

Kitsap County Planning Commission Minutes – June 16, 2020

KITSAP COUNTY PLANNING COMMISSION

Zoom Webinar

<https://us02web.zoom.us/j/81631336778>

OR Dial In: (253) 215 8782 Webinar ID: 816 3133 6778 Password: 439321

June 16, 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), Alan Beam, Amy Maule, Ed Galliway, Kim Allen, Richard Shattuck

Members absent: Jim Svensson, Aaron Murphy

Staff present: Angie Silva, Darren Gurnee, Dave Ward, Jeff Rimack, Liz Williams, Amanda Walston (Clerk)

5:32:00 pm

A. Introductions

B. Virtual Meeting Protocol

C. Adoption of Agenda

- **MOTION:** Joe Phillips moves to adopt the agenda as presented
- **SECOND:** Richard Shattuck
- **VOTE: 7 in Favor; 0 Opposed – Motion carries**

D. Adoption of Minutes

- 5/19/20 Minutes
- Chair Eliason suggests a revision on Page 1, Line 33 to read, '...opens the floor to speakers wishing to provide testimony.' It currently references 'testimony on subjects not on the agenda tonight'
- Clerk, Amanda Walston, notes verbiage carried forward from adoption of the General Comment Agenda Item last year, intent being to identify these comments are information only for the Planning Commission (PC), and not part of the record for any listed agenda items designated and noticed for public hearings.

Kitsap County Planning Commission Minutes – June 16, 2020

- 1 • Chair Eliason suggests revising the minutes and revisiting the procedural
- 2 matter at a later time in this meeting, if time allows.
- 3 • **MOTION:** Mr. Phillips moves to adopt the minutes as corrected
- 4 • **SECOND:** Mr. Shattuck
- 5 • **VOTE: 7 in Favor; 0 Opposed – Motion carries**
- 6 • 6/2/20 Minutes deferred to next regular meeting

7 **5:39**

8 **E. General Public Comment**

- 9 • Chair Eliason opens the floor to speakers wishing to provide testimony on
- 10 subjects or items not listed on tonight's agenda.
- 11 • **SPEAKER: Bill Palmer**
- 12 • Will defer, hold comments until public hearing
- 13 • Chair Eliason calls again, seeing and hearing none, closes the floor to speakers.

14 **F. Announcements**

- 15 • Chair Eliason calls for announcements from the Planning Commission (PC) or
- 16 Staff.
- 17 • Chair Eliason asks about the General Comment verbiage.
- 18 • Mr. Shattuck notes concern centered around the need to be clear
- 19 that any testimony given outside the Public Hearing is not included in
- 20 the official record. Some citizens may have some confusion, if they
- 21 have spoken to the PC, but their comments are not considered for the
- 22 subject.
- 23 • Angie Silva, Department of Community Development (DCD) Assistant
- 24 Director echoes Mr. Shattuck's comments, adding legal noticing
- 25 requirements must also be followed.
- 26 • Kim Allen notes this standing agenda item was established during her
- 27 term as Chair, and would clarify with an extra announcement, before
- 28 hearing speakers, that general comments will not become part of
- 29 public comment/record for that project.
- 30 • Chair Eliason recalls and recommends continuing this practice.
- 31 • Ms. Silva notes the Stormwater Design Manual Update schedule has changed,
- 32 with tonight's planned Work Study being postponed to the next regular
- 33 meeting.

Kitsap County Planning Commission Minutes – June 16, 2020

- 1 • **QUESTION/ANSWER:** Chair Eliason asks, and Ms. Silva confirms, the comments
2 received, including the letter from the Kitsap Builders Association (KBA), will be
3 available for review soon.

