

Kitsap County Planning Commission Minutes – February 4, 2020

KITSAP COUNTY PLANNING COMMISSION

Administration Building – Commissioner’s Chambers

February 4, 2020 @ 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: Mike Eliason (Chair), Joe Phillips (Vice Chair), Amy Maule, Richard Shattuck, Jim Svensson, Ed Galliway, Aaron Murphy

Members absent: Kim Allen (excused)

Staff present: Peter Best, Angie Silva, Darren Gurnee, Dave Ward, Amanda Walston (Clerk)

5:34:30

A. Introductions

B. Adoption of Agenda

- Chair Eliason notes proposed revision to reverse the order of items E & F due to quorum and voting considerations
- **MOTION:** Jim Svensson moves to adopt the agenda as revised
- **SECOND:** Aaron Murphy
 - **Vote: 7 in Favor; 0 Opposed – Motion carries**

C. Approval of Minutes

- 1/21/20 minutes deferred to next regular meeting

D. General Comment:

- **Chair Eliason opens the floor for general comments.**

5:36:52

- **SPEAKER: Richard A. Brown, South Kitsap Real Estate**

- Believes real estate market is collapsing and the average worker will no longer be able to buy a house in Kitsap.
- Believes existing plats under consideration need to be moved to the market immediately, if not, those houses in Bremerton and Port Orchard will be sold off and there won’t be any low-income rentals.
- Asks Planning Commission (PC) to listen, as the Board of County Commissioners (BoCC) has not acted.
- It costs \$18,000 to get a short plat through the planning/permit process. We need to increase Urban Growth Area (UGA) boundaries, get plats to market.
- Submits additional document for consideration.

5:42:00

- **William M. Palmer, Land Use Consultant**

- Will submit written testimony for consideration, regarding cost of housing in Kitsap and whether median income families cannot afford it.

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- Marketplace right now is \$340,000, price increases to \$370,000 for house; a median income family cannot afford a \$300,000 - \$320,000 house.
- Based on statistics run with interest rate of 4.5 – 5% with allowances for down payments an FHA, VA and traditional financing, and when other costs like insurance and taxes are added in.
- Issue is what to do about it. The planning and policies ignore the Fair Housing Act of 1968, and don't deal with minorities .
- Submits further written testimony for consideration.

5:45:05

- **Frank Tweten, Resident of Beach Drive in Port Orchard**

- Listening to testimony about the need to build housing; owns property in Manchester; Manchester Citizens Advisory Council (MCAC) granted a proposal to build a tavern there, but the spot is not the right fit for that use; they will not grant him different zoning to put in two small lots great for housing.
- These decisions are made by people who think they know best, but they need to allow some other proposals.

- **Chair Eliason closes General Comment Period**

5:47:45

**E. Deliberations & Recommendation: 2019 Comprehensive Plan Amendment (CPA) Update:
Peter Best, DCD PEP Planner**

- Mr. Best clarifies due to timing constraints, a brief introduction to the full 2019 CPA process will be followed by the Dickey Pit Site Specific amendment.
- Mr. Best notes a comment received regarding possible contamination on the Dickey Pit site; after further review, there is no contamination documented in Phase 1 environmental assessment.
- Mr. Best references a visual map to show the assumptions and vacant areas on the land capacity analysis for the Silverdale Regional Growth Center.
- Mr. Best notes the comment period is officially closed; majority received were related to the Dickey Pit Site specific amendment.
- **QUESTION:** Richard Shattuck asks why West Hills area was downzoned but shown on the Silverdale capacity map as underutilized land.
 - **ANSWER:** Mr. Best notes this map pre-dates the 2016 update. We don't have an updated land capacity analysis map.
 - Mr. Shattuck asks, and Mr. Best confirms, the data and map are from pre-2016 but decisions are being made for current.
- Mr. Best provides DCD suggestions on considerations and motions to each amendment individually or as a group; also noting requirements for Findings of Fact, and PC recommendation, with specific attention to map changes, which could be included through the Dickey Pit proposal.
- **QUESTION:** Chair Eliason asks about cumulative effects of SEPA and impacts on the Washington Administrative Code (WAC).
 - **ANSWER:** Mr. Best notes the more restrictive applies for any contradiction.

