

**Kitsap County Planning Commission Minutes – May 14, 2019**

**KITSAP COUNTY PLANNING COMMISSION  
Administration Building – Commissioner’s Chambers  
May 14, 2019 @ 5:30 pm**

These minutes are intended to provide a summary of meeting decisions and, except for motions made, should not be relied upon for specific statements from individuals at the meeting. If the reader would like to hear specific discussion, they should visit Kitsap County’s Website at <http://www.kitsap.gov/dcd/pc/default.htm> and listen to the audio file (to assist in locating information, time-stamps are provided below).

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Members present Kim Allen (Chair), Shelley Kneip, Tom Nevins, Joe Phillips, Richard Shattuck  
Jim Svensson, Mike Eliason

Members absent Aaron Murphy, Gina Buskirk

Staff present Jim Bolger, Scott Diener, Dave Ward, Liz Williams, Amanda Walston (Clerk)

05:30:09

**A. Introductions**

- Mr. Murphy & Ms. Buskirk absences are noted and excused.

**B. Adoption of Agenda**

- **Motion: Richard Shattuck moves to adopt the agenda as revised**
  - **Second: Jim Svensson seconds**
    - **Vote: 6 in Favor; 0 Opposed – Motion carries**

**C. Approval of Minutes**

- **04/16/19 minutes are postponed to the next regular meeting.**
- **03/19/19**
- **Motion: Mr. Svensson moves to approve the minutes of 03/19/19**
  - **Second: Mr. Shattuck seconds**
    - **Vote: 5 in Favor; 0 Opposed; 1 abstained – Motion carries**

**D. PUBLIC HEARING: High Risk Secured Facilities Interim Ordinance – Liz Williams, DCD  
Planning & Environmental Programs (PEP) Planner**

- Ms. Williams provides a brief overview, referencing visual materials, of the proposed ordinance and an update to the review process since the 04/16/19 Planning Commission Work Study, noting the Department met with the City of Bremerton to ensure compatible zoning ordinances are considered, and the City of Poulsbo has adopted interim regulations.
- Chair Allen reviews suggested guidelines for public testimony and provision of any written materials to the Clerk.
- **Chair Allen opens the Public Hearing**

5:42:35

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- 1           • **Speaker: David Grellier, Retired architect, Bremerton resident.**
- 2                 • Has worked with the county on both sides, and feels they are doing work to
- 3                 get ahead of these issues.
- 4                 • Lives near a piece of property that is impacted by this proposal. Personal
- 5                 interest prompted his testimony, which hasn't happened in a while.
- 6                 • Understands certain things are limited by law, which is unfortunate and
- 7                 discouraging
- 8                 • Knowing the laws, he has concern about protection of adjacent residential
- 9                 properties and asks the county to be creative, manipulate or bend laws to
- 10                come up with some resolve.
- 11                • Hopes consideration has been given to economic impacts, in addition to
- 12                emotional impacts regarding the value of his house.
- 13                • Notes the Wheaton Way corridor was largely zoned multi-family residential;
- 14                as time passed it became high density commercial, which was not desirable
- 15                but understandable.
- 16                • Feels inserting this additional use into a commercial zone is not the right
- 17                way to play the game. The sudden change to allow a high-risk facility
- 18                doesn't seem compatible with the zone.
- 19                • Believe the application process should be approached the right way, and it
- 20                should be clear as to why they area plying for it and what and how the
- 21                impact will be.
- 22                • Notes the City of Bremerton has proposed 850-foot limit, and the County
- 23                could have similar limits, which would be good, but the preference is to
- 24                restrict these areas and more would be better.
- 25                • Rather than leave all this interpretation and rules on where it can't be,
- 26                couldn't there be an overlay, or something created that would show
- 27                specifically where these are allowed. Show that they are allowed here or
- 28                here, make it clear.
- 29            • **Chair Allen calls twice for additional speakers, hearing none, closes the public**
- 30            **hearing.**
- 31            • Deliberations will take place after the public comment period and record have
- 32            officially closed.
- 33            • Mr. Eliason appreciates good work staff put forth by staff with the summary
- 34            document and comment matrix.

