



**Staff Report and Recommendation**  
**Update to Kitsap County Code**  
**Title 12 *Storm Water Drainage and***  
***Stormwater Design Manual***

**Report Date:** June 25, 2020

**Hearing Date:** July 7, 2020

**Background**

On July 1, 2019, the Washington State Department of Ecology reissued the National Pollutant Discharge Elimination System (NPDES) Phase II Municipal Stormwater Permit (permit). The reissued permit is effective August 1, 2019 through July 31, 2024. In response to the NPDES update, Ecology updated the Stormwater Management Manual for Western Washington (Ecology Manual) in 2019. The update included substantial reorganization and some significant changes to Minimum Requirements and design guidance, which necessitated an update of the Kitsap County Stormwater Design Manual (SDM) for equivalency and consistency with the updated Ecology Manual and associated NPDES permit.

This program involves updating the SDM, developing a user-friendly, new online version of the SDM, conducting a review of the Kitsap County Code (KCC) to identify inconsistencies and barriers to Low Impact Development (LID). By way of background, substantial revisions to Title 12 (Storm water drainage), Title 16 (Subdivision), and Title 17 (Zoning) were made in 2016 that support LID as the preferred and commonly used approach to new and redevelopment, as was required by the permit in effect at that time. No additional revisions to the Titles 16 and 17 are proposed at this time to meet this ongoing requirement. Minor updates or housekeeping edits for consistency to Title 12 are proposed to align the code with the updated SDM and permit requirements.

The design criteria outlined in the SDM are based largely on guidance furnished by the Ecology Manual, LID Technical Guidance Manual for Puget Sound, WSDOT Highway Runoff Manual, and WSDOT Hydraulics Manual. These industry standards are established guidelines and standards familiar to local engineers, utilities and affected parties. Local agencies deviating significantly from established standards could increase liability for the County if the result was a perceived infrastructure defect or hazard. Application of the SDM is not a substitute for competent design or sound engineering practice. The SDM provides stormwater designers with flexibility to meet regulatory requirements with context-sensitive solutions to specific design challenges.

The principal internal Kitsap County team responsible for this update included various DCD and Public Works staff.

### **Department Recommendation**

DCD and Public Works recommends that the Planning Commission consider the proposed changes in a public hearing with subsequent deliberation and findings.

This report and recommendation are based on information available at the time of publication. If new relevant and material facts are submitted, this staff report may be revised along with the associated department recommendation.

### **Justification of Recommendation**

As noted earlier, the updates are necessitated by the Dept of Ecology changes to their Ecology Manual in 2019. Additionally, DCD believes equivalent local changes will promote a more efficient and effective use of KCC Title 12 *Stormwater Drainage* and its companion document the *Stormwater Design Manual*. Additionally, the code and SDM will be available on-line, with live links in the SDM to assist in peripheral research and awareness which also promotes ease of use and efficiency.

### **Other Alternatives Considered**

NA

### **Policy Implications**

KCC Section 21.08.100.F requires recommendations going to the Planning Commission to also undergo policy review as well as to examine other initiatives that are supportive of the proposal. DCD has reviewed the proposal against the County Mission and Vision statements, the 2016 Comprehensive Plan, Countywide Planning Policies, the Growth Management Act, the current Capital Facilities Plan, and local circumstances.

### County Mission

The proposal is required in order to be consistent with the 2019 Ecology manual and to provide equivalent changes to local regulations. DCD believes the proposal is supportive of the Kitsap County Mission:

Kitsap County government exists to protect and promote the safety, health and welfare of our citizens in an efficient, accessible and effective manner.

### County Vision

The proposal supports elements of the Kitsap County Vision Statement:

- Safe and Healthy Communities - People are protected and secure, care about their neighborhoods and are proud of where they live, work and play.
- Protected Natural Resources and Systems - Education, land use planning and coordinated efforts assure that the forests, clean air and water that Kitsap is known for are sustained for the benefit of current and future generations.
- Inclusive Government - County government conducts all activities in a manner that encourages citizen involvement, enhances public trust and promotes understanding.

- Effective and Efficient County Services - County government continuously assesses its purpose, promotes and rewards innovation and improvement, fosters employee development and uses effective methods and technologies to produce significant positive results and lasting benefits for citizens.

DCD finds the proposed changes to Title 12 and the SDM to have a substantial relationship to the public's general health, safety and welfare.

#### County Comprehensive Plan

The proposal is also supported by vision elements of the Comprehensive Plan 2016-2036 Vision: County Government. County government that is accountable and accessible; encourages citizen participation; seeks to operate as efficiently as possible; and works with citizens, governmental entities and tribal governments to meet collective needs fairly while respecting individual and property rights.

Overall, Title 12 and the SDM are supportive of responsible development throughout Kitsap County. However, the proposal is specifically supported by Comprehensive Plan policies:

- Land Use Policy 33. Recognize and adopt Western Washington Phase II Municipal Stormwater National Pollutant Discharge Elimination System Permit requirements for low impact development.
- Land Use Policy 54. In accordance with RCW 36.70A.070(5)(c):
  - to preserve rural character of the County, emphasize controlling rural development; assuring visual compatibility of rural development with the surrounding rural area,
  - reduce the inappropriate conversion of undeveloped land into sprawling, low-density development in the rural area,
  - *protect critical areas, as provided in RCW 36.70A.060, and surface water and groundwater resources, and, (emphasis added)*
  - protect against conflicts with the use of agricultural, forest, and mineral resource lands designated under RCW 36.70A.170.

