

KITSAP COUNTY PLANNING COMMISSION

Zoom Webinar

<https://us02web.zoom.us/j/84013218842>

Dial In: (253) 215-8782 Webinar ID: 840 1321 8842 Passcode: 267620

October 5, 2021 @ 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).

Planning Commission (PC) Members present: Joe Phillips (Chair), Amy Maule (Vice Chair), Alan Beam, Kari Kaltenborn-Corey, Mike Eliason, Stacey Smith, Steven Boe, Aaron Murphy, Absent Danielle Douthett

Department of Community Development (DCD) Staff present: Angie Silva, Darren Gurnee, Liz Williams, Melissa Shumake, Robyn Readwin (Clerk)

5:30 pm

A. Introductions

B. Virtual Meeting Protocol

C. Adoption of Agenda

- **MOTION:** Aaron Murphy moves to adopt the agenda as presented.
- **SECOND:** Mike Eliason
- **VOTE: 8 in Favor; 0 Opposed – Motion Carries**

D. Adoption of Minutes

- Minutes from 9/7/21 and 9/21/21 will be postponed to the next regular meeting.

E. General Public Comment

- **Chair Phillips opens the floor** to speakers wishing to provide testimony.
- **Chair Phillips** calls for other speakers; seeing and hearing none, **closes the floor to general speakers.**

5:35 pm

F. Deliberations: Zoning Use Table Update – Melissa Shumake, Department of Community Development (DCD) PEP Planner (approx. 60 min)

- 1 • Ms. Shumake provides a brief review of the project including timeline, and
2 public participation; noting materials received by the PC tonight, including the
3 public comment matrix. Calls for questions from the PC.
- 4 • Chair Phillips thanks staff for getting comments to the PC for review.
- 5 • **MOTION:** Mike Eliason moves to consider by paragraph and adopt the
6 proposed changes to the Zoning Use Table as presented by Staff and amended
7 by the Planning Commission.
- 8 • **SECOND:** Aaron Murphy
- 9 • **DISCUSSION:**
 - 10 • **QUESTION:** Mr. Eliason asks about the difference in definition of
11 attached and detached accessory dwelling units (ADUs), as well as the
12 50% urban square footage or 60% rural maximum square footage
13 standards.
 - 14 • **ANSWER:** Liz Williams, DCD Interim PEP Manager, notes
15 proposed changes based on Director’s Interpretations related to
16 attached ADUs; also notes for ADUs outside the Urban Growth
17 Area (UGA) there are no proposed changes beyond clarification
18 of attached/detached definition;
 - 19 • Regarding urban standards, there was a comparison with other
20 jurisdictions, specifically with their ADU standards, as a result,
21 the size threshold of the primary dwelling was increased from
22 50% to 60% of the primary dwelling unit, and based on public
23 comment, the language ‘or 60% of the habitable area’ was
24 removed from Section G of the Urban Standard size threshold,
25 with the intent to provide more flexibility to the property
26 owners in terms of how this could be realized on specific
27 properties; feedback from the PC is welcomed.
 - 28 • Mr. Eliason asks why urban is more restrictive than rural in
29 terms of ADUs.
 - 30 • Ms. Williams notes that the Board of County Commissioners
31 (BoCC) determined the scope related to this topic; for ADUs
32 outside the UGA there is a lengthy history of case law and in
33 terms of this update, the BoCC chose to limit the focus to
34 changes in the urban area.
 - 35 • Angie Silva, DCD Assistant Director, also notes the BLR draft
36 highlighted permitted uses and growth targets related to ADUs
37 in the urban areas; in the Growth Management Central and
38 Eastern Boards there are cases related to ADUs and density
 - 39 • Amy Maule believes from Housing Affordability or Environmental

1 standpoint, it’s beneficial to discourage building gigantic houses;
2 permitting ADUs based on percentage of primary dwelling
3 encourages larger houses for both primary and secondary structures;
4 doesn’t see rationale for using percentage; sees flat square footage as
5 a better way to encourage both points.

6 • **QUESTION:** Mr. Murphy asks DCD to speak to commentary submitted by KAPO
7 (Kitsap Alliance of Property Owners) that the rights of property owners have
8 been compromised by the County determining or what can or cannot be built.

9 • **ANSWER:** Ms. Silva refers to the two letters and responses in the
10 Comment Matrix; notes the County does look to Attorney General
11 guidance as this topic has gone through multiple jurisdictions in the
12 state all the way to Supreme Court; we must look at land use and
13 environmental regulations as well as takings law, in terms of what is
14 considered actual takings vs general statements; GMA as well as the
15 courts have goals and specific references for private property rights
16 and guidance for jurisdictions, state mandates and local mandates
17 and discretionary items.