5:47:50

**E. BRIEFING: 2019 Comprehensive Plan Amendment (CPA) Docket – Dave Ward, DCD PEP Manager (for Peter Best)**

- 38           • Mr. Ward briefly describes the proposed docket, referencing materials presented to
- 39           and passed by the Board of County Commissioners (BoCC) last night at their regular

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- 1 meeting. The adopted schedule shows both the CPA process and a separate calendar  
2 for items that may be deferred if requiring an Environmental Impact Statement (EIS).
- 3 • Briefing is meant as notice that the item will come before you substantively after July  
4 and follow standard process with the Planning Commission making recommendation  
5 to the BoCC and moving to final hearing and adoption before them.
  - 6 • In addition to County-sponsored amendments, the final docket has 1 site specific  
7 application, 18-00495 Port Orchard Sand & Gravel, a proposal of development of a  
8 former quarry site, carried forward from last year's docket.
  - 9 • In late June, early July, staff will ask for input for review and update of the CPA  
10 process and the code that guides this process itself. Intent is to streamline process ,  
11 find efficiencies, improve overall timeline and calendaring of activities as well as  
12 provide transparency and predictability for certain items and cycles for the CPA.
  - 13 • **QUESTION:** Mr. Shattuck asks about the Hanley site specific amendment from last  
14 year, which was deferred to this year's amendment process.
    - 15 • **ANSWER:** Mr. Ward notes the separate Code Enforcement matter is in  
16 process of settling for Hanley, which may resolve the issue and has been  
17 uncoupled from the area-wide review.
  - 18 • **QUESTION/ANSWER:** Mr. Shattuck asks, and Mr. Ward confirms that a State  
19 Environmental Protection Act (SEPA) Determination of Significance (DS) for the Dickey  
20 Road site specific would shift that application to the 2020 cycle.
  - 21 • **QUESTION:** Mr. Shattuck asks in Bremerton has indicated intent to incorporate any of  
22 the Central Kitsap (CK) Urban Growth Area (UGA).
    - 23 • **ANSWER:** Mr. Ward notes there is no action now, the mention in the 2019  
24 CPA process is in order to meet Comprehensive Plan procedural guidelines.
    - 25 • Mr. Shattuck asks, and Mr. Ward confirms, when the time comes, the CK  
26 Council will be engaged in the UGA review.

27 **6:05:00**

28 **F. WORK STUDY: Timber Harvest Code Update – Scott Diener, DCD Development Services &**  
29 **Engineering (DSE) Manager**

- 30 • Mr. Diener introduces **Steve Heacock**, DCD DSE SEPA Coordinator, and **Aileen Nichols**,  
31 Washington State Department of Natural Resources (DNR) Forest Practices Forester.
- 32 • Mr. Diener briefly reviews the Staff Report, comment matrix and materials provided,  
33 noting the County has talked for many years about transfer of jurisdiction from DNR  
34 to DCD, including a request from Commissioner Gelder relating to draft code. Kitsap is  
35 one of the few remaining jurisdictions that have not switched to this new process.
- 36 • Mr. Diener refers to visual presentation, noting the update allows assumption of  
37 regulatory authority of Class 4 General Forest Activities, which includes a track for a

