

1 **FINDINGS OF FACT, CONCLUSIONS AND RECOMMENDATIONS**
2 **OF THE KITSAP COUNTY PLANNING COMMISSION,**
3 **TO THE DEPARTMENT OF COMMUNITY DEVELOPMENT,**
4 **REGARDING THE PROPOSED AMENDMENTS TO**
5 **KITSAP COUNTY CODE TITLE 19 ‘CRITICAL AREAS ORDINANCE’**
6

7 General Background. The Kitsap County Planning Commission makes general findings as
8 follows:
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- 10 1. Kitsap County’s Critical Areas Ordinance (CAO) (Title 19 KCC) implements the
11 requirements of Chapter 36.70A RCW, the Growth Management Act (the Act). RCW
12 36.70A.020 includes planning goal (10) Environment, to guide development
13 regulations to “protect the environment and enhance the state’s high quality of life,
14 including air and water quality, and the availability of water”.
15
- 16 2. RCW 36.70A.050 directs the Washington Department of Commerce to adopt
17 guidelines to guide the classification of critical areas, in consultation with the
18 Department of Ecology. These are minimum guidelines that apply to all jurisdictions,
19 but also allows for regional differences.
20
- 21 3. RCW 36.70A.040 directs the County to designate critical areas and adopt
22 development regulations protecting these critical areas under RCW 36.70A.170 and
23 RCW 36.70A.060.
24
- 25 4. RCW 36.70A.130(4) directs Kitsap County to “take action to review, and if needed,
26 revise their comprehensive plans and development regulations” by December 31,
27 2024.
28
- 29 5. In 2010, the Department of Commerce established a new rule in WAC 365-196-580
30 on the integration of the Shoreline Management Act (SMA) with the GMA. This rule
31 addressed overlaps between designated critical areas and shorelines of the state.
32
- 33 6. Also in 2010, new rules were established in WAC 365-196-830 addressing the
34 protection of critical areas. This rule indicates that regulations must preserve the
35 existing functions and values of critical areas, but if harm is allowed, they must
36 require compensatory mitigation of the harm. It also addresses appropriate scales for
37 evaluating functions and values, the use of both regulatory and non-regulatory
38 measures, and the use of best available science, as referenced in chapter 365-195
39 WAC.
40
- 41 7. Kitsap County’s Critical Areas Ordinance was first adopted in 1998, and last
42 amended in 2017.
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45 Procedural history. The Kitsap County Planning Commission makes general procedural findings
46 as follows:
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- 48 8. As part of the required periodic update to the Kitsap County Comprehensive Plan,
49 the Board of County Commissioners approved the CAO Update Scope of Work,
50 Schedule, and Public Participation Plan at a briefing on March 6, 2023.

- 1
2 9. In February, County staff began regular bi-weekly coordination meetings with Tribal
3 staff from U&A Tribal governments within the jurisdiction (Suquamish, Port Gamble
4 S’Klallam, Skokomish, Squaxin Island, Puyallup). These meetings continued
5 throughout the update process.
6
- 7 10. An initial public notice was distributed on March 20, 2023 to inform that the periodic
8 update of the CAO was commencing in conjunction with the Comprehensive Plan
9 Update, along with a rough outline of the schedule and direction to the CAO project
10 website. This was followed on March 21 with a briefing to the Planning Commission
11 on the Public Participation Plan.
12
- 13 11. On May 5, 2023 by a notice for a virtual Kick-Off Meeting was provided, and held
14 on May 17, 2023.
15
- 16 12. On June 1, 2023 a *Best Available Science Summary Report* was published online
17 and noticed. This document provided a review of additional science published since
18 the previous review for the 2016/17 CAO update.
19
- 20 13. On June 21, 2023, the *Consistency and Gap Analysis* was also published. This
21 document compared the current Kitsap County CAO against the findings of the
22 *Best Available Science Summary Report* and any other legislative changes, and
23 provided recommendations for implementation.
24
- 25 14. On June 28, 2023 the Board of County Commissioners were briefed on the *Best*
26 *Available Science Summary Report* and *Consistency and Gap Analysis Report*.
27 This was followed on July 18, 2023 by a similar briefing to the Planning
28 Commission.
29
- 30 15. Beginning in July 2023, Working Groups were held to review the *Best Available*
31 *Science Summary Report* and *Consistency and Gap Analysis* with County staff and
32 to provide any additional feedback and discussion on possible ways to implement
33 the additional information. Working Groups consisted of standing members (from
34 the County, tribes, and interests from the development, property-rights and
35 environmental communities) and ad-hoc members from applicable state and local
36 agencies with subject-matter expertise.
37
- 38 16. Working Group meetings were held on July 20, 2023 and December 12, 2023 for
39 19.300- Fish and Wildlife Habitat Conservation Areas; July 25, 2023 and November
40 30, 2023 for 19.200- Wetlands; July 26, 2023 and November 6, 2023 for 19.500-
41 Frequently Flooded Areas; July 27, 2023 and October 31, 2023 for 19.600- Critical
42 Aquifer Recharge Areas; and July 27, 2023 and October 10, 2023 for 19.400-
43 Geologically Hazardous Areas. Summaries of the Working Group meetings were
44 published on the website. The Planning Commission was briefed on the Working
45 Group discussions at a regular meeting on September 5, 2023.
46
- 47 17. In August, 2023, staff provided updates to the Community Advisory Councils (CACs)
48 of Manchester (8/1); Central Kitsap (8/2); Suquamish (8/3); and Kingston (8/9).

