



## KITSAP COUNTY DEPARTMENT OF COMMUNITY DEVELOPMENT

DRAFT--Findings of Fact--DRAFT

1 **FINDINGS OF FACT, CONCLUSIONS AND RECOMMENDATIONS OF THE KITSAP COUNTY**  
2 **PLANNING COMMISSION TO THE DEPARTMENT OF COMMUNITY DEVELOPMENT REGARDING**  
3 **PROPOSED CODE AMENDMENTS TO KITSAP COUNTY CODE TITLE 12 “STORM WATER**  
4 **DRAINAGE” AND KITSAP COUNTY STORMWATER DESIGN MANUAL**

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6 The Kitsap County Planning Commission finds as follows:

- 7 1) Kitsap County is subject to the requirements of the United States Clean Water Act and  
8 National Pollutant Discharge Elimination System (NPDES) to develop a stormwater  
9 management program.
- 10 2) The GMA, RCW 36.70A.130(1) also mandates that Kitsap County’s Comprehensive Plan and  
11 development regulations be subject to continuing review and evaluation.
- 12 3) On July 1, 2019, the Washington State Department of Ecology (Ecology) reissued the NPDES  
13 Phase II Municipal Stormwater permit. Kitsap County is a Phase II NPDES permittee and is  
14 located within Census Defined Urbanized Areas which includes unincorporated lands within  
15 and outside Urban Growth Areas established by GMA.
- 16 4) As a Phase II jurisdiction, stormwater runoff and associated development code must comply  
17 with Ecology rules to prevent and control impacts of stormwater runoff from new  
18 development, redevelopment and construction activities.
- 19 5) The NPDES Phase II permit is a requirement to meet the federal provisions of the Clean  
20 Water Act. The reissued Ecology NPDES Phase II permit is effective August 1, 2019 through  
21 July 31, 2024.
- 22 6) As a result of the NPDES Phase II permit reissuance, Ecology updated the Stormwater  
23 Management Manual for Western Washington in 2019. This update included substantial  
24 reorganization and some changes to minimum requirements and design requirements. As a  
25 NPDES permittee, Ecology’s update necessitated Kitsap County to review and update,  
26 where appropriate, the Kitsap County Stormwater Design Manual and associated Kitsap  
27 County Codes.
- 28 7) The design criteria outlined by Ecology are largely based on industry standards and  
29 guidance approved by Ecology, Low Impact Design Technical Guidance Manual for Puget  
30 Sound, WSDOT Highway Runoff Manual and WSDOT Hydraulics Manual.
- 31 8) The Department’s of Community Development and Public Works, with the assistance of a  
32 consultant team, identified specific sections of the County’s Stormwater Design Manual and  
33 relevant development code for consistency and alignment to Ecology’s updated 2019  
34 manual and NPDES Phase II permit requirements.



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- 1 9) A first draft of proposed revisions to the Kitsap County Stormwater Design Manual was  
2 published for public review and comment on March 2, 2020. First round of public comments  
3 were solicited through April 20, 2020, allowing seven (7) weeks of public review on an initial  
4 draft proposal. Comments were solicited by reaching out to the press, GovDelivery, social  
5 media and interested parties. A change summary matrix outlining section revision  
6 comparison to the 2016 Stormwater Design Manual to the 1<sup>st</sup> draft proposal was also made  
7 available.
- 8 10) On April 20, 2020, a workshop with Kitsap Building Association (KBA) was held to discuss  
9 technical proposed changes in the 1<sup>st</sup> draft of the Stormwater Design Manual and to seek  
10 feedback.
- 11 11) On May 6, 2020 the Department of Community submitted timely notice to the Washington  
12 State Department of Commerce. Specifically, the Department requested Expedited Review  
13 and Notice of Intent to Adopt Amendment for the Stormwater Design Manual and Code  
14 update as required under RCW 36.70A.106. On the same day, Commerce acknowledged  
15 receipt of said notice. No comments were received from Commerce or other state agencies.
- 16 12) On May 19, 2020, the Kitsap County Planning Commission held a regularly scheduled and  
17 properly noticed work-study session to review the 1<sup>st</sup> draft of the Stormwater Design  
18 Manual and underlying federal, state and local requirements to the proposed update.
- 19 13) On June 9, 2020, the Department's of Community Development and Public Works released  
20 a 2<sup>nd</sup> Draft proposed changes to the Stormwater Design Manual along with proposed  
21 revisions to Kitsap County Code Title 12 "Storm water Drainage."
- 22 14) On June 16, 2020, the Kitsap County Planning Commission held a regularly scheduled and  
23 properly noticed work-study session to review the 2<sup>nd</sup> draft of the Stormwater Design  
24 Manual, Title 12 revisions and underlying requirements to the proposed update. An  
25 updated change matrix of the 1<sup>st</sup> and 2<sup>nd</sup> draft versions of the proposed Stormwater Design  
26 Manual and Title 12 was also provided.
- 27 15) On June 20, 2020, Kitsap County Department of Community Development issued a State  
28 Environmental Policy Act (SEPA) Determination of Non-Significance (DNS) on the proposed  
29 2<sup>nd</sup> Draft proposal to the Stormwater Design Manual and Title 12 revisions. An associated  
30 14-day comment and appeal period closed on July 6, 2020. No comments or appeals were  
31 received.
- 32 16) On July 7, 2020, following effective and timely legal notice, the Kitsap County Planning  
33 Commission held a public hearing to accept verbal and written testimony on the proposed  
34 amendments to Kitsap County Code Title 12 and the 2<sup>nd</sup> Draft of the Stormwater Design  
35 Manual. The written comment period was extended to July 13, 2020 at 4:30pm.



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1 17) On July 21, 2020, the Kitsap County Planning Commission held a regularly scheduled and  
2 properly noticed work-study session to deliberate and make recommendations through  
3 Findings of Fact on the proposed amendments to Kitsap County Code Title 12 and the 2<sup>nd</sup>  
4 draft to the Stormwater Design Manual.

5 18) The proposed amendments to Kitsap County Code Title 12 and accompanying Stormwater  
6 Design Manual (2<sup>nd</sup> Draft) are consistent with Ecology's Phase II permit requirements,  
7 Stormwater Design Manual for Western Washington communities, GMA, Kitsap Countywide  
8 Planning Polices, the Kitsap County Comprehensive Plan, and other applicable  
9 requirements.

10 19) The proposed amendments promote the public health, safety and welfare of the citizens of  
11 Kitsap County as defined by the Kitsap County mission statement.

12 **NOW THEREFORE**, the Kitsap County Planning Commission recommends to the Department of  
13 Community Development as follows:

14 **RECOMMENDATION: Adopt the proposed amendments to Kitsap County Code attached**  
15 **hereto as Appendix A (Title 12-Storm water Drainage) and Appendix B (Kitsap County**  
16 **Stormwater Design Manual) incorporated herein by this reference.**

17 **APPROVED BY THE PLANNING COMMISSION OF KITSAP COUNTY, WASHINGTON, AT A REGULAR**  
18 **MEETING THEREOF, HELD THIS 21<sup>ST</sup> DAY OF JULY 2020.**

19  
20 **BY** \_\_\_\_\_  
21 **MIKE ELIASON, CHAIR**