4 5:47

5 G. Work Study: SDM Update – Angie Silva, (DCD)

- 6 • Ms. Silva introduces Dave Tucker, Public Works (PW) Assistant Director;
7 Michele Filley, PW Stormwater Supervisor; Michelle Perdue, PW Stormwater
8 Manager; Scott Diener, DCD Development Services & Engineering (DSE)
9 Manager; Shawn Alire, DCD DSE Supervisor and Robin Kirschbaum, Consultant.
- 10 • Ms. Silva provides a brief overview of the project to date, including materials
11 to be presented and reviewed tonight.
- 12 • **QUESTION:** Mr. Shattuck was surprised by the KBA comment on
13 ineffectiveness and suggested removal of requirement for surety performance
14 bonds to complete work if the developer doesn't finish.
 - 15 • **ANSWER:** Ms. Silva clarifies comment in question is #16 in Section
16 1.5.3, defers to Mr. Alire.
 - 17 • Mr. Alire notes in the past, when requested for private projects, there
18 have been struggles in calling those bonds if unfinished; while PW
19 takes the lead in determining public projects with bonding, such as
20 public roads, etc. which have incentive of county taking it over, the
21 issue with private is who would take on managing the money and
22 actual building out the project in case work is abandoned.
- 23 • **QUESTION/ANSWER:** Mr. Galliway asks, and Mr. Tucker confirms, minimum
24 requirements apply for commercial or industrial redevelopment projects, if the
25 valuation of proposed improvements exceeds 50% valuation of the existing
26 project site improvements.
- 27 • **QUESTION:** Mr. Galliway asks, regarding bonding, once the Stormwater Facility
28 is built, private or public, what is the mechanism to enforce or bring the
29 property owner into compliance to ensure maintenance to county standards
30 for the life cycle of that infrastructure.
 - 31 • **ANSWER:** Mr. Tucker notes this falls under the Civil Enforcement
32 section of Kitsap County Code (KCC). Consistent with other Land Use
33 code compliance issues, an enforcement official would visit the site,
34 alert them of the issue, how and what is required and give a time
35 frame to comply; if not, follows a set escalation process that goes all
36 the way to court for review and remedy.
- 37 • **QUESTION/ANSWER:** Chair Eliason asks, and Mr. Tucker confirms, the removal
38 of Edgewater/Miller Bay Estates from the mapping was a result of improved
39 infrastructure mitigation projects in the area over the years.

Kitsap County Planning Commission Minutes – June 16, 2020

- 1 • **QUESTION:** Chair Eliason asks how many system failures or non-compliance
2 issues has led to the Count collecting bonds through the court

- 3 • **ANSWER:** Mr. Tucker notes PW usually is involved on the
4 maintenance side and estimates about 90% are in great shape and
5 require no enforcement.

- 6 • **QUESTION/ANSWER:** Chair Eliason asks, and Mr. Tucker confirms, staff
7 providing input for the SDM updates spent approximately 20 – 25 hours each;
8 consultants provided a bulk of the work.

- 9 • **QUESTION:** Chair Eliason notes it was presented that 90% of the changes
10 proposed are state mandated; asks if these state mandated changes can be
11 identified so the PC can see prior to recommending changes.

- 12 • **ANSWER:** Mr. Tucker reviews Summary of Key Changes matrix, noting
13 in the manual, the state requires that we have a permitting process,
14 not what the process is; also notes the section on source control and
15 allowed Best Management Practices (BMPs) provides some local
16 options on methods of discharge, but Kitsap County doesn't have any
17 methods or programs that would allow for those alternatives.

18 **6:17**

- 19 • **QUESTION:** Chair Eliason asks for an estimate of how much additional time
20 these Stormwater requirements add to projects; noting Kitsap Alliance of
21 Property Owners (KAPO) sent a letter stating it can be up to 6 months, also
22 noting Staff and PC has not had time to fully review this letter

- 23 • **ANSWER:** Ms. Silva will work with staff to review and respond to the
24 letter.

- 25 • **COMMENT:** Mr. Shattuck notes the response from staff to 90% of the public's
26 comments were that while the comment is appreciated, the change is
27 mandated by law. If the permit process is the only leeway the PC has, can we
28 look at how we streamline it or decide where it can be applied.

- 29 • Alan Beam asks to call on Bill Palmer, representative of KAPO, who deferred
30 during the General Comment period.

- 31 • **QUESTION:** Bill Palmer asks if Kitsap County still has a 1 acre exemption in the
32 NPDES permit process?

- 33 • **ANSWER:** Mr. Tucker notes during the 2007 update, for any
34 regulatory guidance during more restrictive than the permit required,
35 we kept those until the next update and that exemption was removed
36 at that time.

