

Land Use & Development Procedures

Updates to Kitsap County Code Title 21

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KitsapCounty

Background

TITLE 21 ESTABLISHES PROCEDURES FOR:



Conditional Use Permits, Subdivisions, and other Land Use permits



Site Development Activity Permits



Shoreline and other Environmental permits



Legislative actions, including Comprehensive Plan amendments

These procedures are based largely on requirements adopted under the Growth Management Act (36.70A RCW) & Local Project Review Act (36.70B RCW)

Background

HISTORY OF TITLE 21



1998 – First introduced to Kitsap County Code, establishing procedures for land use and development permits



2012 – Repealed and replaced



2015 – 2026 – Select updates for consistent language with code updates to other chapters

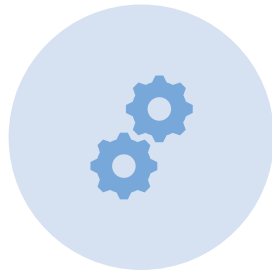


No comprehensive update has occurred since 2012, while state laws have changed, County processes have evolved, administrative gaps have been identified, and opportunities for improvement have emerged.

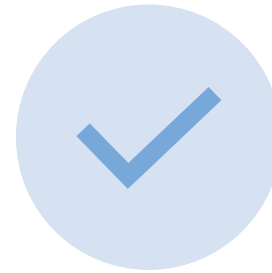
Purpose & Objectives



CONSISTENCY WITH
LEGISLATIVE CHANGES
TO 36.70B RCW



RESTRUCTURE AND
MODERNIZE



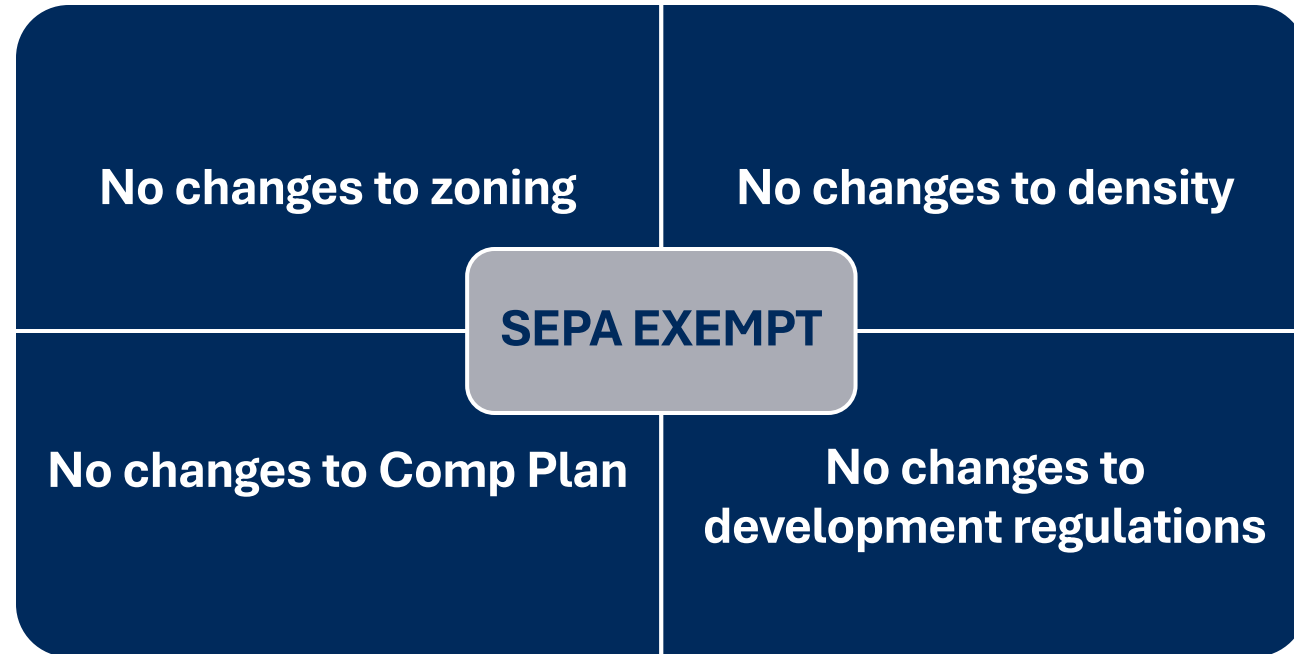
CLARITY OF
PROCEDURES



ADDRESS
ADMINISTRATIVE GAPS

Project Scope

PROCEDURAL CODE ONLY



WAC 197-11-800(19):

The proposal, amendment or adoption of legislation, rules, regulations, resolutions or ordinances, or of any plan or program shall be exempt if they are:

(a) Relating solely to governmental procedures, and containing no substantive standards respecting use or modification of the environment.