18 • **COMMENT:** Mr. Murphy notes when discussing choosing a number for
19 Directors Interpretation from 900 or 1200 in square footage for lot size, the
20 issue is that the project should dictate what is needed; it may be a mater of a
21 mother and father that need to move into the ADU, or both children that need
22 to move in to care for a family; believe the project and setting should dictate
23 the parameters and let them submit and scale appropriately for the project,
24 the lot and neighborhood; believes 1200 square feet aligns with the GMA goals

25 • Chair Phillips notes the proposed definition allows to ADUs if lot size permits.

26 • Mr. Eliason agrees with Commissioners Maule and Murphy and suggests an
27 amendment may be in order to strike the percentage requirement and include
28 a flat square footage.

29 • Ms. Williams notes that is possible, there are other factors that still would have
30 to be considered during review.

31 • Mr. Beam asks if reference can be included in the paragraph to other factors
32 for consideration in the paragraph without specifying a limit.

33 • Ms. Williams notes it would not align with other jurisdiction standards, and
34 would not create predictability for applicants; Ms. Silva notes ADU are
35 accessory to the primary structure, if ADU is as big as or larger than the
36 primary dwelling, it then becomes the primary dwelling.

37 • Mr. Beam asks, and Mr. Gurnee confirms, 1200 feet was proposed as a middle
38 ground based on other jurisdiction standards.

39 • **MOTION:** Aaron Murphy moves, under Section 17.415.101.G to replace 900 with

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- **SECOND:** Mike Eliason
 - **QUESTION/ANSWER:** If in the permitting process, a newly proposed structure is larger than the existing structure, additional steps can be taken to designate the previous structure as the ADU and the new structure as the primary so that the smaller of the two is the ADU, as long as the size requirement is still met.
 - **Mr. Beam asks, and Ms. Silva confirms that this motion applies only to this section, related to the UGA.**
 - **VOTE: 7 in Favor, 0 Opposed, 1 Abstained – Motion Carries**
- **QUESTION/ANSWER:** Mr. Beam asks, and Ms. Williams confirms, the Director’s Interpretation of the Accessory Living Quarters (ALQ) – Attached would be codified by the adoption of the proposed new definitions.
 - Mr. Murphy asks for background on why the 4 feet of heated wall space connection was included for this definition.
 - Mr. Murphy notes that the proposed change from ALQ to ADU Attached and Detached primary difference is whether or not there is a connecting door or not.
 - Mr. Beam asks, and Ms. Williams confirms size is not a factor in differentiation, it is only whether or not the unit is attached to the primary dwelling.
 - Discussion continues with questions about whether a connected breezeway or covered walkway affects the definition; there are some GMA case law considerations tied to this as well.
 - Mr. Beam asks, and Ms. Williams confirms, this Director’s Interpretation is the only of this kind.
 - Staff and the PC concur that permissibility and zoning have major distinctions that apply to level of permit review and requirements for urban vs. rural
 - It is a strong desire to increase consistency and predictability for DCD and the more that can be clarified, confirmed, and codified, the less need for Director’s Interpretations for individual applications.
- **MOTION:** Aaron Murphy moves that Accessory Dwelling Unit Detached means separate living quarters that does not meet the definition of Accessory Dwelling Unit Attached as defined under Section 17.110.017 Accessory Dwelling Unit, Attached.
- **SECOND:** Stacey Smith

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- **DISCUSSION:**
 - Staff confirms this change would be a clarification edit.
 - **VOTE: Unanimous in Favor – Motion Carries**
- 6:34 pm**
- BREAK**
- 6:45 pm**
- **QUESTION/ANSWER:** Mr. Beam asks, and Ms. Silva confirms, an RV or camping trailer in a rural area would be permissible to build a cover over it, and a deck or flooring around it, without being considered an ADU; the distinction is that if the RV is not being lived in, it is a covered shelter for your RV.
 - Ms. Silva notes there are separate garage structures, or other similar conversion types; there are other general safety and structural concerns; also, RV is defined for temporary habitation for recreation or emergency purposes.
- **QUESTION:** Mr. Eliason asks if language related to code compliance issues that businesses adjacent to residential properties must be sheltered from outside view, as well as the language pertaining to junk cars is new or existing code language.
 - **ANSWER:** Ms. Williams and Mr. Gurnee confirm the language regarding home businesses adjacent to residential properties was previously Footnote 42 which has now been relocated back into the related chapters and categorical uses; the junk car removal is an existing footnote being retained.
- **QUESTION/ANSWER:** Mr. Murphy asks, and Ms. Williams confirms, requirement for outdoor storage business to be screened from adjacent properties by site obscuring fence or wall or contained within a building.
- **QUESTION:** Chair Phillips asks about comment from J. Korjus regarding secondary uses and adjoining lots.
 - **ANSWER:** Ms. Williams confirms if no established use on the secondary lot, it would not meet the definition of a home business; if someone owned 2 or more lots, they would need to combine the lots to have a home business on that lot.
- **QUESTION/ANSWER:** Mr. Eliason asks, and Ms. Williams confirms, Garage Sales as a proposed change to temporary use on the original draft but was removed from the final draft based on feedback and comment received.