6:01:22

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- **Mr. Shattuck recuses himself under the WA Appearance of Fairness Act from consideration and decision regarding the Dickey Pit Site Specific Amendment.**
- **MOTION:** Jim Svensson moves to recommend denial of the proposed Dickey Site-Specific Amendment, upholding the recommendation presented by Staff.
- **SECOND:** Joe Phillips
- **DISCUSSION:**
 - Mr. Svensson believes Staff Report has compelling case for denial, such as compatibility, particularly the asphalt crushing surface mine currently being operated immediately to the south; also acknowledging applicant indicates mitigation can be achieved through buffers, development agreements, and issues of compatibility could be handled later in the permitting process.
 - Batch plant is very loud, like a jet engine, and there are odors, as heard in testimony from a nearby resident. Concern that approval of this will make operation of an existing business on neighboring property very difficult. They are one of the few businesses providing this material approved by Washington State Department of Transportation (WSDOT).
 - Concerns also held about the reported 19,000 takeoffs each year at the airport nearby that appears to impact this property.

6:09:15

- Aaron Murphy appreciates the thought behind the process but asks to focus on what we are asked to approve today, which is the rezone, not future projects. Building houses next to an asphalt plant still follows a process, with a lot of steps and conditions to be met.
- We are not here to decide specifics today on what will happen down the road. What is our obligation today, is this site an opportunity or a hindrance?
- Mr. Phillips notes the option to ask staff to go back and address these concerns before taking action, but what came forward is a zoning change, not approval of a development. Just a move to a more developable zone.
- Amy Maule is convinced the area immediately adjacent to an active mine is probably not appropriate for residential or neighborhood commercial development, but with concerns of the housing shortage, is not ready to completely write off a proposal that could provide potential alternatives.
- There may be a compromise to address concerns, in the staff report, through included suggestions on how to make the proposal more acceptable; but do these go far enough if we consider approval with those changes that might involve fewer parcels being rezoned?
- Ed Galliway echoes PC concerns, sees opportunities here and interested in what kind of mitigation opportunities may make it more acceptable or desirable for housing, such as high banks, safety, smells, environmental factors, traffic, utilities. These all warrant further study, but will they become project-specific items to be addressed?
- Mr. Murphy agrees, noting testimony regarding ½ mile travel taking half an hour in this area. We've been trained, through PC and Growth Management

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1 Act (GMA), not to create islands of zoning, but this could mean someone
2 wanting home ownership has that opportunity, with others already living
3 within ½ mile of this site.

4 **6:17:31**

- 5 • Chair Eliason notes having spent the last 16 years trying to provide housing
6 opportunity to this area, and in reading lengthy testimony, had to draw back
7 and look at what is being decided here. The decision criteria state we must
8 either recommend approval or rejection, and the basis for that
9 recommendation includes many considerations.
- 10 • Has the area substantially changed since the adoption of the last
11 Comprehensive Plan Update? We heard conflicting reports on last mining
12 activity, some say 20 years, others say recent activity.
- 13 • There is a good process for developing the Comprehensive Plan Update
14 taking input from cities, regional growth center analysis, other factors that
15 are the basis. 4 years into the 20-year vision, we are below projections, will
16 this approval add to that problem? As Staff notes, we have an issue in
17 Silverdale proper.
- 18 • Applicant has made great efforts and work to achieve balance, include
19 additional buffering between neighboring properties; reduction of industrial
20 land is an issue and would still be a significant change, but PSRC analysis
21 doesn't include the South Kitsap Industrial Area (SKIA). Also keep in mind
22 the Port of Silverdale has written a letter in opposition.
- 23 • Would very much like to see something happen here but still see
24 overarching concerns on adjacent use, compatibility and reduction in
25 industrial land.
- 26 • Mr. Murphy notes it is complex, and still asks what the market is telling us.
27 Anything sold is all built on market driven information on sellers and buyers.
- 28 • Chair Eliason notes staff's report that the 20-year horizon will include
29 cyclical markets and believes staff has adequately answered the questions.