(b) Text amendments resulting in no substantive changes respecting use or modification of the environment.

(c) Agency SEPA procedures.

CURRENT STRUCTURE

21.01 INTRODUCTION

21.02 DEFINITIONS

21.04 PROJECT PERMIT APPLICATION
PROCEDURES

21.08 LEGISLATIVE ACTION
PROCEDURES

21.10 FEES



NEW STRUCTURE

21.01 GENERAL PROVISIONS

21.02 DEFINITIONS

21.03 APPLICATION PROCEDURES

21.04 REVIEW PROCEDURES

21.05 PUBLIC NOTICE

21.06 DECISIONS

21.07 ENFORCEMENT

21.08 LEGISLATIVE ACTION
PROCEDURES



21.03 Application Procedures

WHAT'S CHANGING?

- All application-related procedures combined into a single chapter
- Updates to applicant responsibilities, including right of entry language
- Clarifies submittal requirements for completeness
- Clarifies vesting provisions
- New requirement for Neighborhood Meeting documentation on plats (10 or more lots within the UGA)
- Updates to application assistance for paid staff meetings
- Changes to expiration provisions for Incomplete Applications
- Grants director authority for exceptions to application expiration provisions

APPLICATION EXPIRATION

- ❖ Current code allows 90 days for response, with up to 2 90-day extensions
- ❖ Proposed code allows 60 days for response, with up to 1 60-day extension

RCW 36.70B.080(1)(i): "... if an applicant is not responsive for more than 60 consecutive days...an additional 30 days may be added to the time periods"

21.04 Review Procedures

WHAT'S CHANGING?

- All review-related procedures combined into a single chapter
- Updates to Review Authority Table to add new permit types for Similar Use Determinations, Determination of Legal Nonconforming, and SDAPs for Multi-Family development
- Requests for information expiration mirrors Incomplete Application expiration provisions
- Introduces procedures for repeated incomplete responses to requests for information
- Expands on 3rd Party Review procedures
- Clarifies review procedures on parcels that have an active, unresolved code violation
- Clarifies review procedures for projects with multiple, related applications
- Introduces procedures for phased development

21.04 Review Procedures

WHAT'S CHANGING?

Clarity on Application Sequencing and Phased Development

- Proposed code updates grants DCD authority to determine appropriate sequencing of related applications
- Provisions for phased development added to require phasing plan, address phasing effect on associated permits including phased occupancy, and bonding requirements

Consolidated Review

All related applications processed simultaneously with combined notice, a single staff report and decision, on the same timeline

Concurrent Review

All related applications processed independently. Different notice, separate decisions, not the same timeline

21.05 Public Notice

WHAT'S CHANGING?

- All noticing requirements combined into a single chapter
- Matrix for easy tracking of noticing requirements
- Introduces Notice of Construction signs for Type II SDAPs and Timber Harvests



21.05 Public Notice

WHAT'S CHANGING?

21.05.090 Notice requirements table.

Notice Type	Mailed Notice	Publication	Site Posting	Electronic/ Website Notice	Additional Requirements
Notice of Application (NOA)	Required per Section 21.05.060	Not required, unless combined with NOPH	Required for Type III applications	May be provided	14-day comment period
Notice of Hearing (NOPH)	Not required	Required	Required	May be provided	≥15 days prior to hearing
Notice of Decision (NOD)	Required per Section 21.05.060	Not required	Not required	May be provided	-
Notice of Construction (NOC)	Not required	Not required	Required per Section 21.05.080	Not required	Posted at permit issuance, when required



21.06 Decisions

WHAT'S CHANGING?

