



## Code Interpretation

### Subject of Interpretation:

Site Development Activity Permit (SDAP) requirements for development work in the Right-of-Way (ROW)

### Kitsap County Code Section Numbers:

Kitsap County Road Standards (KCRS) sections: 1.5, 8.3 and 10

Kitsap County Code (KCC) section: 12.10.030(2)

### Title of Section:

KCRS:

- 1.5 Permits
- 6.4 Submittal Procedure
- 8.3 Right of Way Construction Inspection
- 10 Permits and Standards for Use and Improvements to County Right of Way.

KCC:

- 12.10.030 Site Development Activity Permits Required
- 12.10.060 Professional engineer required

### Cause for Interpretation:

In 2020, portions of KCC Title 11 were repealed and relocated within the KCRS. Permitting requirements formerly addressed in Chapter 11.36, "Permits and Standards for Use and Improvements to County Right-of-Way," became spread throughout different sections of the KCRS. This made the requirement for professionally engineered plans to use or improvement of the county ROW difficult to identify without visiting multiple sections of the KCRS.

### Interpretation:

- KCC 12.10.030 states any connection to a drainage system located in the ROW shall require an SDAP. The creation of a roadway and its associated drainage meets this intent, as it generates new infrastructure that must be tracked by Kitsap County Public Works.
- KCRS Section 1.5(5) requires that ROW permits adhere to permitting requirements for SDAPs. This identifies the intent that plans meet the engineered requirement for an SDAP.
- KCRS Section 6.4 identifies that plans for proposed road construction or reconstruction shall meet the submittal requirements used for SDAPs.
- KCRS Section 8.3 aligns with inspection and permitting requirements for SDAPs, and identifies in item #8 that as-builts for the work in ROW is required

to finalize the permit. As-builts are required for the purpose of recording all improvements to the county ROW and must be prepared by an engineer.

- KCC 12.10.060(3) states that any site development activity that the director deems to be in the public's best interest to require that certain site development activity permit application submittal documents be prepared by a professional civil engineer. Roadway and associated systems constructed in the county ROW must adhere to requirements of the Kitsap County Stormwater Design Manual (KCSDM) and the KCRS. The method to ensure this is an engineered design reviewed through an SDAP. ROW SDAPs enforcing this requirement have been in place since pre-2007.
- KCRS Section 10 requires for all Categories of Right of Way Use Permits that construction of required improvements shall be completed by the applicant prior to issuance of a building permit. This means the ROW SDAP shall be approved and completed, with as-builts submitted, prior to issuance of an associated building permit.

**Decisions:**

Based on the above an engineered SDAP is required to use or improve any portions of the ROW.

**Exemptions:**

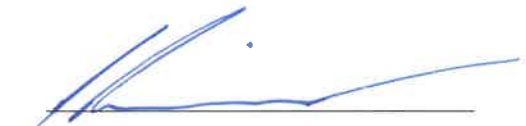
Utilities installation and maintenance activities as outlined in KCC 12.08.290 and 12.10.040(4) are not subject to this SDAP requirement.



Approved By  
Joe Rutan, PE  
County Engineer

6/5/23

Date



Approved By  
Jeff Rimack, CBO  
Director