

ORDINANCE NO. _____-2018

UPDATING KITSAP COUNTY’S LAND DIVISION ORDINANCE, TITLE 16 KCC “LAND DIVISION AND DEVELOPMENT”, AND UPDATING KITSAP COUNTY’S LAND USE ADMINISTRATIVE ORDINANCE, TITLE 21 KCC “LAND USE AND DEVELOPMENT PROCEDURES”.

BE IT ORDAINED:

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

1. 2017 Senate Bill 5674 reads in part “The legislative authorities of cities, towns, and counties may by ordinance delegate final plat approval to an established planning commission or agency, or to such other administrative personnel in accordance with state law or local charter.”
2. The purpose of this ordinance is to improve and enact efficiencies specifically related to the use of Chapter 16.40 “Subdivisions” and Chapter 21.04 “Project Permit Application Procedures” Kitsap County Code (KCC).
3. Kitsap County wishes to improve land division (aka, subdivision or platting) permit approval processes, increase departmental efficiencies, reduce approval times, reduce permit costs, reduce unnecessary costs to applicants, and get approved plats recorded quicker.
4. The adoption of land use and zoning is a valid exercise of the County’s police power and is specifically authorized by RCW 36.70.010 and RCW 36.70.750.

Section 2. The Board makes the following procedural findings regarding the process and public participation aspects for amending Kitsap County Code:

1. The SEPA Responsible Official issued a threshold decision for this draft ordinance on **March 22, 2018** and comments were accepted through **April 10, 2018**. **No comments were received** and no administrative appeals are allowed for this ordinance, a non-project legislative action, under KCC 21.04.290(E)(2).
2. Kitsap County Department of Community Development (DCD) announced the proposed changes over several venues, including the Kitsap Building Association (KBA), a broad-distribution email to County Citizen Advisory Committees, the Department Advisory Group (DAG), and its GovDelivery listserv subscribers.
3. On **April 17, 2018**, the Planning Commission held a workstudy after proper notice.
4. On **April 17, 2018**, the Planning Commission held a public hearing after proper

notice, and considered public comment and the entire record related to this ordinance

5. On **April 17, 2018**, the Kitsap County Planning Commission adopted Findings of Fact unanimously.
6. On **XX, 2018**, DCD conducted a workstudy with the Board after proper notice to review the final draft code.
7. On **May 21, 2018**, the Board held a public hearing after proper notice, and considered public comment and the entire record related to this ordinance. On this date, they also deliberated and made a final decision to approve this ordinance.

Section 3. The Board makes the following substantive findings:

1. This ordinance satisfies the procedural and substantive requirements of and is consistent with GMA.
2. This ordinance is consistent with the Kitsap County Comprehensive Plan.
3. Nothing in this ordinance is intended nor shall be construed to authorize or approve of any violation of federal or state law.

Section 4. Kitsap County Code Section 16.40.050, last amended by Ordinance 550-2018, is amended as follows:

16.40.050 Final subdivisions.

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

- A. Chapter 16.04, General Provisions;
- B. Chapter 16.24, Land Segregation Standards;
- C. The final plat shall consist of the following:
 1. The original map that is drawn in permanent black ink on mylar, suitable for producing legible prints through scanning, microfilming or other standard copying procedures, and that is in compliance with WAC 332-130-050. The map shall be drawn to scale no less than one inch to one hundred feet, which scale shall be shown on the drawing both graphically and textually;
 2. The first sheet shall contain the following information:

a. Surveyor's certificate, stamped, signed and dated by a registered land surveyor, that reads as follows:

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

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

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

4. Signature and date lines for approval by the county engineer;

5. Signature and date lines for approval by the Kitsap public health officer;

6. Treasurer's certificate that reads as follows:

I hereby certify that real property taxes on the above-described property have been paid, satisfied or discharged up to and including the year 20____. along with signature and date lines;

~~7. Signature and date lines for approval by the board of county commissioners;~~

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

89. Lots labeled numerically;

910. Lot addresses, as assigned per Section 16.66.015(H);

1011. The perimeter (which shall be shown by heavier lines) of the proposal, together with all internal lots and blocks;

1112. The dimensions of the perimeter and all lots;

1213. Ties to permanent monuments;

1314. Controlling reference points or monuments;

1415. The bearing and length of lines;

1516. The legal description of the real property to be divided;

1617. The names and locations of adjacent segregations;

1718. The location of all existing structures;

1819. The location of all existing and proposed roads, rights-of-way and access easements within and adjacent to the proposal, labeling each of the foregoing by width;

1920. The location of all other existing and proposed easements appurtenant to the property, labeled with dimensions;

2024. The location of all property to be dedicated. Where the dedication is for roadways or improvements for which a surety is obtained, there shall be no acceptance of the dedication by the county unless and until said improvement is completed and approved by Kitsap County;

2122. The location of all critical areas identified during the preliminary subdivision process, along with required buffers and construction setbacks;

2223. The location of existing on-site sewage systems, and wells with their protective well radii within and contiguous to the proposal;

2324. The location of soil logs, if the subdivision is not required to connect to public sewer;

2425. A declaration or dedication statement, as applicable, by all persons having interest in the subdivided land, with name(s) printed and signed by said person(s) and acknowledged before a notary public, consenting to the dedication and/or subdivision of land;

2526. Notes depicting articles of encumbrances as noted in Schedule B of the plat certificate; and

2627. Conditions relevant to the development of the subdivision, as set forth in the hearing examiner's decision granting preliminary approval;

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

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

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

G. The required road and storm water facilities and improvements, if such are to be privately maintained, have been completed by the subdivider. When required road and storm water facilities and improvements are to be maintained by the county, that they have been completed by the subdivider or, alternatively, that the subdivider has provided a performance surety in accordance with Section 12.12.040.

