

Kitsap County Planning Commission Minutes – February 20th 2018

KITSAP COUNTY PLANNING COMMISSION

Administration Building – Commissioner’s Chambers

February 20th 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), Robert Baglio (Vice-Chair), Karanne Gonzalez-Harless, Aaron Murphy, Joe Phillips, Tom Nevins, Spencer Stegmann, and Jim Svensson

Members absent: Richard Shattuck

Staff present: Eric Baker, Jim Bolger, Louisa Garbo, Darren Gurnee, Lisa Nickel, Dave Ward, Liz Williams, Amanda Walston

05:31:07

A. Call meeting to Order, Introductions

B. Adoption of Agenda

- **Motion:** Tom Nevins moves to adopt Agenda as presented.
- **Second:** Jim Svensson seconds.
- **Vote:** 8 in favor; 0 opposed – motion carries.

C. Approval of Minutes

- **Motion:** Joe Phillips moves to approve the minutes from the 01/16/18 Planning Commission meeting as presented.
- **Second:** Aaron Murphy seconds.
- **Vote:** 8 in favor; 0 opposed; – motion carries.

05:34:07

D. Growth Management Act Case Law Update – Lisa Nickel, Kitsap County Deputy Prosecuting Attorney

- Lisa Nickel presents an update on GMA Case Law. Shelley Kneip presented the last update in 2013.
- **Court decisions discussed regarding Rezones include:**
 - *Kittitas County v. Kittitas County Conservation (August 2013)*
 - *Spokane County v. EWGMHB (September 2013)*
 - *Schnitzer West, LLC v. City of Puyallup (October 2016)*
 - *City of Airway Heights v. EWGMHB (April 2016)*

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- 1 • *Spokane County v. EWGMHB (January 2013)*
- 2 • **Court decisions discussed regarding Resource Lands include:**
- 3 • *Futurewise v. GMHB (December 2013)*
- 4 • *Concrete Nor'west v. WWGMHB (February 2015)*
- 5 • *Save Our Scenic Area v. Skamania County (June 2015)*
- 6 • *Concerned Friends of Ferry County v. Ferry County (December 2015)*
- 7 • **Court decisions discussed regarding Critical Areas and Shorelines include:**
- 8 • *Ferry County v. GMHB (September 2014)*
- 9 • *Protect the Peninsula's Future v. GMHB (February 2015)*
- 10 • *Common Sense Alliance v. GMHB (2015)*
- 11 • *Olympic Stewardship Foundation v. WWGMHB (2017)*
- 12 • **Additional court decisions discussed include:**
- 13 • *Essential Public Facilities: Sleeping Tiger, LLC v. City of Tukwila (2013)*
- 14 • *Public Participation: Spokane County v. EWGMHB (2015)*
- 15 • *Water Rights: Whatcom County v. Hirst (2016) & Fox v. Skagit (2016)*
- 16 • *Fixing Invalidity: Miotke v. Spokane County (2014)*
- 17 • *Fixing Noncompliance: Friends of White Salmon River v. Klickitat County*
- 18 *(2015)*
- 19 • *Docket consideration: Coyne v. GMHB (2016)*

20 **06:19:45**

21 **E. Transitory Accommodations Briefing – Eric Baker, Kitsap County Special Projects Manager**

- 22 • Eric Baker presents information on the proposed changes to the Transitory Housing
- 23 Accommodations Code.
- 24 • Intent is to provide a stopgap housing option for short-term homelessness,
- 25 not a long-term option. Safe, secure places to stay while finding other
- 26 housing.
- 27 • Last year the Planning Commission passed code allowing Transitory
- 28 Accommodations in urban areas only.
- 29 • **Robert Baglio asks for clarification of strikeout language changes in the materials**
- 30 **provided**
- 31 • This proposed change will strike out the words 'urban areas' and allow them
- 32 to be incorporated county wide.
- 33 • The word 'membrane' is struck out and should read 'membrane, wood,
- 34 metal' which was intended all along, but did not come through in the text.