37 **6:25:00**

Kitsap County Planning Commission Minutes – June 16, 2020

1 H. Work Study: Zoning Use Table Update – Darren Gurnee, (DCD) Planning & 2 Environmental Programs (PEP) Planner

- 3
- 4 • Mr. Gurnee briefly reviews materials provided tonight as well as the process
5 planned for the Work Study, noting this presentation has been updated since
6 the press release went out; also noting the last meeting brought up the need
7 for a Parking Lot to address, track and document questions of importance that
8 will be addressed separately from this process; the PC may address some of
9 these items, even if they are beyond the scope of this update, and can include
10 them in the Findings of Fact (FoF) which are conveyed to the Board of County
Commissioners (BoCC)

11 **6:32**

- 12 • Mr. Gurnee notes this is the consideration phase where resource guides,
13 definitions and other materials sent on 06/02/20 will be reviewed; followed by
14 the Department's recommendation, staff report and move toward the public
15 hearing process.
- 16 • Mr. Gurnee will begin reviewing proposed changes to definitions, as many of
17 the questions that come up throughout the use table have ended up being
18 addressed through the definitions; noting for background, if no definition for
19 each categorical use exists, DCD must issue a determination of most similar
20 use, which is costly and can create inconsistency. Some categorical uses were
21 combined because they were either explicitly stated in the definitions or
22 interpreted to include the definitions of combined uses.

23 **6:40:00**

- 24 • Chair Eliason calls for comments, noting that at a previous meeting, the PC had
25 questions about Accessory Dwelling Units (ADUs), but response from staff is
26 that it is a policy change and not within the defined scope of this update; asks
27 if the PC is comfortable continuing with the current scope, adding ADUs as a
28 parking lot item, or by including a recommendation in the FoF to the BoCC.
- 29 • **COMMENT:** Mr. Shattuck views this as an opportunity to address it now, and
30 challenges the limited scope, as there are many changes being made in the
31 rural zone, such as group homes, wildlife, schools, farmers markets and garage
32 sales and believes affordable housing is being avoided as a topic; in reviewing
33 recent Hearing Examiner (HE) agendas, 11 of 15 items were ADUs, with very
34 little public comment resulting in wasted time, money and resources for such a
35 process; wants to act on the issues to make it easier, more affordable to build
36 ADUs in rural zones.
- 37 • **COMMENT:** Ms. Allen echoes Mr. Shattuck's desire to address the issue, having
38 been the Kitsap County HE for several years hearing people wanting ADUs for
39 housing, and in the COVID-19 age, maybe keeping elderly relative close; also

Kitsap County Planning Commission Minutes – June 16, 2020

1 notes City of Redmond had great frustration with ADU costs; suggests adding it
2 to the parking lot and include a recommendation in the FoF.

- 3 • **COMMENT:** Ms. Maule notes her concerns stem from an environmental and
4 quality of life perspective, not a developer; hears that the Conditional Use
5 Permit (CUP) requirements compared to the Administrative Conditional Use
6 Permit (ACUP) imposes a prohibitive and problematic cost difference; also
7 believes it is important to have levels of review in place so we have a say in
8 what is good for our community; wonders if the problem is that the process is
9 not difficult but cumbersome, can the process itself be improved to simplify an
10 initial review of an application and determine if the full process is needed; the
11 point being, don't allow inappropriate development in all areas just because
12 the process is expensive.
- 13 • **COMMENT:** Mr. Beam believes from an affordable housing aspect, ADUs
14 should be made as simple as possible; asks, if deferred to the parking lot
15 process, how and when will ADUs be addressed.
 - 16 • Chair Eliason notes it is complicated as we don't know what the policy
17 review process will be or when it will take place; wants to address
18 ADUs now as well, but not derail the process; also notes if major
19 changes are proposed, a challenge from the tribes is almost
20 guaranteed, especially on density.
 - 21 • Mr. Phillips notes the problem is, once identified, how the items get
22 out of the parking lot.

23 **6:54:00**

- 24 • Mr. Gurnee notes the reason scope and suggested use of the parking lot is so
25 prevalent in this conversation is that the entire project has been brought
26 forward and presented to the public as an effort to address only the urban
27 areas and Limited Areas of More Intensive Rural Development (LAMIRDs) at
28 this time. Although we have touched on rural in some places – we have been
29 very clear that the only changes to expect in the rural zone is based on lumping
30 or splitting zones, not adding new ones. It is within the PC's purview to include
31 rural zones if they choose, but the whole process will have to be revisited and
32 go back to the public.
- 33 • **QUESTION:** Chair Eliason notes at least 4 members want to open and include it;
34 asks if it is possible to review and approve the proposed update and add some
35 optional amendments or recommendations separately.
 - 36 • **ANSWER:** Mr. Gurnee notes in this process, the PC gives its
37 recommendation to DCD, which is communicated to the BoCC. If
38 ADUs are included, there may be 2 separate recommendations, one
39 from Staff; if ADUs are not included, the PC can write a minority

Kitsap County Planning Commission Minutes – June 16, 2020

1 report along with the recommendation stating the reasons why the
2 items should be included, and can also be included in the FoF.