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- **QUESTION/ANSWER:** Kari Kaltenborn-Corey asks, and Ms. Williams confirms, the distinction between incidental minor and moderate home businesses is addressed in the standards section.
 - Ms. Kaltenborn-Corey asks, and Ms. Williams confirms, the difference levels are determined during the permitting site plan review, so once determined minor or moderate, each zone has different requirements for review depending on the level, so moderate may have ore requirements depending on the site location; parking requirements would also depend on these levels as well.
- **QUESTION:** Chair Phillips notes several comments from N. Bond, asks about the section regarding RV camping park, if definition has been struck out and if it has been addressed elsewhere.
 - **ANSWER: Liz-** Ms. Williams confirms it was considered under proposed new use of Campground; as part of response, recommended repeal of mobile home park and definition of RV camping park.
 - **Chair Phillips asks, and Ms.** Williams confirms, staff is preparing a response on subdivision act, more details will be coming.
- **QUESTION/ANSWER:** Mr. Eliason asks, and Ms. Williams confirms, there were no requested changes to DCD’s recommended changes related to Port Gamble.
- **QUESTION/ANSWER:** Chair Philips asks, and Ms. Silva confirms, under section 17.110.267 – Espresso Stands – consumption off premises, the reason no seating is specified is tied to also having no associated parking requirement.
- **QUESTION:** Chair Phillips asks about Definition 17.110.294 – Funeral homes, facilities for cremation; Washington state legislature has now approved simple human body composting, asks if it would be appropriate to include a reference to the RCW (Revised Code of Washington) for this.
 - **ANSWER:** Ms. Williams could research some language, bring back for next deliberations; Chair Phillips agrees, would like to keep in step.
- **COMMENT:** Mr. Beam suggests for future reference, to continue the same numbering from one document to the next.
- **QUESTION:** Ms. Smith asks, and Ms. William confirms, highlighted items on the comment matrix, indicate DCD has not provided a response yet; will have those to the PC for the 10/19/21 meeting.
- **MOTION:** Mike Eliason moves to continue deliberations to the next regular meeting, scheduled for 10/19/21.
- **SECOND:** Alan Beam
 - **VOTE: Unanimous in Favor – Motion Carries**

1 **G. General Public Comment**

- 2 • **Chair Phillips opens the floor** to speakers wishing to provide testimony.

3 **H. Chair Phillips calls for speakers; seeing and hearing no other, closes the floor to**
4 **general speakers.**

5 **7:20 PM**

6 **I. For the Good of the Order/Commissioner Comments**

- 7 • Mr. Beam asks if the PC can get a briefing on the Countywide Planning Policies
8 prior to the Comp Plan update process.
- 9 • Ms. Silva clarifies the BoCC held a public hearing last night, have a
10 work study this week and tentatively scheduled to make a decision on
11 11/11/21 that must be ratified by three cities; DCD is happy to
12 schedule a presentation for the PC in the future.
- 13 • Mr. Murphy acknowledges the work that goes into this process; acknowledges
14 it may seem like Greek to those new to the PC; has spoken to others in the
15 industry especially after reading and hearing comments that the process and
16 availability hasn't been good; not every comment was in that tone; feedback
17 was that opportunities for stakeholder input and feedback were numerous;
18 tonight's deliberation was equally slow and deliberate. It is the right process; in
19 public process some hear about it at the 11th hour but other public comment is
20 that they were aware and allowed to make comment.
- 21 • Chair Phillips note deliberations will continue again at the next meeting on
22 10/19/21; calls for other comments,
- 23 • Ms. Silva confirms, noting that materials are available to the public via the
24 Project Website; shows how to navigate to the page to locate the documents.
- 25 • **MOTION:** Aaron Murphy moves to adjourn the meeting.
- 26 • **SECOND:** Amy Maule
- 27 • **VOTE: Unanimous in Favor – Motion Carries**

28 **Time of Adjournment: 7:26 pm**

29 **Minutes approved this** 26th **day of** October 2021.

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33 **Joe Phillips, Planning Commission Chair**

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Amanda Walston, Planning Commission Clerk