30 **6:28:55**

- 31 • **QUESTION/ANSWER:** Mr. Phillips asks, and Mr. Best confirms, if the PC decides not to
32 uphold staff's recommendation to deny the application, the PC may recommend
33 approval, include another option or recommend conditions of approval.
 - 34 • As this is not a project specific proposal, any conditions would have to be
35 relevant to a legislative rezone and not a project-specific proposal.
- 36 • Mr. Best notes that staff will present both the PC recommendation and staff's
37 recommendation to the Board of County Commissioners (BoCC); acknowledge that
38 the timeline has been challenging.
- 39 • Chair Eliason clarifies, the current motion is to recommend denial of the site-specific
40 amendment for a rezone, as recommended by staff.
 - 41 • **VOTE: 2 in Favor; 4 Opposed – Motion Fails**
- 42 • Aaron Murphy excuses himself, due to a prior commitment, leaving the meeting.
- 43 • **MOTION:** Amy Maule moves to approve the site-specific amendment as proposed.

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- **SECOND:** Joe Phillips.
 - **DISCUSSION:**
 - Mr. Phillips asks, and Mr. Best clarifies, #1 proposes allowed rezone of the parcels, but under terms of a development agreement on measures and requirements to ensure compatibility.
 - Chair Eliason asks and Mr. Best confirms, the applicant agreed to alternative 2a and 2b.
 - Mr. Svensson notes this language addresses compatibility with APEX airport, but not protection for neighbors and businesses to the south, where a 50-foot berm is proposed.
 - Chair Eliason invites Applicant Representative, Jon Johnson, to speak.
 - Mr. Johnson notes there are people living in the area, with houses right across the road right now. The 50-foot berm was an idea, we are open to 100 ft or 150 ft, we are trying to make it viable.
 - Mr. Best notes 50-foot is a distance measurement not a performance measurement; impacts could be worked out in development agreement during permitting process.
 - Mr. Svensson asks, and Mr. Best confirms, noise limits can vary, depending on surrounding zoning, and that residential limits are more restrictive.
 - Mr. Svensson asks whether neighboring property owners have been approached regarding the impact of stricter noise standards resulting from approval of this proposal, and if it may put them out of business.
 - Mr. Best notes there would be some impact but is not aware of any specific dialogue about this.
 - Mr. Phillips notes placing Neighborhood Commercial zone on the south boundary, the barrier gets further away.
 - Ms. Maule asks, and Mr. Best confirms, Neighborhood Commercial zone allows allow multiple uses, including residential.
- 7:01:25**
- Mr. Galliway asks, and Mr. Best confirms, in regard to the time limit, zoning maps will not be changed until all conditions are met. If they fail to meet the deadline, the zoning reverts, and maps remain unchanged.
- 7:05:00**
- **AMENDMENT TO THE MOTION:** Amy Maule moves to amend the motion to approve the Dickey Pit site-specific application and amendment for a rezone with incorporated optional considerations as presented by staff tonight, with an additional measure added to consideration 2b-iii, requiring a performance-based noise and odor mitigation plan.
 - **SECOND:** Joe Phillips
 - **VOTE: 5 In Favor; 0 opposed – Motion Carries**
 - **AMENDMENT TO THE MOTION:** Ed Galliway moves to amend optional consideration item 2b-iii-a to read: *“The applicant’s proposal to provide an area at least 100-feet wide that will remain in the IND zone along the site*

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1 *boundary when adjacent to any IND or MRO/IND zone. This area shall be*
2 *created through either a boundary line adjustment or set aside as a special*
3 *tract.”*

- 4 • **SECOND:** Joe Phillips
 - 5 • **THE VOTE: 4 in favor; 1 opposed – Motion Fails**
 - 6 • Mr. Phillips notes his vote in opposition was due to the number being
 - 7 arbitrary, as opposed to a performance-based outcome, which may
 - 8 change based on science or other data and is preferable to a number.