3 **7:00:00**

- 4 • Mr. Shattuck notes the BoCC has disagreed with the PC before;
5 suggests recommending moving ADUs from CUP to ACUP.
- 6 • Mr. Phillips notes all public outreach and outward facing information
7 is done at this point; an ADU recommendation is not the proposed
8 change that has been available for review; it will reset the process
9 and have to go back out to public outreach again. There are Growth
10 Management Act (GMA) and other reasonable measures impacts, this
11 is not just a case of timing, because there may have been interest in
12 ADUs but it has been advertised that it was not being addressed in
13 this process, so it would be a recommendation made without the
14 public having a chance for input.
- 15 • Dave Ward, DCD PEP Manager, notes legal counsel would have to be
16 consulted to confirm public process requirements have been met; if
17 not, the entire project would go back to square one.
- 18 • Mr. Phillips notes the change may not be as possible as it seems at
19 this time; however if the PC feels strongly about this issue, stating the
20 opinion, clearly, to the BoCC that it isn't in this current revision, but
21 needs to be in the next revision, is an option.
- 22 • Mr. Ward notes that is the purpose of the parking lot, to be used for
23 more than just this issue, and used as a tool when working with the
24 BoCC on scheduling items for consideration.
- 25 • Ms. Allen agrees some issues will end up in the lot for another day,
26 but there is strong passion to consider this change in the near future;
27 notes if staff could have some research and information prepared
28 before the recommendation, it would help.
- 29 • Jeff Rimack, DCD Director, notes the PC's interest and passion for the
30 issue is appreciated, and DCD will definitely look into the legalities to
31 be sure process isn't or hasn't been breached.
- 32 • Chair Eliason notes both staff and the Chair assures that an item
33 moved to the parking lot won't be left behind.

34 **7:08:00**

- 35 • Mr. Gurnee calls for any questions regarding definitions.
- 36 • **QUESTION:** Mr. Beam asks for review/clarification on the Urban Low
37 definition, and differences from Urban Medium or High.

Kitsap County Planning Commission Minutes – June 16, 2020

- 1 • Mr. Gurnee notes the listed definition is the purpose statement of the
2 zone; a change to the zone would be guided through the
3 Comprehensive (Comp) Plan Update; staff also notes this effort will
4 help align uses across the board, and then merge zones under the
5 Comp Plan Update.
- 6 • **QUESTION:** Mr. Shattuck asks about ADU Attached, whether the stated
7 definition ‘...must be directly connected by a minimum of 4 feet to the
8 habitable space’ means it is required to keep the same roofline as existing
9 structure and why.
- 10 • **ANSWER:** Mr. Ward clarifies reasoning is that at some point, you may
11 want to connect the two structures and Planning Commissioner
12 Aaron Murphy’s suggestion that ‘connected’ should be clarified, and 4
13 feet would meet requirements for addition of a door.
- 14 • Mr. Shattuck asks about the last line of the definition ‘alternate
15 configurations shall not be allowed.’
- 16 • Mr. Rimack notes the definition is driven by a Director’s
17 Interpretation (DI), which Mr. Murphy was a party to; as an
18 intentional part of the structure or Accessory Living Quarters (ALQ),
19 applicant claimed a 40 foot breezeway was part of the house, which
20 also had a 3-car garage in between; this definition aimed to describe
21 what qualifies or meets requirements of being attached.
- 22 • Mr. Galliway suggests the language could read ‘connected via a door
23 or entryway’ as opposed to the number of feet.
- 24 • **QUESTION:** Chair Eliason asks why Composting is defined as commercial,
25 whether an exchange is required.
- 26 • **ANSWER:** Staff notes as a Categorical Use, it would typically stand
27 alone, similar to firewood and topsoil production, so this is only
28 dumping green matter on the property; this is industrial in scale, not
29 residential, other commercial facilities can impact way of life.
- 30 • **QUESTION:** Chair Eliason asks if Daycare Center Home-based, 6 individuals
31 cared for, stems from State Washington Administrative Code (WAC).
- 32 • **ANSWER:** Mr. Gurnee will verify.
- 33 • **QUESTION:** Ms. Maule asks about intent of Garage, Fireworks and Farmers
34 Market Sales, are all permitted in all residential areas; if language is meant to
35 limit recurrent, year-round set-ups in neighborhood.
- 36 • **ANSWER:** Mr. Gurnee clarifies Farmers Markets have some leeway in
37 location; Garage Sales must be on a residential assessed property, not
38 a structure built around sale; Fireworks comes specifically from
39 another title from our code, 10.48.014 (Firework Permits).