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- 1 Conversion Option Harvest Permit (COHP) to allow the option for conversion of land  
2 for use other than commercial timber production. Permits are still required.
- 3 • When this code update was introduced, there was a lot of confusion about permit  
4 classifications; this update and transfer of jurisdiction will only apply to Class 4  
5 General permits and NOT the Class 4 Special Use permits, which relate to aerial  
6 pesticide application. These comments have been addressed.
  - 7 • Proposed update essentially eliminates need for application to DNR for the same  
8 items required by Kitsap County’s permitting process. Currently, a large part of DNR’s  
9 review is evaluating whether County requirements have been met/documented. This  
10 process costs the applicant \$1500 and a trip to Enumclaw for the permit, which is then  
11 provided to the County.
  - 12 • Mr. Diener reviews the noticing process, which includes a broad outreach to active  
13 listserv members through the GovDelivery system, development community,  
14 arborists, landowners, environmental groups and Citizen Advisory Committees (CACs),  
15 providing draft code language and fact sheet, with contact information.
  - 16 • Initial response received was that DCD should slow down, be more transparent and do  
17 this process the right way.
  - 18 • Of the large number of comments received and documented on the matrix, the most  
19 common complaint was that people were not aware of what was happening until  
20 logging or harvesting activity had already begun. They wanted communication and  
21 notice, even though these are Type I permits.
  - 22 • In addition to desire for more communication and notice, other key comment themes  
23 included: ensuring tribal resources are protected, taking forestry science into  
24 consideration and allowing/encouraging different approaches, and technical  
25 considerations.
  - 26 • Key code changes include: updating Washington Administrative Code (WAC)  
27 references; code application to forest access; definition updates from State code;  
28 clarification of Tribal agency review/field visits; clarification of cultural resources  
29 notice; reference to procedural requirements removed from Title 18 but being  
30 duplicated and added in Title 21 – not eliminated; provision of moratorium role to the  
31 Hearing Examiner; code compliance (CC) language mirroring Title 21 – any decisions  
32 held back until the CC issue is resolved; and required noticing for all Class 4 General  
33 Timber Harvest permits.
  - 34 • Next steps, pending outcome of this Work Study, include finding way to incorporate  
35 communication/notification before, during and after clearing activity, with a focus on  
36 individuals not familiar with forestry. County hopes to use field inspectors trained on  
37 forestry permits to assist with the education process. In addition, a  
38 review/improvement effort is underway for the permitting process, which will run  
39 concurrent with the code update.
  - 40 • **QUESTION:** Mr. Eliason asks for a rough estimate of the number of different classes of  
41 general permits.
    - 42 • **ANSWER:** Ms. Nichols doesn’t have individual breakdown but estimates  
43 DNR handles approximately 200+ permits in types 1, 2, 3 and 4.

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- Mr. Heacock notes the Conversion Option permit to preapprove a timber harvest for purpose of future development potential, is guided by meeting all code requirements, critical area protection, all components of slope and stormwater review, etc. and estimates 15 – 20 per year on a typically sized 5 – 10 acre parcel.
  - **QUESTION:** Mr. Svensson asks for DNR’s perspective on the proposed change.
    - **ANSWER:** Ms. Nichols notes DNR supports the transfer of class 4 generals to the County, because the process, requirements and regulations originate there. A WAC currently requires DNR to issue the permit, but DNR does not have enforcement jurisdiction either, so all complaints or enforcement actions rest with the County. The transfer will save applicants \$1500 on a repeat permit process that is basically a required paper review of the process already completed by the County.
    - Chair Allen asks, and Ms. Nichols confirms, no additional level of review will be lost in any of the transfer.
  - **QUESTION:** Ms. Kneip asks for clarification on how SEPA applies for these permits
    - **ANSWER:** Mr. Heacock clarifies for Conversion Logging permits; SEPA is already complete as a required part of the related Land Use action permits. The SEPA decision is sent the DNR as part of the permit, but they are not involved in the action or determination, only in reviewing to ensure its completion.
    - Ms. Kneip asks, and Mr. Heacock confirms, that any forest regulations or conditions required or applied by the County permit process, would also be enforced by the County.
  - **QUESTION:** Chair Allen asks where definitions for guidelines for each class can be found in the code.
    - **ANSWER:** Mr. Heacock notes details and definitions are listed in both Title 18 and 21, but not all contained in one specific section or place in KCC.
    - Chair Allen believes a slide, or some visual display would be useful to show what is allowed for each, especially when informing the public.
  - **QUESTION/ANSWER:** Mr. Eliason asks, and Mr. Heacock confirms, the tribes are invited and involved in the process, noting they often provide Subject Matter Expert (SME) work regarding cultural trees and stream typing.
  - Mr. Diener notes next steps will include engaging some of the interested public in attendance tonight before determining details of the public hearing and suggests an additional Planning Commission Work Study prior to that hearing.
  - Mr. Eliason agrees stakeholder meetings are in order and would also like a presentation that clearly explains how and why this is a procedural change, and not a policy change. After reading the comments, clarification is needed and should be sent back to the public.