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2 18. In support of the discussions with the Working Groups and to provide clarification to
3 the BAS and state agency recommendations, two technical memos were also
4 provided and published online: *WDFW Riparian Management Guidance Memo*
5 *(12/8/23)* and *Frequently Flooded Areas Suggested Revisions (10/12/23)*. The
6 Planning Commission was briefed on these documents at a regular meeting on
7 January 16, 2024.
8
- 9 19. On March 8, 2024 staff released the Preliminary Draft CAO for public review and
10 comment through April 26, 2024. The draft consisted of underline/strikeout text
11 changes to the current CAO (Title 19 KCC) based on the Best Available Science
12 Summary Report, the Consistency and Gap Analysis, and Working Group
13 feedback. In addition, a *Summary Matrix of Proposed Changes* was also published
14 to provide a clear index of the edits within the Preliminary Draft. In addition, a
15 *Summary Matrix of Proposed Changes* was also published to provide a clear index
16 of the edits within the Preliminary Draft.
17
- 18 20. In conjunction with the release of the Preliminary Draft, a SEPA DNS was also
19 issued on March 8, 2024, with a 14-comment period through March 22, 2024.
20
- 21 21. Prior to and during the initial comment period, staff provided presentations to the
22 Manchester (3/5), Kingston (4/10), and Central Kitsap (3/6) Citizen Advisory
23 Councils. Meetings were also requested and provided to interest groups including
24 Kitsap Building Association (KBA) and Kitsap Environment Coalition (KEC).
25
- 26 22. At regularly scheduled meetings that were open to the public, the Board of County
27 Commissioners were briefed for the duration of 2023 and into 2024, usually in
28 conjunction with the Comprehensive Plan. Briefings specific to CAO were held
29 on 3/6/2023; 1/3/2024; 2/5/2024; 3/4/2024; and 5/6/2024.
30
- 31 23. On April 2 and 16, 2024, at open public meetings, the Planning Commission held
32 Work Studies on the Preliminary Draft (3/8/24) changes to the CAO.
33
- 34 24. On May 6, the Board received a briefing on the Planning Commission process
35 and public comment received through the Preliminary Draft Comment Period.
36
- 37 25. On May 14 and May 21, 2024, DCD advertised and held in-person Open Houses
38 to provide opportunity to review the Preliminary draft and discuss the changes
39 and ask questions of staff prior to the scheduled Planning Commission Hearing.
40
- 41 26. After timely and effective notice, the Planning Commission held a public hearing on
42 the Preliminary Draft CAO on May 21, 2024.
43
- 44 27. At public meetings on June 4 and 18, 2024, the Planning Commission
45 deliberated on the draft CAO. With the posting of the agenda on the Planning
46 Commission website, staff provided the Planning Commission and public with
47 a matrix comparing the current CAO with changes in the 3/8 Preliminary Draft,
48 as well as staff recommendations to address based public comment to-date.

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2 28. Planning Commission voted unanimously at the end of the June 18, 2024
3 meeting to recommend approval of the 3/8 Preliminary Draft CAO,
4 incorporating the text revisions voted on during the deliberations (Appendix
5 A).

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7 Substantive Findings and Conclusions. The Kitsap County Planning Commission makes
8 the following substantive Findings and Conclusions:

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10 29. The proposed CAO submitted herewith is consistent with the 15 statewide
11 planning goals contained within the Growth Management Act, chapter 36.70A,
12 with the GMA itself, and with applicable regulations.

13
14 30. The proposed CAO is consistent with the Countywide Planning Policies and
15 with the goals and policies of the Kitsap County Comprehensive Plan,
16 including the Capital Facilities Plan.

17
18 31. The proposed CAO is reflects local circumstances and protects the public health,
19 safety, and welfare.

20
21 **NOW THEREFORE**, the Kitsap County Planning Commission recommends to the Department
22 of Community Development as follows:

23
24 **RECOMMENDATION: Adopt the proposed CAO text as presented by staff and amended**
25 **by the Planning Commission. The final recorded motion reads as follows:**

26
27 *“Consider by Paragraph and recommend adoption of changes to the 2024 Critical Areas*
28 *Ordinance, as presented by staff and amended by the Planning Commission”*

29
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31 **This motion passed unanimously and was supported by 8 approved motions that made**
32 **changes to the March 8, 2024 CAO presented by staff.**

33 **Attachments:**

34 **1. Appendix A: Comment/Response and Motions Matrix**

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38 **Approved by the Planning Commission of Kitsap County, Washington, at a regular**
39 **meeting thereof, held this 2nd day of July, 2024.**

40
41 **By** _____
42 **Joe Phillips, Chair**

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