Kitsap County Planning Commission Minutes – June 16, 2020

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37

- **QUESTION:** Ms. Maule asks how the threshold of 4,000 square feet for General Retail was determined.
 - **ANSWER:** Mr. Gurnee notes this was pulled from existing code and will look into it; would only be allowed in certain intersections with arterial and major collector roads.
 - Ms. Maule notes as a CUP in Urban Low a 4,000 square foot store is very different from a 1,000 square foot converted home; 4,000 square feet seems large this zone, but a smaller scale neighborhood shop to help encourage walkability, neighborhood, may be beneficial.
- **QUESTION/ANSWER:** Ms. Maule asks, and Mr. Gurnee confirms, Residential Resource Aggregate Extraction Sites are permitted in the zone only when used to create roads for forest harvest.
- **QUESTION:** Ms. Maule asks about why Drinking Establishments do not show as permitted in Industrial areas; could affect neighborhood pubs near office or work sites, or brewing sites in Industrial Parks that also have a pub.
 - **ANSWER:** Mr. Gurnee notes that where permissibility statements are changed, it was specifically required through the zone purpose statement; while Business or Industrial Center/Park didn't include this kind of activity, it is not prohibited.
 - Mr. Ward notes Brew Pubs are currently allowed as an ACUP.
 - Ms. Maule believes allowing in this zone would be acceptable; Chair Eliason notes a citizen comment was also submitted in favor.
- **QUESTION:** Ms. Maule notes Adaptive Reuse of Commercial Buildings and Share Work Maker Space is permitted or conditional in most spaces, but not in Public Facilities; an old building could be reused as an art center with shared space and a park, which could be great.
 - **ANSWER:** Mr. Gurnee will note this for Deliberations.

8:03:00

- Chair Eliason asks, and Mr. Gurnee confirms, 07/07/20 is the next scheduled Work Study to review additional regulations and Staff Report & Recommendation. 07/21/20 is scheduled to be the Public Hearing.
- Chair Eliason appreciates PC engagement, participation; recognizes staff.

I. For the Good of the Order

- Mr. Phillips hopes a variation or combination of virtual meetings will continue after regular in-person meeting resume.
 - Ms. Silva notes DCD is following the BoCC's lead, in exploring the options, as the Governor's Proclamation 20-28 regarding the Open

Kitsap County Planning Commission Minutes – June 16, 2020

1 Public Meetings Act (OPMA) expires tomorrow, but Kitsap County has
2 not been authorized to move into Phase yet.

- 3 • Ms. Allen notes there is precedent, as many jurisdictions offer a call-
4 in or video option under OPMA.

5 **8:11:00**

- 6 • Mr. Beam asks when the Shoreline Master Plan (SMP) Update will come before
7 the PC.

- 8 • Ms. Silva notes DCD is reviewing budget concerns with several vacant,
9 unfilled planning positions, that have proved difficult to recruit for
10 and fill with qualified candidates.

- 11 • Mr. Ward notes DCD just went under contract with Department of
12 Ecology (DOE) to help fund the SMP Update.

- 13 • Chair Eliason notes the annual report, delayed due to COVID, will be coming to
14 the PC soon.

- 15 • **MOTION:** Mr. Phillips moves to adjourn

- 16 • **SECOND:** Ms. Allen

- 17 • **VOTE: 7 in Favor; 0 Opposed – Motion carries**

18

19 **Time of Adjournment: 8:14 pm**

20

21 **Minutes approved this _____ day of _____ 2020.**

22

23

24

Mike Eliason, Planning Commission Chair

25

26

27

Amanda Walston, Planning Commission Clerk