public may attend a preapplication meeting, but it is not a public hearing, and there is no obligation to receive public input.
- C.B. Unless waived by the director, a preapplication meeting is required for Type II or III applications. ~~Only Type II preapplication meetings may be waived.~~ A preapplication meeting should be waived by the director only if the reviewing authority determines that the application is relatively simple. A preapplication meeting should be waived by the director only under one of the following conditions:
 1. The applicant submits a completed written form provided by the reviewing authority requesting waiver of a preapplication meeting and review. The form shall state that waiver of a preapplication meeting could increase the maximum time for review for complete status and increases the risk that the application will be rejected and that processing could be delayed; or
 2. This chapter or the director expressly exempts the application(s) in question from preapplication review.
- D.C. To initiate preapplication review, an applicant shall submit a completed form provided by the reviewing authority for that purpose, the required fee, and all information required by the relevant section(s) of this chapter. Information not provided on the form shall be provided on attachments such as drawings, required checklists or other documents approved by the director. The director may modify requirements for preapplication materials and may conduct a preapplication review with less than all of the required information so long as modification does not prevent the director from identifying all applicable issues and still allows the most effective preapplication review.

- ~~D. Within fifteen days after receipt of an application for preapplication review, the reviewing authority shall mail a scheduling notice to the applicant and to other interested agencies or the public. The notice shall state the date, time and location of the preapplication meeting, the purposes of preapplication review, and the nature of the meeting.~~
- E. The director shall designate a staff member who shall coordinate the involvement of county staff responsible for planning, development review, roads, drainage, parks and other subjects, as appropriate, in the preapplication review process. Preapplication review will include discussion of requirements for application completeness, permit or approval requirements, fees, review process and schedule, and responding to questions from the Applicant. Responsible staff shall either attend the preapplication meeting or take other steps to fulfill the purposes of preapplication review.
- F. The preapplication meeting shall be scheduled at least five days after the notice is mailed but not more than twenty eight days after the county accepts the application for preapplication review. If the applicant or applicant's representative cannot or does not attend the first scheduled meeting, the county review authority shall reschedule the meeting and give new notice, in which event, the time passing prior to the date the preapplication meeting is held shall not be included in any other time calculation referred to in this chapter.
- G. Within 21 days after the date of a preapplication meeting, the review authority shall mail to the applicant and to other interested parties a written summary of the preapplication review. Such information will be based upon the level of detail submitted by the applicant with the preapplication request. The preapplication summary shall include a description of the project, all required fees for development permits and project issues regarding critical areas, stormwater, public facilities, roadways and other development limitations.
- ~~F. Throughout the application review process, the designated staff member shall keep a roster of any member of the public who requests notice of meetings or hearings concerning the application.~~
- ~~G. The preapplication meeting shall be scheduled at least five days after the notice is mailed but not more than twenty eight days after the county accepts the application for preapplication review. If the applicant or applicant's representative cannot or does not attend the first scheduled meeting, the county review authority shall reschedule the meeting and give new notice, in which event, the time passing prior to the date the preapplication meeting is held shall not be included in any other time calculation referred to in this chapter.~~
- ~~H. Within seven days after the date of the preapplication meeting, the review authority shall mail to the applicant, and to other parties who either sign a register provided for such purpose at the preapplication meeting or who otherwise request it in writing, a written summary of the preapplication review. To the extent possible, utilizing the information provided by the applicant, the written summary shall:~~
- ~~1. Briefly describe the proposed application(s);~~
 - ~~2. Identify the relevant approval criteria and development standards in this chapter or other applicable law and exceptions, adjustments or other variations from applicable criteria or standards that may be necessary;~~
 - ~~3. Evaluate information the applicant has offered to comply with the relevant criteria and standards, and identify additional information that is needed to comply with the relevant criteria and standards or is recommended to respond to other issues;~~
 - ~~4. Identify application fees in effect at the time, including impact fees, and a statement that fees may change;~~
 - ~~5. Identify other information relevant to the application which is in the possession of the county or other agencies of which the county is aware, such as:
 - ~~a. Comprehensive Plan map designation and zoning on and in the vicinity of the property which is the subject of the application;~~~~