9 **7:13:55**

- 10 • **Chair Eliason restates the motion on the floor: to approve the Dickey Pit Site Specific**
11 **application and amendment, incorporating the optional revised considerations**
12 **presented by staff and amended by the Planning Commission.**

- 13 • **VOTE: 5 in favor; 0 opposed – Motion carries**

14 **7:15:00**

15 **BREAK**

16 **7:22:49**

- 17 • **Richard Shattuck returns to the dais, as deliberations, recommendation and decision**
18 **on the Dickey Pit Site Specific Amendment are complete.**
- 19 • **MOTION:** Richard Shattuck moves to amend the agenda, by postponing the remaining
20 2019 CPA Deliberations/Recommendations to following the Public Hearing on Port
21 Gamble Legislative Amendments.
- 22 • **SECOND:** Jim Svensson

- 23 • **VOTE: 5 in favor: 0 opposed – Motion carries**

24 **7:24:25**

25 **F. Public Hearing: Port Gamble Legislative Amendments, Eric Baker, BoCC Policy Manager,**

- 26 • Mr. Baker provides a brief overview of the process and schedule for the proposed
27 amendments.

28 **7:39:10**

- 29 • **QUESTION:** Chair Eliason notes noise abatement standards in neighboring cities are 10
30 or 11 pm. If we allow midnight in the ordinance, will it open up precedent for other
31 requests for extended times?
 - 32 • **ANSWER:** Mr. Baker notes this is in the town master plan, as a known
33 impact and upfront statement, which is a clear distinction. Would be a one-
34 time approval from the start.
- 35 • Chair Eliason appreciates the matrix of the LAMIRD (Limited Area of More Intensive
36 Rural Development) differences.
- 37 • **QUESTION:** In Multi-Family Cluster development, we would eliminate interior parcel
38 lines with the master plan. From fire spreading perspective, do we know what percent
39 of residential occupancy could potentially be multi vs. single family and of that what
40 would be connected?
 - 41 • **ANSWER:** Mr. Baker notes current and proposed code allowances, as well as
42 a new water district that would handle sprinklers.

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- **QUESTION/ANSWER:** Chair Eliason asks, and Mr. Baker references on the map, potential locations for RV Camp parks, near the model airplane field and other areas.
 - **QUESTION:** Ms. Maule asks if the intent is to ultimately create year-round living or vacation rental tourism?
 - **ANSWER:** Mr. Baker notes while nothing in this code limits either option, the current lens is for permanent, but could also easily draw tourism.
 - Ms. Maule notes agro-tourism references and noise limits would indicate tourist attractions, but also the small area might not support the need for a midnight noise limit. A hotel next to a bar is different than someone’s home.
 - Mr. Baker notes noise limits only apply within the town site, none in rural areas. Notice to Title and the Town Master Plan are important here, as everything is known up front.
 - **QUESTION:** Mr. Gallaway notes Highway 104 as a major connection from Seattle to the peninsula, asks what traffic mitigation measures or additional studies will be included?
 - **ANSWER:** Mr. Baker notes programmatic vs. project level changes at play. This example shows what could be, not an actual development proposed. When a project comes in for permit review, those studies will be required.
 - Chair Eliason reviews guidelines for providing testimony.
- 7:52:00**
- **Chair Eliason opens the Public Hearing.**
 - **SPEAKER: Mark Shorn**, neighbor and stakeholder in Port Gamble Park, resides two miles from Port Gamble.
 - Believes increased traffic is far outweighed by benefits of a vibrant town to go out to dinner, visit a small farm in the hills and experience agro-tourism.
 - Helped raise funds to purchase property for Port Gamble Forest park; part of the benefit is the Ride Park that will be near the agricultural lots. Like a ski slope for mountain bikes, this will be a tourist attraction. This code is integral to seeing the development through.
 - A ferry ride from Seattle will link to Discovery Trail, which goes right through this park and town. You can ride a bike past agro-tourism like Babcock farm with a beautiful view of town and Mt. Baker; head down and stop in for a local brew or farm to table meal, similar to Chimacum. You can continue through the Olympic trail via bike, or families can come with children to hike over 60 miles of trails. This will be destination recreation, if it’s done right.
 - **SPEAKER: Pete Orbay**, Olympic Property Group Weddings/Events Manager; part of the North Kitsap Tourism Coalition, also worked with West Sound wildlife this summer
 - Whether agriculture, retail, or other, our most important directive is to get people to come to town. We all live and die by tourism, especially small businesses. We have seen great growth and businesses are enjoying the successes of that. 10 years ago, we had 3 slow days a week, now it’s just one. People come all week long, shops are surviving and thriving, and people are paying taxes.

