

Kitsap County Planning Commission Minutes – September 4th, 2018

KITSAP COUNTY PLANNING COMMISSION

Administration Building – Commissioner’s Chambers

September 4th, 2018 @ 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.kitsapgov.com/dcd/pc/default.htm> and listen to the audio file (to assist in locating information, time-stamps are provided below).

Members present: Gina Buskirk (Chair), Karanne Gonzalez-Harless (Vice Chair), Kim Allen, Tom Nevins, Richard Shattuck, Jim Svensson, Aaron Murphy

Members absent: Joe Phillips

Staff present: Louisa Garbo, Peter Best, Darren Gurnee, Dave Ward, Liz Williams, Amanda Walston (Clerk)

5:39:05

A. Call Meeting to Order, Introductions

B. Adoption of Agenda

- **Motion:** Richard Shattuck moves to adopt the agenda as presented.
- **Second:** Jim Svensson seconds.
- **Vote:** 7 in favor; 0 opposed – motion carries.

C. Approval of Minutes

- Chair Buskirk notes the draft of the 07/31/18 meeting minutes was received today, and the draft of the 08/21/18 meeting minutes have not been distributed yet.
- **Motion:** Kim Allen moves to postpone the approval of the 7/31/18 and 08/21/18 meeting minutes to the next regular meeting on 09/18/18.
 - **Second:** Karanne Gonzales-Harless seconds.
 - **QUESTION:** Tom Nevins asks about a reference, in the 7/31/18 draft minutes, to amend the previous minutes to reflect minor changes.
 - **ANSWER:** Amanda Walston, Clerk to the Planning Commission, clarifies that Chair Buskirk moved, at the 7/31/18 meeting, to amend the draft minutes, from the 07/17/18 meeting, to reflect minor changes recommended by staff. The approval of the 07/17/18 minutes were listed as agenda Item C at the 07/31/18 meeting.
 - **Vote:** 6 in favor; 1 abstain; 0 opposed – motion carries.

Kitsap County Planning Commission Minutes – September 4th, 2018

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5:43:09

D. GOOD OF THE ORDER

- Ms. Gonzales-Harless references a letter sent to DCD Director Louisa Garbo, provided in hard copy tonight, citing concerns related to the George’s Corner amendment and testimony and information provided by DCD. Ms. Garbo is present tonight and may wish to respond.
- Chair Buskirk asks about, and all present Planning Commissioners confirm, receipt of a copy of Ms. Gonzales-Harless’s letter, dated August 31, 2018.
- Chair Buskirk acknowledges the short time provided tonight for review and asks for clarification of Ms. Gonzales-Harless’s expectations of staff and the Planning Commission related to the letter at this time.
 - Ms. Gonzales-Harless believes the record for this project to be incomplete, thereby creating a fatal flaw.
 - Ms. Gonzales-Harless asks the Planning Commission to review both her letter, and Ms. Garbo’s response which was received this afternoon.
 - **QUESTION/ANSWER:** Kim Allen asks if, and Ms. Gonzales-Harless confirms staff has responded in writing.
 - Ms. Allen notes the response was not provided tonight; Ms. Gonzales-Harless notes the response was not received until this afternoon, and states information cannot be shared outside a public meeting.
 - Ms. Gonzales-Harless states this is a serious issue that needs to be heard.
 - Ms. Allen agrees the matter is very serious and would like the opportunity to thoroughly review the information from both sides.
 - Chair Buskirk asks, if there is a desire to postpone the matter to allow for a more thorough review of these documents.
- **Ms. Allen moves that consideration and deliberation of the George’s Corner LAMIRD Boundary Adjustment amendment be moved to the September 18th meeting.**
 - **Mr. Shattuck seconds.**
 - **QUESTION:** Chair Buskirk asks if DCD’s response to Ms. Gonzales-Harless’ letter will be provided to the Planning Commission prior to the 09/18/18 meeting.
 - **ANSWER:** Peter Best, DCD Staff Planner, confirms documentation will be provided; also notes that deliberations for the Culbertson and Ueland Tree Farm amendments are also scheduled for 09/18/18.
 - **Vote: 7 in favor; 0 opposed – motion carries.**

5:44:40

E. Deliberation: 2018 Annual Comprehensive Plan Amendment Update Process – Peter Best Planning & Environmental Programs Planner