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- Expanding from urban to county-wide opens up a number of different options such as churches, residential properties, vacant land, etc.
 - Demand is higher for urban real estate right now.
 - Interest has been received from some larger scale churches in unincorporated areas, as well as some individuals who desire to allow use of their land for transitory accommodations.
 - The homeless population is not decreasing, it is here and Kitsap County and its citizens are affected by it.
 - One major reason for this kind of temporary homelessness is rent or living expense increases. Most are gainfully employed, but the availability of affordable housing has put them in a temporary crisis.
 - **Aaron Murphy asks for clarification of ‘temporary housing’ as defined by Code**
 - A term of 6 months is approved with certain allowances for a 6-month extension, these are allowed through Conditional Use Permitting.
 - Temp nature of occupants here, it doesn’t have specificity, but it is not defined as to the condition, features included.
 - **Aaron Murphy asks about assurances to neighboring parcel/land owners, and if Public Nuisance/RCWs are in place to address these**
 - Adherence conditions of approval, codes of conduct and other requirements can be addressed through Code Enforcement, but not likely to be ‘one and out.’
 - Sanitary service, garbage, sewer and safety requirements are also in place.
 - **Gina Buskirk asks if there is a reason that the code of conduct does not address or prohibit things like drug use.**
 - The guidelines lean toward allowing the provider/host agency to determine the requirements for their site.
 - Tried to avoid placing total exclusionary restrictions to a substantial population that needs help.
 - **Gina Buskirk asks if there is any prohibition/restriction on financial transaction, or exchange for use – if not classified as rent, but maybe fees, shared costs, etc.**
 - That exchange is not disallowed, often the payment is ‘sweat equity’ in that every participant has different jobs toward the common good, maintenance, etc.
 - Sometimes small fees to help keep up with costs is allowed.
 - Public Hearing and Deliberations are scheduled for the next regular meeting’s agenda. We expect some homeless advocates and housing solutions staff will be here to answer questions and speak.
 - Findings of Fact may be prepared and signed at this meeting if appropriate

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- 1 • **Robert Baglio asks if any applicants are waiting to move forward**
- 2 • 3-4 organizations have expressed interest as well as joint endeavors from
- 3 Housing Kitsap, Homes for All, Kitsap Continuum of Care Coalition.
- 4 • **Gina Buskirk asks if there were any applicants under the previous code change,**
- 5 **allowed for urban areas**
- 6 • A few, but none have gone all the way through the process. One was almost
- 7 complete, but an offer to buy the property was accepted, so the application
- 8 was withdrawn.

9 **6:40:00**

10 **F. Comprehensive Plan Docket Update Briefing: Peter Best, DCD Staff Planner**

- 11 • Peter Best describes the Comprehensive Plan Amendment Docket process, as
- 12 planned, as well an update on actions/progress so far.
- 13 • The Growth Management Act (GMA) specifies reviews for the process.
- 14 • A full review required every 8 years, and an annual review at the
- 15 discretion of the Board of County Commissioners.
- 16 • We are currently in development phase, for site specific applications and
- 17 county sponsored amendments. Analysis is the next step.
- 18 • Intent to bring the actual process before the Planning Commission in July,
- 19 with a scheduled to keep it in line with next year’s annual process window.
- 20 • 2018 County sponsored amendments include:
- 21 • Non-motorized Facilities Plan
- 22 • Kingston Urban Village Center
- 23 • George’s Corner LAMIRD boundary adjustment
- 24 • Public Facility Designations and Park Classification
- 25 • Parks and Recreation and Open Space Plan Updates
- 26 • Affordable Housing Policies
- 27 • **Aaron Murphy asks for clarification, whether George’s Corner was a site-specific**
- 28 **review from the prior year.**
- 29 • Yes, a portion was. The boundary was drawn as one parcel, short platted
- 30 into 4 parcels, with boundaries driven largely by Critical Area buffers. 4th
- 31 parcel, mostly south, was a site-specific application in 2016 that was not
- 32 approved. This proposes to withdraw the boundary to adjust around the
- 33 parcel, with an area for exchange.
- 34 • Tom Nevins notes in 2016, there was concern that much of the area did not
- 35 comply with GMA at the time. Additionally, other areas in the County would
- 36 also qualify that have never been considered before – just a point that this
- 37 is a proposed change on an already shaky adjustment.

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- 1 • Peter Best notes that law requires use and application of the same
- 2 standards. The staff report will address and examine these points in
- 3 depth.
- 4 • 2018 allowed site-specific applications include:
- 5 • In Rural Areas: opportunity to add Mineral Resource Overlay (MRO)
- 6 and Forest Resource Land (FRA) designations.
- 7 • In Urban Growth Areas (UGAs): A re-designation is needed for infill
- 8 and redevelopment; acquisition of Transfer of Development Rights
- 9 (TDRs) are required for certain applications in UGAs.
- 10 • Of the 5 applications received, 2 require TDRs for a total of 13 TDRs
- 11 across all the applications.
- 12 • Outreach includes an online Open House Webpage that has been
- 13 maintained and updated regularly, with opportunities for participation, next
- 14 steps, etc. and interested parties can subscribe to future notifications.