This policy is implemented through Comprehensive Plan Land Use designations, zoning designations, and zoning code provisions.

- Environment Policy 17. Safeguard the quality and quantity of long-term water supplies by identifying and protecting critical aquifer recharge areas, and utilizing Low Impact Development (LID) site planning principles to the greatest extent possible for reducing stormwater runoff.

Additionally, the proposal is supported by the Water as a Resource policy, reaffirmed by Resolution 134-2016:

- Kitsap County continues to carry out its programs under the "Water as a Resource" policy (Kitsap County Resolution 109-2009) that cooperatively addresses water as a

resource not a waste stream. The policy supports and is in keeping with continuing the Comprehensive Plan Internal Review Team as a vital coordinating body. (pg 3-43, 5<sup>th</sup> bullet)

### Countywide Planning Policies

The Kitsap Countywide Planning Policies are the framework for growth management in Kitsap County and developed through the Kitsap Regional Coordinating Council. The latest Countywide Planning Policies were adopted by the Kitsap County Board of Commissioners by ordinance in 2015 (Ordinance 522-2015). The Kitsap Countywide Planning Policies are required by the Growth Management Act and address 14 separate elements, ranging from urban growth areas to affordable housing. The following policies are supportive of the proposed changes to T 12 and the SDM:

- Policies for Open Space Preservation, Resource Protection, Critical Areas, Air, and Water Quality/Quantity (PPCAAW) - 4. Protection of water quality and quantity is accomplished by reducing the amount of toxins and pathogens in our water supply:
  - a. The County and Cities should adopt policies in their Comprehensive Plans to reflect that surface and storm water and aquifer recharge areas should be treated as a resource.
  - b. The County and Cities should continue to be models for low impact development and implement such programs whenever practical.

### Growth Management Act

The Washington State legislature, through the Growth Management Act (GMA), Chapter 36.70A Revised Code of Washington (RCW), requires certain counties and cities to plan for population growth in ways that, among other things, encourages development in urban areas; reduces sprawl in the rural areas; protects open space, recreation, and the environment; provides sustainable economic development and protects the health, safety, and high quality of life enjoyed by residents of this state. Kitsap County is subject to the requirements of GMA.

GMA, through RCW 36.70A.130, also requires Kitsap County to continually review and evaluate its Comprehensive Plan and development regulations. The opportunities provided for citizen participation used in the preparation of the draft amendments are consistent with the requirements of the Growth Management Act.

### Relationship to the Capital Facilities Plan

The proposal is by itself not directly related to the County Capital Facilities Plan, nor are programmatic requirements or improvements discussed in The Capital Facilities Plan. However, the 2020-2025 Capital Facilities Plan includes substantial investment in stormwater upgrades that will use T 12 and the SDM. The County's stormwater facilities include 9 capital projects in the immediate six-year planning period at a cost of \$21 million.

### Local Circumstances

Given the nature of required and necessary changes, discussed earlier, local circumstances support moving the proposal through legislative review and approval.

### **Public Involvement and Outreach**

The Departments of Public Works and Community Development began scoping out the program in March 2019 and invited professional external engagement. DCD and PW worked with the local engineering community to first identify specific sections of the SDM that required update for purposes either of alignment with the updated Ecology Manual or to improve the SDM's ease-of-use.

The 1st Draft SDM was published for public review on March 2, 2020 with comments due on April 20, 2020, allowing for approximately 7 weeks of public review. Comments were solicited by reaching out to the press, DCD GovDelivery interested parties, Kitsap Building Association (KBA), social media outlets and the County's website. No written public comments were received by the close of the first phase of the public comment period.

A workshop with KBA was conducted on April 20, 2020 to discuss updates and request comments from the building community. On May 18, 2020, the County received comments from KBA which is addressed in the Comments Matrix. DCD conducted two Planning Commission work studies on proposed changes on May 19, 2020 and June 16, 2020. At the June 16, 2020 work study, the Planning Commission and departments were given written comments prepared by the Kitsap Alliance of Property Owners, for which comments and responses have been added to the Comments Matrix.

After the July 7 Public Hearing, the proposed schedule is as follows:

- July 21, 2020: Planning Commission Deliberations and Findings of Fact
- August 2020: Board of County Commissioners (BOCC) Work Study on Planning Commission's Recommendation on the Draft SDM and Title 12
- September 2020: BOCC Public Hearing on the Draft SDM and Title 12
- September 2020: BOCC Deliberation
- October 2020: BOCC Ordinance Adoption (with staff-proposed effective date of January 1, 2021)
- November 2020: Internal and External Training

**Staff Contact**

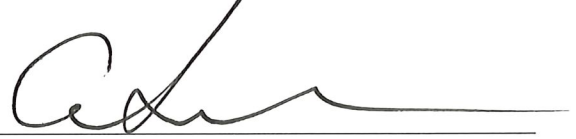
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