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- 1 • We host about 85 weddings a year with additional non-wedding events. If
2 you've ever been to Port Gamble to eat, drink, or take a ghost walk, just
3 imagine what we could do if the town was developed to this vision.

- 4 • **SPEAKER: Lisa Horn**, Executive Director of West Sound Wildlife Shelter

- 5 • Reads written statement (provided to PC), expressing support and asking for
6 approval, noting a correction to add wildlife shelters in the footnote.

7 **8:03:10**

- 8 • **SPEAKER: Linda Berry-Maraist**, Project Manager for Port Gamble

- 9 • These amendments fit perfectly with all speakers' interests. It is a pretty
10 town but is a very quiet place. The County has worked for 10 years on clean-
11 up and now this effort to supporting tourism and the Park is a win-win.
- 12 • There was a historic photo of Babcock Farm that used to grow all the food
13 for Port Gamble, which really fits this use, preserve and continue its history.
- 14 • Notes the distributed letter, that includes adding footnote 8 to the
15 Performance Based Development path for wildlife shelters.
- 16 • Port Gamble is the natural side of Kitsap county. It would be wonderful if
17 people could stop and stay a while and spend their money.
- 18 • Submits letter of support from Visit Kitsap.

19 **8:07:25**

- 20 • **SPEAKER: John Rose**, Olympic Property Group, Applicant

- 21 • References the map showing areas where Port Gamble S'Klallam tribe are
22 located. They are in support.
- 23 • Notes historic preservation services in Washington DC want things kept the
24 way they were, but they aren't here and won't even answer the phone to
25 talk to us. This was a mill town, it was loud, it ran all night and ended each
26 shift with a loud whistle.
- 27 • Worked on Port Ludlow for 5 years before coming to Port Gamble. They are
28 very different, they want no kids, no families, lots of restrictions show that.
29 Port Gamble is geared differently.
- 30 • Right now, you have to produce a public offering statement, which is a large
31 brutal document more than a Notice to Title.
- 32 • References an area of the map that has lots of mixed use; we have worked
33 to buy a conservation easement; once approved funding already exists this
34 will be 16 acres of open space on the water. Given the attractiveness of the
35 town, the restaurants, the park, it will be the best park in the area.
- 36 • In reference to the traffic and roundabout, we need all that traffic to go
37 through the traffic circle, because at least once a year we have someone
38 who goes through and over the cliff. It must be here, it's for safety.
- 39 • In terms of full time vs. part-time living, chances are there will be retirees
40 buying homes, probably not a lot of vacation rentals. There won't be
41 parking for that all over, maybe a few of them; those would be in the town
42 area, because they have the extended noise ordinance.

