



## Planning Commission Executive Summary

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**Issue Title:** Stormwater Design Manual Update—2<sup>nd</sup> Draft and Title 12  
**Meeting Date:** June 16, 2020  
**Time Required:** 1 Hour  
**Department:** Department of Public Works- Stormwater Division and Community Development  
**Attendees:** Angie Silva (DCD), Scott Diener (DCD), Shawn Alire (DCD), Michele Filley (Public Works), Michelle Perdue (Public Works), David Tucker (Public Works), Robin Kirschbaum (Consultant)

**Action Requested at This Meeting:** Review proposed update of the Kitsap County Stormwater Design Manual 2<sup>nd</sup> Draft, Title 12 consistency revisions, as well as background context on the Water as a Resource policy.

### **2<sup>nd</sup> Draft SDM and Title 12—**

In response to feedback, the County embarked on a 2<sup>nd</sup> Draft to the Kitsap County Stormwater Design Manual (SDM) update and consistency revisions to Title 12 (Storm Water Drainage). After review by legal counsel, these revisions were published on the project website, submitted to Kitsap Building Association (KBA) and submitted to the Kitsap County Planning Commission in June 2020. A revised change matrix summary has been updated to reflect the addition of a 2<sup>nd</sup> Draft and Title 12 revisions.

Additionally, the 2<sup>nd</sup> Draft and proposed code revisions will serve as the foundation for the formal public legislative process through the Planning Commission and ultimately the final decision by the Board of County Commissioners (BOCC). This draft and associated code edits will also serve as the basis for the County's SEPA determination/notice and staff report.

As summarized in the attached change matrix, key substantive changes from the 1<sup>st</sup> to the 2<sup>nd</sup> SDM drafts are as follows:

- Volume 1; Chapter 1; Section 1.1: Updated to new NPDES permit dates from 2013-2018 instead of 2019-2024.
- Volume 1; Chapter 4; Section 4.2.5: Added clarification in The List Approach section that user should refer to Table 4.3 for evaluating BMPs.
- Volume 1; Chapter 4; Section 4.2.6: Corrected erroneous reference to Volume I.
- Volume II; Chapter 4; Section 4.4: Added clarification that the minimum slope for installed pipes shall be 0.50%. Added clarification that structures with solid lids shall have a maximum spacing of 300 feet.

- Volume II; Chapter 5; Section 5.3.1: Added clarification that the Kitsap County Board of Health setbacks take precedence.
- Volume II; Chapter 5; Section 5.3.2: Added clarification to review Appendix G prior to conducting an infiltration feasibility investigation. Added clarification that the Kitsap County Board of Health setbacks should be reviewed when conducting an infiltration feasibility investigation. Deleted contradictory language in Figure 5.1.
- Volume II; Chapter 5; Section 5.3.27: Added clarification that the design engineer shall provide buoyancy calculations for tanks. Added clarification that manufacturer's recommendations for backfill and bedding shall be followed if they are more stringent than the requirements of this section.
- Volume II; Chapter 8; Section 8.3: Updated CDA maps to remove the Gamblewood, Edgewater, Miller Bay Estates and a portion of Manchester areas.

### **Water as a Resource Policy**

Since 2009, Kitsap County has implemented through the Departments of Public Works, Parks, Community Development as well as the Facilities Division, the Water as a Resource Not a Waste Stream policy. Through action by the Kitsap County Board of Commissioners in 2009 and reaffirmed in Resolution #134-2016, this Resolution outlines guiding principles which directly reflect design elements in the SDM and implementing Title 12 development code. This local guidance is in addition to the minimum design requirements established by Ecology in the National Pollution Discharge Elimination System (NPDES) permit and their 2019 Western Washington Design Manual update (see below for more information).

Attached for context and summarized below, the Resolution addresses policies overseeing development of programs and regulatory guidance that:

- Preserves natural hydrology;
- Conservation of groundwater and aquifer recharge;
- Reduction of Pollutant loading of surface and ground water;
- Maintenance of natural flows;
- Integration of a variety land management techniques that treat stormwater runoff;
- Integration of science and market advances into design techniques;
- Asset management and retrofits;
- Creation and implementation of associated policies and regulations; and
- Public outreach and partnerships.