Section 5. Kitsap County Code Section 21.040.100, last amended by Ordinance 539-2016, is amended as follows:

21.04.100 Review Authority Table.

The Review Authority Table shows permits regulated by this chapter, how they are classified and who the review authority is.

	Permit/Activity/Decision	Review Authority	Type I	Type II	Type III	Type IV
DEVELOPMENT ENGINEERING PERMITS – See also Title 12, Stormwater Drainage						
1	Site Development Activity Permit – Subject to SEPA	D		X		
2	Site Development Activity Permit – SEPA Exempt	D	X			
ENVIRONMENTAL PERMITS – See also Titles 18, Environment, 19, Critical Areas Ordinance, and 22, Shoreline Master Program						
3	Conditional Waiver, View Blockage Requirement	D		X		
4	Critical Area Buffer Reduction	D	X	X		
5	Critical Area Variance	HE			X	
6	Current Use Open Space	BC				X
7	Shoreline Administrative Conditional Use Permit	D		X		
8	Shoreline Buffer Reduction	D	X	X		
9	Shoreline Conditional Use Permit	HE			X	
10	Shoreline Permit Exemption	D	X			
11	Shoreline Revision	D		X		
12	Shoreline Substantial Development Permits	HE			X	
13	Shoreline Variance	HE			X	
14	Timber Harvest Permit	D	X			
LAND USE PERMITS – See also Title 17, Zoning						
15	Administrative Conditional Use Permit	D		X		
16	Administrative Conditional Use Permit Major Amendment – Proposed After Approval	D		X		
17	Administrative Conditional Use Permit	D	X			

	Permit/Activity/Decision	Review Authority	Type I	Type II	Type III	Type IV
	Minor Amendment – Proposed After Approval					
18	Conditional Use Permit	HE			X	
19	Conditional Use Permit Major Amendment – Proposed After Approval	HE			X	
20	Conditional Use Permit Minor Amendment – Proposed After Approval	D	X			
21	Development Agreement	BC				X
22	Home Business	D	X			
23	Master Plan	HE			X	
24	Master Plan – Amendments	D		X		
25	Performance Based Development	HE			X	
26	Performance Based Development Major Amendment – Proposed After Approval	HE			X	
27	Performance Based Development Minor Amendment – Proposed After Approval	D	X			
28	Rezone ¹	PC/BC			X	
29	Sign	D	X			
30	Zoning Variance – Director’s (≤ 10%)	D	X			
31	Zoning Variance – Administrative (> 10% to ≤ 25%)	D		X		
32	Zoning Variance – Hearing Examiner (> 25%)	HE			X	
LAND DIVISION PERMITS – See also Title 16, Land Division and Development						

	Permit/Activity/Decision	Review Authority	Type I	Type II	Type III	Type IV
33	Binding Site Plan	D		X		
34	Binding Site Plan Alteration	D		X		
35	Final Large Lot Plat	D	X			
36	Final Large Lot Plat Alteration	D		X		
37	Final Plat	D/BC ²	X			
38	Final Plat Alteration	HE ³		X		
39	Final Short Plat	D	X			
40	Final Short Plat Alteration	D		X		
41	Land Segregation Vacation	D/HE		X	X	
42	Legal Lot Determination	D	X			
43	Preliminary Large Lot Subdivision	D		X		
44	Preliminary Large Lot Subdivision – Major Amendment	D		X		
45	Preliminary Large Lot Subdivision – Minor Amendment	D	X			
46	Preliminary Short Subdivision	D		X		
47	Preliminary Short Subdivision – Major Amendment	D		X		
48	Preliminary Short Subdivision – Minor Amendment	D	X			
49	Preliminary Subdivision	HE			X	
50	Preliminary Subdivision – Major Amendment	HE			X	
51	Preliminary Subdivision – Minor Amendment	D		X		
MISCELLANEOUS PERMITS						

	Permit/Activity/Decision	Review Authority	Type I	Type II	Type III	Type IV
52	Building Code Interpretation	BO	See Chapter 14.04	See Chapter 14.04	See Chapter 14.04	See Chapter 14.04
53	Building Permit	BO	Exempt	Exempt	Exempt	Exempt
54	Change of Use	BO	X			
55	Code Compliance	D	X			
56	Concurrency Certificate	CE	X			
57	Director's Interpretation	D	X			
58	Reasonable Use Exception	HE			X	
59	Road Vacation	CE				X
60	Temporary Use	D	X			
61	Transfer of Development Right Program	D/HE/BC	X	X	X	X
D = Director BC = Board of County Commissioners BO = Building Official CE = County Engineer HE = Hearing Examiner PC = Planning Commission						

1 Hearing examiner recommendation subject to Board of County Commissioners approval.

~~2 For BCC signature only.~~

~~23~~ Hearing at request of noticed party, RCW 58.17.215.

Section 6. Typographical/Clerical Errors. Should any amendment made to this Ordinance that was passed by the Board during its deliberations be inadvertently left out of the final printed version of the plan, maps, or code, the explicit action of the Board as discussed and passed shall prevail upon subsequent review and verification by the Board, and shall be corrected.

Section 7. Effective Date. This Ordinance shall take effect on XX, 2018.

Section 8. 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 _____, 2018

BOARD OF COUNTY COMMISSIONERS
KITSAP COUNTY, WASHINGTON

ATTEST:

ROBERT GELDER, Chair

EDWARD E. WOLFE, Commissioner

Dana Daniels, Clerk of the Board

CHARLOTTE GARRIDO, Commissioner

Approved as to form:

Kitsap County Prosecutor's Office