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- 1 • The wildlife shelter is really special, and we were lucky to have them come
- 2 up and it is a great fit, the location is perfect.
- 3 • **Chair Eliason closes the public hearing; the written record will remain open until**
- 4 **4:30 pm on Monday 2/10/20.**
- 5

6 **E. CONTINUED – Deliberations & Recommendation: 2019 Comprehensive Plan Amendment**
7 **(CPA) Update: Peter Best, DCD PEP Planner**

- 8 • Mr. Best reviews staff’s suggestion to approve remaining proposed amendments in a
- 9 group of 3, including: Clarifying Edits, Centers and Silverdale/Kingston Urban Growth
- 10 Area (UGA) Association & Future Incorporation; and individual consideration for the
- 11 Minera Resource Overlay (MRO) Zone Clean-Up and Downtown Kingston Phase 2
- 12 amendments.
- 13 • **MOTION:** Richard Shattuck moves to recommend approval of 3 amendments,
- 14 Clarifying Edits, Centers and Silverdale/Kingston Urban Growth Area (UGA) Association
- 15 & Future Incorporation, as recommended in the Staff Report.
- 16 • **SECOND:** Joe Phillips
- 17 • **VOTE: 6 in favor; 0 opposed – Motion Carries**
- 18 • **MOTION:** Richard Shattuck moves to recommend approval of the MRO Zone Clean-Up
- 19 amendment, as proposed in the Staff Report.
- 20 • **SECOND:** Joe Phillips
- 21 • **AMENDMENT TO THE MOTION:** Richard Shattuck moves to amend the
- 22 motion by removing the MRO from parcel 192501-2005-2006 due to critical
- 23 areas.
- 24 • **SECOND:** Joe Phillips
- 25 • **VOTE: 6 in favor; 0 opposed – Motion Carries**
- 26 • **VOTE (on amended motion): 6 in favor; 0 opposed – motion passes**
- 27 • **MOTION:** Richard Shattuck moves to recommend approval of the Downtown Kingston
- 28 Phase 2 amendment, as proposed in the Staff Report.
- 29 • **SECOND:** Joe Phillips
- 30 • **DISCUSSION:**
- 31 • To address proposed changes individually by amendment to the main motion
- 32 for approval of the Downtown Kingston Phase 2 amendment
- 33 • Mr. Best notes the entire section proposed is a new addition, only the changes
- 34 to consider are shown in strikeout/underline format.
- 35 **8:30:52**
- 36 • **AMENDMENT TO THE MOTION:** Richard Shattuck moves to amend the
- 37 motion by adopting proposed change #1: Reduce Commercial Frontage
- 38 Designations, as presented tonight, in Staff’s Proposed Changes to Consider.

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- Chair Eliason asks, and Mr. Best confirms, this is a general increase within the transit station area, for ferry terminal only, no other uses.

- **VOTE: 6 in favor; 0 opposed – Motion Carries**

- **VOTE (on the amended main motion): 6 in favor; 0 opposed – Motion Carries**

- Mr. Best notes the revised Findings of Fact and Recommendation will be in the material packet at the next meeting.

8:44:35

H. For the Good of the Order

- Chair Eliason asks, and Mr. Ward confirms, the Annual PC Report and meeting with the BoCC is usually slated for Spring.
- Chair Eliason requests a 30-minute educational briefing from Public Works on traffic concurrency, impacts, etc.
- Chair Eliason notes the vacancy in the Central District and new appointed Planning Commissioner is in the audience tonight; invites him to speak.
- **SPEAKER:** Alan Beam, retired Submariner, has followed PC work over the last 20 years. This is one of the best versions of the PC, he has seen. There is none of the rancor that used to be there. Looking forward to joining and contributing.

Time of Adjournment: 8:49:36 pm

Minutes approved this 3rd day of March 2020.



Mike Eliason, Planning Commission Chair



Amanda Walston, Planning Commission Clerk