### **Update Background**

- On July 1, 2019, the Washington State Department of Ecology reissued the NPDES Phase II Municipal Stormwater Permit (permit). The reissued permit is effective August 1, 2019 through July 31, 2024.
- 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 (SDM) for equivalency with the updated Ecology Manual.

- This project involves updating the SDM, developing a new online version of the SDM, conducting a review of the Kitsap County Code (KCC) to identify barriers to Low Impact Development (LID), and preparing revisions to KCC Title 12.
- Minor updates or housekeeping edits for consistency to Title 12 are anticipated for the purpose of aligning the code with the updated permit requirements.
- The design criteria outlined in the SDM are based largely on guidance approved by the State Department of Ecology including the Ecology Manual, LID Technical Guidance Manual for Puget Sound, WSDOT Highway Runoff Manual, King County Stormwater Manual, and WSDOT Hydraulics Manual. These industry standards are established industry 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 and could be challenged in federal court as violating the NPDES permit.
- Application of the SDM is not a substitute for competent design or sound engineering practice. The intent of the SDM is to provide stormwater designers the flexibility to meet regulatory requirements with context sensitive-solutions to specific design challenges.
- The principal internal Kitsap County team responsible for this update included the various DCD and Public Works staff. A steady stream of input and review was also performed by the Roads Engineering design, development services groups.

#### **1<sup>st</sup> Draft SDM—**

- A new online version of the SDM to improve accessibility and ease-of-use for designers, landscapers, builders, maintenance professionals, permit reviewers, and inspectors in the office or in the field will be available in June 2020 (2nd Draft SDM).
- Replaced hard surfaces redevelopment thresholds were updated for non-road related commercial or industrial redevelopment projects to require the project proponent to compare the value of the proposed improvements to the value of the Project Site (limits of disturbance) improvements, rather than the Site (entire parcel) improvements. This update was made to meet the requirements of the permit.
- Minimum Requirement (MR) #2 (Construction Stormwater Pollution Prevention Plan), MR #5 (Onsite Stormwater Management), and MR #7 (Flow Control) were updated to meet the requirements of the permit.
- Other updates were made to submittal requirements and references to Kitsap County Code (KCC) and Kitsap County Board of Health Ordinances.

#### **Public Outreach & Engagement**

The Departments of Public Works and Community Development (DCD) 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 1<sup>st</sup> 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 also 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 and have prepared responses (see attached).

### **Tentative Process Schedule**

Below is a tentative schedule of the legislative process.

#### **Planning Commission Process:**

- March 2, 2020: 1<sup>st</sup> Draft SDM Release
- April 20, 2020: KBA Workshop
- May 19, 2020: Kitsap County Planning Commission Work-Study on 1<sup>st</sup> Draft
- Week of June 8, 2020: 2<sup>nd</sup> Draft Release of SDM and Title 12 Consistency Edits
- June 16, 2020: Kitsap County Planning Commission Work-Study on 2<sup>nd</sup> Draft of SDM and Title 12
- July 7, 2020: Kitsap County Planning Commission Public Hearing
- August 2020: Kitsap County Planning Commission Deliberations and Findings of Fact

#### **Board of County Commissioners Process:**

- August 2020: BOCC Work-Study on Planning Commission Findings of Fact and 2<sup>nd</sup> Draft SDM, Title 12
- September 2020: BOCC Public Hearing on Planning Commission Findings of Fact and 2<sup>nd</sup> Draft SDM, Title 12
- September 2020: BOCC Deliberation
- October 2020: BOCC Ordinance Adoption
- November 2020: Internal and External Training Workshops
- January 1, 2021: Ordinance Effective Date

### **Attachments**

1. 2<sup>nd</sup> Draft Redline/Strikeout of the SDM (June 2020)
2. Title 12 Revisions
3. 2016, 1<sup>st</sup> Draft and 2<sup>nd</sup> Draft of the SDM Major Change Matrix Summary
4. KBA Comments and County Response Matrix
5. Water as a Resource Policy