

1 FINDINGS OF FACT, CONCLUSIONS AND RECOMMENDATIONS OF THE PLANNING
2 COMMISSION TO THE DEPARTMENT OF PUBLIC WORKS REGARDING
3 AMENDMENTS TO KITSAP COUNTY CODE TITLE 12 (STORMWATER DRAINAGE).

4 **Section 1. General Findings.**

5 The Kitsap County Planning Commission finds as follows:

- 6 1. Kitsap County is subject to the requirements of the Washington State Growth Management
7 Act (GMA), Chapter 36.70A RCW.
- 8 2. The GMA, in RCW 36.70A.130(1), mandates that Kitsap County’s Comprehensive Plan and
9 development regulations be subject to continuing review and evaluation.
- 10 3. RCW 36.32.120(7) provides that the county legislative authorities shall make and enforce, by
11 appropriate resolutions or ordinances, all such police and sanitary regulations as are not in
12 conflict with state law.
- 13 4. After review of Kitsap County Code, the Department of Public Works (DPW) developed
14 proposed amendments to Title 12 (Stormwater Drainage) that align with Kitsap County
15 Comprehensive Plan.
- 16 5. Kitsap County Code (KCC) Chapter 21.08 sets forth a process and criteria for making
17 amendments to development regulations. Specifically, KCC 21.08.100 outlines review by the
18 Kitsap County Planning Commission. In its making recommendations, the Planning
19 Commission shall consider:
 - 20 a. whether the proposal is supported by the capital facilities plan;
 - 21 b. whether the proposal is consistent with the requirements of the GMA, Kitsap
22 Countywide Planning Policies or other applicable laws or provisions of the
23 Comprehensive Plan;
 - 24 c. whether the proposal reflects current local circumstances; and
 - 25 d. whether the proposal bears a substantial relationship to the public’s general health,
26 safety, morals or welfare.

27 **Section 2. General Procedural Findings.**

28 The Kitsap County Planning Commission finds as follows:

- 29 6. On Feb 2, 2022, during a regularly scheduled and properly noticed meeting, DPW presented
30 the Board of County Commissioners (Board) with a work plan to develop proposed
31 amendments to Kitsap County Code Title 12 (Stormwater Drainage) to meet the mandate of
32 the Washington State Department of Ecology Western Washington Phase II Municipal
33 Stormwater Permit, by developing an ordinance requiring the application of source control
34 best management practices for pollutant generating sources associated with existing land uses
35 and activities. Pollutant generating sources are identified in the Permit and the source control
36 best management practices are identified in the Washinton Department of Ecology
37 Stormwater Management Manual for Western Washington. The Commissioners approved
38 the work plan for this project.

**Stormwater Business Best Management Practices Ordinance Title 12 Update
Planning Commission – Findings of Fact**

- 1 7. On March 15, 2022, during a regularly scheduled and properly noticed meeting, the Planning
2 Commission held a work study session to provide feedback of the proposed ordinance to
3 DPW.
- 4 8. On March 22, 2022, DPW released a draft Ordinance for public review available on the
5 project website. This opened the public comment period on proposed amendments and
6 remained open until May 6, 2022.
- 7 9. On April 5, 2022, Kitsap County issued a Notice of Public Hearing for the Planning
8 Commission in the legal publication of record regarding the content of the proposed
9 amendments.
- 10 10. On April 19, 2022, during regularly scheduled and properly noticed meetings, DPW briefed
11 the Planning Commission about the project status, preliminary draft amendments and
12 reviewed and provided feedback on the Public Outreach Plan to encourage early and
13 continuous public participation, as required by the GMA. Public outreach regarding the
14 proposed amendments was conducted through:
 - 15 a. Postcard mailings with Open House and project information;
 - 16 b. A dedicated and up-to-date project web page with project materials and public
17 comment opportunities;
 - 18 c. Legal notices published in the official newspaper of record for Kitsap County;
 - 19 d. Electronic announcements and notifications to:
 - 20 i. Subscribers of relevant lists in the Kitsap County Electronic Notification
21 System (GovDelivery);
 - 22 ii. Relevant Kitsap County advisory groups;
 - 23 e. Notification emails to federally recognized tribes with usual and accustomed areas
24 in Kitsap County and relevant tribal organizations;
 - 25 f. Stakeholder information meetings; and
 - 26 g. Social media posts (Facebook, Instagram, Twitter, NextDoor).
- 27 11. On April 21, 2022, DPW released a Staff Report for public review.
- 28 12. On April 22, 2022, a 60-day Notice of Intent to Adopt was sent to the Washington State
29 Department of Commerce as required by RCW 36.70A.106.
- 30 13. On April 25, 2022, a State Environmental Policy Act (SEPA) Determination of Non-
31 significance was issued for proposed amendments. A fourteen-day comment period
32 concluded on May 8, 2022. No comments were received.
- 33 14. On April 26, 2022, PW Stormwater engaged the community in a virtual open house
34 information session to develop proposed amendments. Notices for the open house were sent
35 the week of April 13.
- 36 15. On May 3, 2022, following timely and effective public notification, the Planning
37 Commission held a public hearing to accept comments from interested parties.
- 38 16. On May 4, 2022, DPW met with the Central Kitsap Citizens Advisory Council to provide
39 information regarding how to access project documents, opportunities to learn about the
40 project, and how to provide feedback during the public process.
- 41 17. On May 5, 2022, DPW met with the Suquamish Citizens Advisory Council and the Kitsap
42 Builder's Association to provide information regarding how to access project documents,

1 opportunities to learn about the project, and how to provide feedback during the public
2 process.

3 18. On May 6, 2022, the written comment period closed with DPW receiving a total of 11 public
4 comments.

5 19. On May 17, 2022, during a regularly scheduled and properly noticed meeting, DPW
6 presented the public comments received and changes to consider. The Planning Commission
7 approved the proposed ordinance.

8 **Section 3. General Substantive Findings.**

9 The Kitsap County Planning Commission finds as follows:

10 20. The proposed code amendments were developed with multiple opportunities for public
11 participation and comment as required by the GMA.

12 21. The proposed code amendments were developed according to, and are compliant with, the
13 requirements of GMA, chapter 36.70A RCW, the County-wide Planning Policies, the Kitsap
14 County Comprehensive Plan, Kitsap County Code, and other applicable laws and policies.

15 22. The proposed code amendments are consistent with the Kitsap County Comprehensive Plan
16 by:

- 17 a. Better aligning allowed uses with the adopted purpose for each zone;
- 18 b. Removing barriers to investment in Urban Growth Areas, Rural Commercial and
19 Industrial zones, and Limited Areas of More Intense Rural Development; and
- 20 c. Regulating new categorical uses in rural areas consistent with the Kitsap County
21 Comprehensive Plan goals and policies.

22 23. The proposed code amendments promote the public interest and welfare of the citizens of
23 Kitsap County.

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

26 **RECOMMENDATION: Adopt amendments to Kitsap County Code Title 12 as proposed**
27 **by the Planning Commission, which are shown by the following Exhibits:**

- 28 **1 – Title 12 Source Control of Existing Development Ordinance Staff Report**
- 29 **Attachment A1**
- 30 **2 – Title 12 Draft Ordinance Language A2**

31 **APPROVED BY THE PLANNING COMMISSION OF KITSAP COUNTY,**
32 **WASHINGTON, AT A REGULAR MEETING THEREOF, HELD THIS 7th DAY OF**
33 **JUNE, 2022.**

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36
37 **BY** _____
38 **JOE PHILLIPS, CHAIR**