- ~~b. Physical development limitations, such as steep or unstable slopes, wetlands, wellhead protection areas, or water bodies, that exist on and in the vicinity of the property subject to the application;~~
- ~~c. Public facilities that will serve the subject property, including fire services, roads, storm drainage, and, if residential, parks and schools. Also, related service considerations, such as minimum access and fire flow requirements or other minimum service levels; and~~
- ~~d. Other applications that have been approved or are being processed for projects in the vicinity of the proposed application that may affect or be affected by the proposal in the application.~~

~~H.I.~~ An applicant may submit a written request for a second preapplication meeting within one (1) calendar year after an initial preapplication meeting. There shall be no additional fee for a second meeting if the proposed development is substantially similar to the one reviewed in the first preapplication meeting or if it reflects changes based on information received at the first preapplication meeting. ~~A request for a second preapplication meeting shall be subject to the same procedure as the request for the original preapplication meeting.~~

NEW SECTION. Section 9. A new section is hereby added to Kitsap County Code Chapter 21.04 as follows:

21.04.045 Submittal requirements.

- A. Except as provided elsewhere in this code, the department shall establish and may revise written submittal requirements for each type of project permit application required by this title. The requirements shall clearly describe the material that must be submitted for an application to be considered complete. The department shall provide public notice of changes thirty days prior to their effective date.
- B. Submittal requirements shall not be waived, except that the department may determine in writing that a particular requirement is not applicable upon a clear showing by the applicant that the requirement is not relevant to the proposed project permit and is not necessary to demonstrate compliance with the applicable requirements.
- C. Additional materials may be required by the department as it determines necessary for review of the application.

Section 10. Kitsap County Code Section 21.04.050.A last amended by Ordinance No. 219-1998 is amended as follows:

21.04.050 Application completeness.

- A. ~~Using a Type I process, t~~The review authority shall determine whether ~~the each~~ application is complete upon its submittal according to the following timetable:
 - ~~1. Within twenty-eight days after the initial submittal; or If a preapplication meeting was held, within seven days after submittal;~~
 - ~~2. If a preapplication meeting was not held, within fourteen days after submittal; or~~
 - ~~2.3. Within fourteen days after the application has been resubmitted to the county if the If an~~ application has been returned to the applicant as being incomplete, ~~within fourteen days after the application has been resubmitted to the county.~~

Section 11. Kitsap County Code Section 21.04.050.B last amended by Ordinance No. 219-1998 is amended as follows:

- B. Notwithstanding ~~subdivisions (1) — (3) of~~ subsection (A) of this section, if the review authority establishes a given day of the week as the day on which to begin review for completeness for a certain kind of application (for example, a subdivision), the time for making a decision regarding the completeness of that kind of application shall begin to run on the day designated by the review authority.

NEW SECTION. Section 12. A new section is hereby added to Kitsap County Code Chapter 21.04 as follows:

21.04.105 Integration of SEPA review with project permit review.

- A. Project permit applications and planned actions subject to the provisions of the State Environmental Policy Act (SEPA) shall be reviewed in accordance with the policies and procedures contained in Chapter 18.04 and WAC 197-11.**
- B. SEPA and the review of project permit applications shall be combined and integrated in all project permits that are not categorically exempt from SEPA or for which environmental review has not already been completed in the following manner:**
- 1. SEPA review, if required, should be analyzed in one project permit review process that includes land use, environmental, public and governmental review as established by this Chapter. If applicable development regulations already require studies that adequately analyze a project's specific probable adverse impacts, then additional or redundant studies shall not be required under SEPA.**
 - 2. Documents or studies prepared in the project permit review process under the requirements of SEPA or specific development regulations shall be prepared so that they can be reviewed by the public, the County and other agencies during the applicable comment periods.**
 - 3. A SEPA threshold determination and/or a scoping notice may be issued with a Notice of Application, provided that, a final threshold determination of nonsignificance may not be issued until after the expiration of the public comment period on the Notice of Application unless the requirements of the optional DNS process (WAC 197-11-355 and Chapter 18.04.120) are followed. A final determination of significance and a SEPA scoping notice may be issued with the Notice of Application and prior to the expiration of the public comment period on the Notice of Application.**
 - 4. Any appeal of a determination of significance as described in Chapter 18.04.210(1)(c) may proceed in advance of any hearings or appeals of the underlying project permit application.**