Kitsap County Planning Commission Minutes – September 4th, 2018

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- Mr. Best notes that Hanley will be the only amendment considered tonight, as the remaining three items have been deferred to the 09/18/18 meeting.
 - Mr. Best notes a revised draft Findings of Fact, reflecting changes recommended at the previous meeting on 8/21/18, is provided in hard copy tonight.
 - **QUESTION:** Mr. Nevins asks if the conditions proposed for the Richardson amendment, deliberated at the 09/04/18 meeting, would travel with the property in the event of a sale or change in ownership.
 - **ANSWER:** Mr. Best confirms any conditions would remain in place for the property and would be a matter of seller disclosure. A notice to title would not be recorded until the property transaction occurs.
 - **QUESTION:** Mr. Nevins asks if there are any measures to ensure this is captured if the seller does not disclose it, and staff involved with this application are not available.
 - **ANSWER:** Mr. Best notes the parcel numbers are tagged in the County’s software and conditions are noted specific to the parcel number in addition to the permit number assigned to this site-specific application.
- 5:54:55**
- Mr. Best briefly describes the proposed amendment for the Hanley property, noting staff recommends deferral to the next 8-year county-wide update to the Comprehensive Plan (Comp Plan) as an area-wide amendment as opposed to a site-specific amendment in the current update.
 - An area-wide amendment would allow a broader assessment and review of the area’s zoning, including consideration of other zoning options that may conform more closely or be more compatible with the area, but cannot be considered under the current application in this year’s update.
 - **QUESTION:** Chair Buskirk notes the business has been in operation for many years and asks for clarification on pending actions if the project is deferred.
 - **ANSWER:** Mr. Best states land use code enforcement would be suspended, but any life safety issues must be investigated.
 - Chair Buskirk asks if any life safety issues being investigated currently.
 - Scott Diener, DCD Development Services & Engineering Manager, confirms current review is ongoing, looking at history of zoning, and in the early investigative stages.
 - Chair Buskirk asks for clarification on why no code enforcement action has occurred before if the business has operated for many years with no incident.
 - Mr. Diener notes DCD does not have an accurate description of the land use activities that have been occurring, for how long and where. There are three parcels involved, with history that is unclear. DCD is asking for more time to gather accurate information, so an action now would not allow just one of the related parcels to gain non-conforming protection.

Kitsap County Planning Commission Minutes – September 4th, 2018

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- **QUESTION:** Ms. Allen asks for clarification on whether approval of this amendment would fix this problem.
 - **ANSWER:** Mr. Diener responds that it would not; even if all three parcels demonstrated and obtained non-conforming use status, they would receive the same protection in the requested Commercial designation. However, the Contractor’s Storage Yard is not a Use allowed in the Commercial zone.
 - Mr. Best clarifies that allowed expansion and continuation of their business would not change if the zone is changed to commercial.
 - Ms. Allen clarifies a zone change will not fix the current code enforcement issue here, because Contractor Storage Yard is not allowed in the commercial zone; Mr. Diener concurs.
 - **NEVINS**
- **Motion:** Mr. Nevins moves to support the recommendation to defer the amendment for review, as presented by staff.
 - **Kim Allen seconds.**
 - **QUESTION:** Mr. Shattuck asks if the Urban Commercial zoning would allow for an Administrative Conditional Use Permit could allow the Contractor’s Storage Yard use in the Urban Commercial zone.
 - **ANSWER:** Mr. Best refers to attachment C-3 to the staff report, page 4 of 5, noting that Contractor’s Storage Yard is use number 5.12, which shows dashed lines in both columns, as prohibited in the current urban high-density residential and prohibited in the requested high-density commercial.
 - Mr. Shattuck notes the applicant believes their established use to be Storage Vehicles and Equipment, under 5.42.
 - Mr. Diener notes the County has definitions that help to better understand what the uses are and DCD has also consulted the North American Industry Classification guidelines which led to our determination of a Contractor, which DCD will defend.
 - Mr. Shattuck notes the site-specific analysis requires comparison of surrounding areas, which is shown as Residential, but the Fire Department is not.
 - Mr. Best notes the property is surrounded on 3 sides by residential zoning and on one side by the Fire Department and other existing facilities, which prompted our desire for an area-wide review to look for patterns that may fit the area better, but that is not allowed in the site-specific process
 - **QUESTION:** Chair Buskirk asks about the reference to testimony to a pending development project on the Urban High zone.


Kitsap County Planning Commission Minutes – September 4th, 2018

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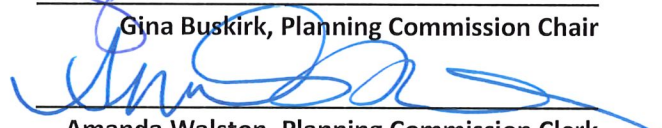
- Mr. Nevins asks about a reference on page 5 of the 7/31/18 draft minutes, to a legal concern, discussed in testimony of Mr. Stanfill with no date mentioned, and asks if staff will discuss and clarify that issue at the next meeting.
- Mr. Nevins notes 5 items he would like to see on the docket for discussion, after the CPA update process concludes. Copies will be distributed.
- Ms. Gonzales-Harless asks about the Development Agreement referenced for Ueland Tree Farm.
 - Mr. Best notes this was provided as a hyperlink in an electronic document in the staff response, and will send it as a separate attachment.

Time of Adjournment: 06:28:51

Minutes approved this 18 day of Sept 2018.



Gina Buskirk, Planning Commission Chair



Amanda Walston, Planning Commission Clerk

