FINDINGS OF FACT, CONCLUSIONS AND RECOMMENDATIONS
OF THE KITSAP COUNTY PLANNING COMMISSION,
TO THE BOARD OF COUNTY COMMISSIONERS,
REGARDING THE PROPOSED AMENDMENTS
TO KITSAP COUNTY CODE TITLE 15 ‘FLOOD HAZARD AREAS’

The Kitsap County Planning Commission finds as follows:

1) The Growth Management Act, Chapter 36.70A RCW (GMA), requires that Kitsap County’s Comprehensive Land Use Plan and implementing development regulations be subject to continuing review and evaluation. The GMA requires counties to review, and if needed, revise their Comprehensive Plans and implementing development regulations to ensure compliance with the GMA.

2) Kitsap County’s flood hazard development regulations are contained within Kitsap County Code (KCC) Title 15, ‘Flood Hazard Areas’.

3) Kitsap County participates in the Federal Emergency Management Agency’s (FEMA) National Flood Insurance Program (NFIP) to insure losses and damage from flood events.

4) Local jurisdictions’ flood hazard regulations must be consistent with FEMA standards in order to participate in the NFIP program. FEMA ensures such consistency through Community Assistance Visits (CAVs) conducted by the Washington State Department of Ecology.

5) Ecology’s most recent CAV was conducted in December 2012, with a subsequent summary report issued in May 2013.

6) Ecology determined through the CAV that eight minor code revisions are necessary to ensure Kitsap County continues to meet minimum FEMA standards under the NFIP program. The revisions primarily consist of revised or new definitions.


8) A legal notice for the Planning Commission public hearing was issued on February 10, 2015.
9) The Planning Commission considered the proposed revisions to Title 15 KCC and on March 3, 2015 recommended approval.

10) The proposed code revisions are consistent with the capital facility plan.

11) The proposed code revisions are consistent with the statewide planning goals contained within the Growth Management Act.

12) The proposed code revisions are consistent with the Kitsap County County-Wide Planning Policies and with the goals and policies contained in the Kitsap County Comprehensive Plan, including Goal 6, Section 4.2.4 of the Natural Systems Chapter, which addresses reducing the risk of damage to life, property and the natural environment from flooding through appropriate regulatory means.

13) The proposed code revisions reflect current local circumstances, including Kitsap County’s on-going participation in FEMA’s NFIP.

14) The proposed code revisions promote the public interest and welfare of the citizens of Kitsap County, and should be approved.

NOW THEREFORE, the Kitsap County Planning Commission recommends to the Board of County Commissioners as follows:

RECOMMENDATION: The Planning Commission unanimously voted to adopt the Title 15 KCC amendments as attached hereto as Appendix A and incorporated herein by this reference:

APPROVED BY THE PLANNING COMMISSION OF KITSAP COUNTY, WASHINGTON, AT A REGULAR MEETING THEREOF, HELD THIS 17TH DAY OF MARCH, 2015.

BY ______________________________________
JIM SOMMERHAUSER, CHAIR
Appendix A: Proposed Code Revisions to Title 15 KCC (Flood Code)

The table below contains the proposed revisions to Title 15 KCC. The table is followed by an additional optional item for consideration (see attachment to staff report, Appendix B).

<table>
<thead>
<tr>
<th>Ref #</th>
<th>Issue/Code</th>
<th>Change /comments</th>
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<tbody>
<tr>
<td>1</td>
<td>15.04.040</td>
<td>The areas of special flood hazard identified by the Federal Insurance Administration in a scientific and engineering report entitled <em>The Flood Insurance Study for Kitsap County and Incorporated Areas</em>, dated November 29, 1978 November 4, 2010, as amended, with accompanying Flood Insurance Maps, is adopted by reference and declared to be a part of this title. The Flood Insurance Study is on file at the Department of Community Development, 614 Division, Port Orchard, Washington 98366. The best available information for flood hazard area identification as outlined in Section 15.16.040 of this code shall be the basis for regulation until a new Flood Insurance Rate Map (FIRM) is issued which incorporates the data utilized under said Section 15.16.040.</td>
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<td>2</td>
<td>15.08.078</td>
<td>New definition: “Cumulative substantial damage” means when a building is repetitively flooded, and has had two or more claims within a 10-year period requiring any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either: (a) Before the improvement or repair is started; or (b) If the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition, “substantial improvement” is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.</td>
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<td>3</td>
<td>15.08.087</td>
<td>New definition: “Elevation certificate” means the official form (FEMA Form 81-31) used to track development, provide elevation information necessary to ensure compliance with community floodplain management ordinances, and determine the proper insurance</td>
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<td>premium rate with Section B completed by Community Officials.</td>
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| 4 | 15.08.153 | New definition:  
“Increased cost of compliance claim” means a flood insurance claim payment up to $30,000 directly to a property owner for the cost to comply with floodplain management regulations after a direct physical loss caused by a flood. Eligibility for an ICC claim can be through a single instance of “substantial damage” or as a result of a “cumulative substantial damage.” |
| 5 | 15.08.195 | Revise definition completely:  
“Recreational Vehicle” means a vehicle built on a single chassis, measured 400 square feet or less when measured at the largest horizontal projection, designed to be self-propelled or permanently towable by a light duty truck; and designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use. |
| 6 | 15.08.220 | Revise definition partially:  
“Substantial improvement” means any repair, reconstruction or improvement of a structure within a 10-year period, the cost of which equals or exceeds 50 percent of the market value of the structure either:  
(a) Before the improvement or repair is started; or  
(b) If the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition, “substantial improvement” is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.  
For the purposes of this definition, “substantial improvement” is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.  
The term does not, however, include either:  
(a) Any project for improvement of a structure to comply with existing state or local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions despite cited existing violations of |
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<tr>
<th>Section</th>
<th>Title</th>
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| 7       | New section 15.12.055 Recreational Vehicles | Recreational vehicles placed on sites are required to either:  
   (i) Be on the site for fewer than 180 consecutive days, or  
   (ii) Be fully licensed and ready for highway use, on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and have no permanently attached additions; or  
   (iii) Meet the requirements of KCC 15.12.110 below and the elevation and anchoring requirements for manufactured homes. |
| 8       | New section 15.13 Provisions for Habitat Protection | Before new development activities are permitted within the floodplain, compliance with FEMA National Flood Insurance Program (NFIP) protection standards for critical habitats for listed species shall be demonstrated through submittal of a habitat plan prepared by a qualified wildlife biologist. The plan shall identify any federally listed species and associated habitats, and demonstrate that no harm will occur to such species or habitats as a result of development within the floodplain.  
An individual habitat report may be waived should FEMA approve an alternate process for Kitsap County to demonstrate adequate habitat protection on a programmatic level.|