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- 1 • Chair Allen agrees, noting even item as listed on the agenda can be misconstrued as it  
2 is a very broad title for something that only addresses a very small scope of that title.
- 3 • Mr. Diener notes it has been somewhat challenging to get through all the comments  
4 and home in on the concerns. A stakeholder meeting will be planned for landowners,  
5 developers, and another if needed for tribes and agencies.

6 **6:40:10**

7 **G. Administrative Update**

- 8 • **Jim Bolger, DCD Assistant Director**, provides a brief update, noting Jeff Rimack is the  
9 new DCD Director, and thanks the Planning Commission for its work on several  
10 challenging items.
- 11 • PC asked for updates on the Wireless Facilities Code as it went forward; BoCC held a  
12 hearing, the only commenters present were industry reps.
- 13 • Next Wednesday, from 9:30 -10:30 am, is the annual joint BoCC/Planning Commission  
14 meeting. 20 -30 minutes allotted during DCD's regular BoCC Update. An  
15 email/calendar invitation will be sent by the Clerk.

16

17 **H. Good of the Order**

- 18 • Chair Allen mentions other jurisdictions and advisory groups that allow for a general  
19 public comment period at each meeting, and the process might be beneficial for this  
20 Planning Commission.
- 21 • **MOTION: Mr. Eliason moves to add General Public Comment to regular agenda**  
22 **items. As a standing item, this can be postponed to the next regular meeting by a**  
23 **majority vote to amend the agenda.**
- 24 • **SECOND: Mr. Shattuck seconds.**
- 25 • **VOTE: 6 in favor; 0 Opposed; Motion carries.**

26 **6:45:00**

27 • **General Public Comment**

28 • **SPEAKER: David Overton, representative E.E. Overton**

- 29 • Has concerns that most people commenting on and asking for notification  
30 have no background in forestry and believes the County will have to invest  
31 in staff training, and maybe even a forester to help advise them.
- 32 • Concerned that individuals opposed to the actions may not understand that  
33 this is not a pre-development activity, it is permitted forestry activity by  
34 property owners and guided by forest practices.
- 35 • Concerned about the fee structure, as more county staff touches this  
36 permit, the price goes up. This could make it unobtainable, particularly for  
37 smaller landowners wishing to convert small portions of their land.
- 38 • Believes staff is doing great outreach, and encourages a continued,  
39 deliberate process. If we aren't up against a pressing timeline, take it slow.

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- There is a danger that you may be creating a more informed public, but also might be missing those who are actually using, or who might eventually use this permit process.


**6:49:01**

- **SPEAKER: Mark Mauren, representative Ueland Tree Farm**
  - Urges caution, clarity that we are dealing with 2 separate things here; a Class 4 General Conversion and the SDAP Permit are totally different. While some requirements may be similar, others are not.
  - Has concerns tied to changes in conversion harvest process code; these are forestry situations, not development codes. They are not all the same, even if some of the actions are. You could be in the middle of a standard forestry action and suddenly you've triggered a requirement with specific silt fences and site development requirements that just don't apply.
  - Ueland owns a large amount of forest land and has provided extensive comment, captured in the matrix. Encourages reading those specific comments and if there are questions, please ask.
  - Encourages staff to meet separately with landowners, foresters to share concerns, if requiring us to follow development standards. Those conversations can be had with a small group and could be very constructive and helpful. In a larger setting among the tribe, agencies and environmental groups, that is an important conversation to have as well, but it isn't the same focus. Urges a separate, smaller meeting first.

**Time of Adjournment: 6:51:40**

Minutes approved this 30<sup>th</sup> day of July 2019.

  
\_\_\_\_\_  
Kim Allen, Planning Commission Chair

  
\_\_\_\_\_  
Amanda Walston, Planning Commission Clerk