- Updates decision timelines to be consistent with 36.70B RCW
- Addresses exceptions and extensions to timelines
- Clarifies how Shoreline decisions are handled with Ecology
- Proposes to remove Administrative Appeals to the Hearing Examiner (HEX)

RCW 36.70B.080(d): "The time periods for local government action to issue a final decision..."

Project permits which do not require public notice	65 days
Project permits which require public notice	100 days
Project permits which require public notice and public hearing	170 days

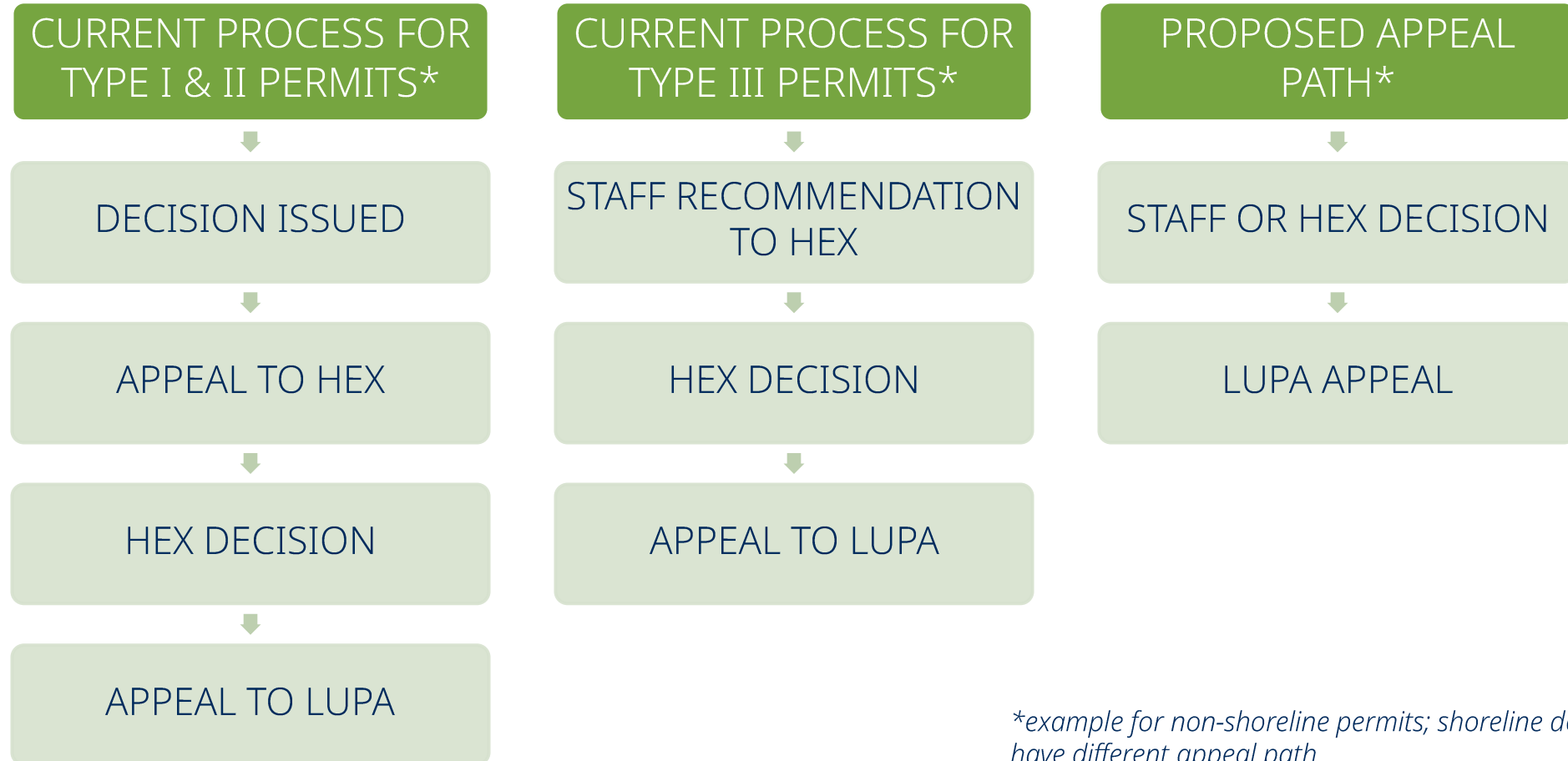
"Project permit" or "project permit application" means any land use or environmental permit or license required from a local government for a project action, including but not limited to subdivisions, binding site plans, planned unit developments, conditional uses, shoreline substantial development permits, site plan review, permits or approvals required by critical area ordinances, site-specific rezones which do not require a comprehensive plan amendment, but excluding the adoption or amendment of a comprehensive plan, subarea plan, or development regulations except as otherwise specifically included in this subsection.