Section 13. Kitsap County Code Section 21.08.030.H last amended by Ordinance No. 254-2001 is amended as follows:

21.08.030 Definitions.

- H. "Site specific amendment" means an amendment to the Comprehensive Plan and/or Zoning Map that affects one or a small group of contiguous parcels. A site-specific amendment most frequently affects only the land use and/or zoning map, and not the text of the Comprehensive Plan or a development regulation.

Section 14. Kitsap County Code Section 21.08.110 last amended by Ordinance No. 254-2001 is hereby repealed and replaced with the following:

~~21.08.110 Application requirements for site-specific amendments.~~

~~An application for a site-specific amendment of the Comprehensive Plan land use map or zoning map, shall include the following:~~

- ~~A. An application form which includes the signatures, addresses, telephone numbers and agent information for the applicant and the owner(s) of record;~~
- ~~B. A description of the proposed amendment including text changes and a map;~~
- ~~C. If the proposal is for a land use map or zoning map amendment, the location of the property covered by the proposed amendment as shown on an assessor's map dated and signed by the applicant and the owner;~~
- ~~D. If the proposed amendment includes an amendment to both the land use map and the zoning map, a legal description of the property covered by the amendment, including the notarized signature of one or more owners;~~
- ~~E. An explanation of the reasons the amendment is being proposed;~~
- ~~F. An explanation of the proposed amendment's anticipated impacts;~~
- ~~G. An explanation of how the proposed amendment is consistent with the GMA, the Kitsap County wide Planning Policy, and the Comprehensive Plan;~~
- ~~H. An environmental checklist, if required; and~~
- ~~I. The processing fee established by the board of commissioners.~~

21.08.110 Application requirements for site-specific amendments or rezone.

An application for a site-specific amendment of the Comprehensive Plan land use map or zoning map, shall include the following:

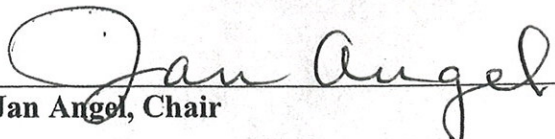
- A. An application form which includes the signatures, addresses, telephone numbers and agent information for the applicant and the owner(s) of record;
- B. A description of the proposed amendment including text changes and a map;
- C. If the proposal is for a land use map or zoning map amendment, the location of the property covered by the proposed amendment as shown on an assessor's map dated and signed by the applicant and the owner;
- D. If the proposed amendment includes an amendment to both the land use map and the zoning map, a legal description of the property covered by the amendment, including the notarized signature of one or more owners;
- E. An explanation of the reasons the amendment is being proposed;
- F. An explanation of the proposed amendment's anticipated impacts;
- G. An explanation of how the proposed amendment is consistent with the GMA, the Kitsap County-wide Planning Policy, and the Comprehensive Plan;
- H. An environmental checklist, if required;
- I. The processing fee established by the Board of County Commissioners;
- J. A calculation describing the number of residential units allowable under the existing zone density consistent with Section 17.200.010 and the number of units allowable under the proposed zone density as identified in Section 17.200.010; and
- K. If the application results in a higher residential density or if the application proposes a change from a residential use to a commercial or industrial use, a transfer of development credit certificate shall be submitted with the application or during the application review process.

Effective Date: This Ordinance shall take effect immediately.

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

Dated: December 11, 2006

**KITSAP COUNTY BOARD OF
COMMISSIONERS**




Jan Angel, Chair



Patty Lent, Commissioner

ATTEST:

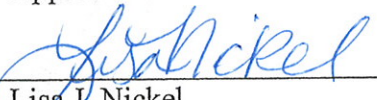


Opal Robertson
Clerk of the Board



Chris Endresen, Commissioner

Approved as to Form:



Lisa J. Nickel
Deputy Prosecuting Attorney