Appeals...



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Appeals



**example for non-shoreline permits; shoreline decisions have different appeal path*

Appeals

RCW 36.70B.110 (9)

A local government is not required to provide for administrative appeals.

RCW 36.70B.160 (1) (b)

Each local government is encouraged to adopt further project review and code provisions...by:

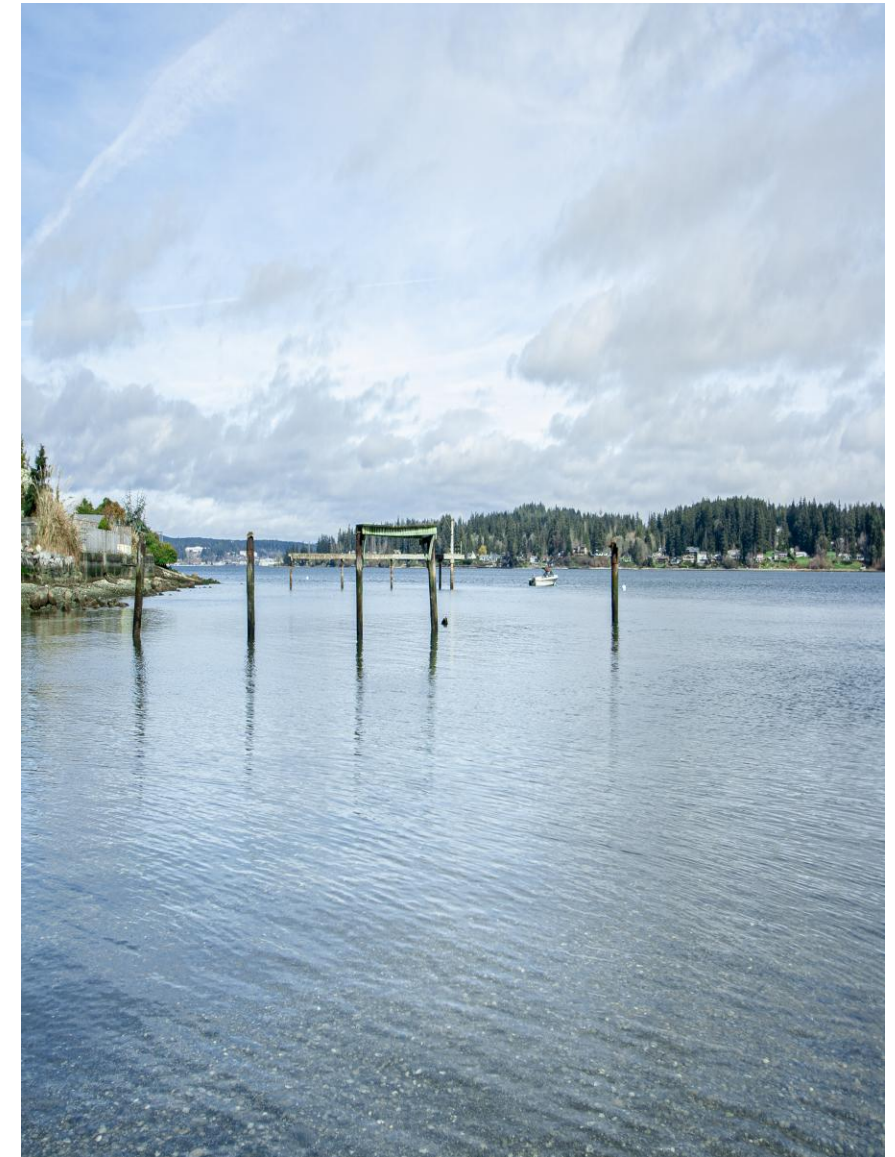
Imposing reasonable fees...The fees imposed may not include a fee for the cost of processing administrative appeals.

21.07 Enforcement

WHAT'S CHANGING?

- Introduces enforcement procedures combined into a single chapter
- Enforcement provisions can be utilized for code violations done prior to permitting, or for active permit violations
- Outlines general enforcement provisions with possible escalation protocol
- Introduces authority to obtain administrative search warrant

[RCW 36.70B.160\(4\)](#): *Each local government shall adopt procedures to monitor and enforce permit decisions and conditions.*



21.07 Enforcement

WHAT'S CHANGING?

Enforcement Provisions

Notice of Violation and Order to
Correct
Stop Work Order
Notice of Non-Compliance

Escalation

Civil Infractions
Civil Penalties
Misdemeanor
Permit Suspension or Revocation
Cost Recovery

21.08 Legislative Action Procedures

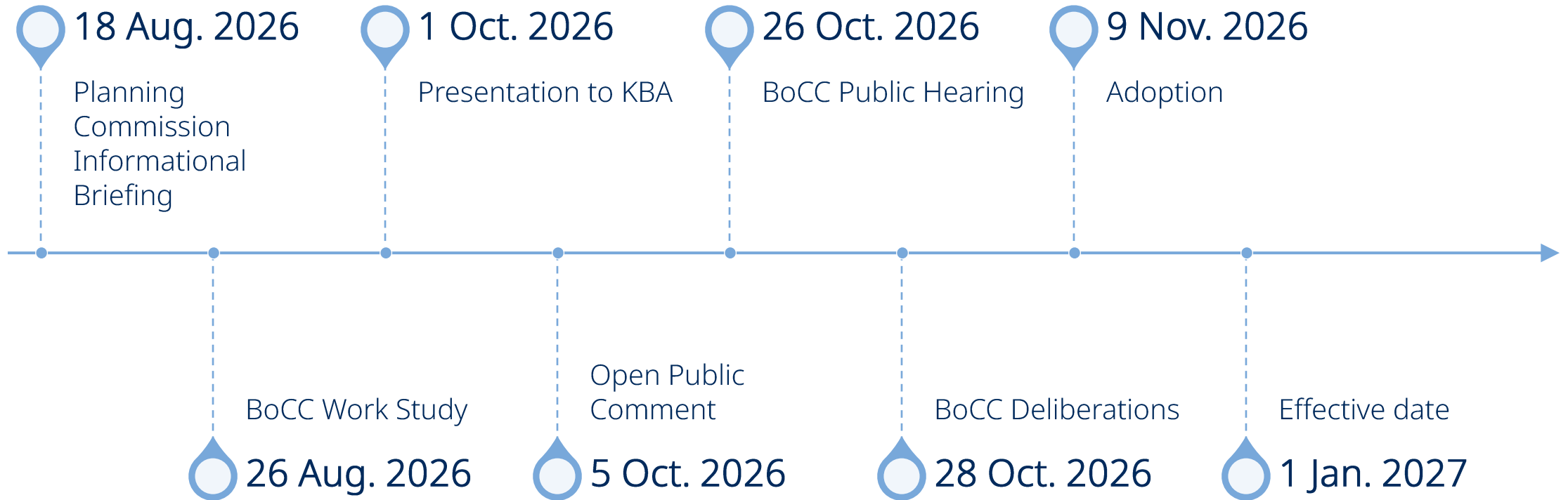
WHAT'S CHANGING?

Long-Range Planning staff are currently evaluating current code for amendments that will:

- Clarify procedures for Site-Specific Amendments to the Comp Plan
- Identify how DCD will handle changes to zoning and buildable lands based on land acquisition by public agencies like Kitsap County Parks or local tribes
- Explore alternate process for removal of Mineral Resource Overlay
- Develop procedure for updating Comp Plan map with Rezones not requiring a Comp Plan Amendment



Timeline



Implementation



Updates to permitting and application software



Publications



Procedures and internal guidance



Process mapping



Staff Training



Outreach

What Success Looks Like



Applicants

Know what to expect and when



Staff

Follow a consistent, defined process



Decision Makers

Have a clear, defensible record



The Public

Can understand the process for how and when decisions are made

Questions?



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