15 **6:58:20**

16 **G. Code Update Process Briefing: Dave Ward, DCD Planning & Environmental Programs** 17 **Supervisor**

- 18 • Dave Ward presents information regarding the Code Update Process.
- 19 • Intent is to increase transparency and visibility and to keep the schedule
- 20 and process moving forward.
- 21 • Many proposed changes have come through suggestions or requests from
- 22 permit applications and review processes, ranging from small one-time
- 23 projects to multi-year development and actions.
- 24 • The proposed list has grown and changed since we the initial version
- 25 presented in Fall.
- 26 • A form has been created that allows anyone to get online and add a
- 27 suggestion that will be added to our list for consideration and evaluation.
- 28 • Dave Ward provides information on DCD’s proposed Ad Hoc Advisory Committee, and
- 29 asks for two members of the Planning Commission to serve as representatives.
- 30 • Temporary committee designed to evaluate the list of ideas and suggestions
- 31 and determine what can and should move forward. Then developing criteria
- 32 for prioritization that we can run the potential list through so further
- 33 refinement and scheduling details can be put in place.
- 34 • Going forward, the committee would re-examine the criteria, determine
- 35 needed updates and changes.
- 36 • This is not meant to be a huge undertaking every year, but the first step will
- 37 be more intensive – a sample schedule is included in your materials.
- 38 • Tom Nevins has already volunteered via email prior to the meeting, Aaron
- 39 Murphy and Joe Phillips also volunteer.

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- After discussion, Tom Nevins and Joe Phillips will represent the Planning Commission on the Ad Hoc Advisory Committee.

7:06:45

H. Administrative Update: Jim Bolger, DCD Assistant Director

- Standard reporting format, and a streamlined process for Deliberations and Findings of Fact are coming forward.
- Information about the Department Advisory Group (DAG) is provided, as requested by the Planning Commission.
- Information is provided regarding the Hirst Decision results and impacts of House Bill 6091, now titled the Watershed Restoration Act – which designates us to be in Water Resource Inventory Area (WRIA) District 15. Two of the resulting requirements go to Public Hearing before the BoCC on 02/26/18.
 - The first limits the amount of water that can be drawn from any permit exempt wells to 950 gallons per day. If a state of emergency drought is declared, a further reduction to 350 gallons per day may be imposed.
 - The second establishes a \$500 fee to be collected – of that, \$350 goes to the Department of Ecology and the County can keep the \$150, but it is unknown yet if that has specific ties/direction for spending, and also what the impact of that amount will be to offset costs, etc.
 - Changes have been added to our Building Code, Complete Application review step and Fee Schedule.
 - **Discussion/Clarifications:**
 - This is not a new permit, just a new fee included in the building permit required for permit-exempt wells.
 - This is not retroactive.
 - Conditions must be recorded into the property records.
 - Average household usage, estimated by the Health District, is 350 – 400 gallons per day.
 - No metering is established at this time – however there has been discussion of looking into the process, functionality down the line.
 - Additional planning elements require the department to convene a Water Restoration Management Committee that includes members representing Counties, Purveyors, Tribes, Community, Development, Environmental, Agricultural to advise and provide input on projects going forward and make recommendations to the Department of Ecology.
 - If the restoration committee cannot come to a decision on a project, it will move forward to the Salmon Review Board, then tot the Department of Ecology. There must be an approved plan that comes

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1 from this in the end – other past attempts have been unsuccessful,
2 but this is required.

3 • A WRIA District 15 boundary map will be sent to the Planning
4 Commission.

5 • The Ruckelshaus Center, a joint UW/WSU collaboration looking at effects of GMA now
6 that it has been in place for a few decades, will host a meeting on 3/27 at the Norm
7 Dicks Center, to gather input from local community and advisory groups including
8 planning commissions.

9 • This is a great opportunity for Kitsap County to share its experiences with the
10 MGA and Growth Management Hearings Board, information on the meeting
11 will be forwarded.

12 • At the next meeting, staff will present a draft of the 2017 Annual Planning
13 Commission report for review, suggested changes and hopefully approval and move
14 that on to the Board.

15 **I. For the Good of the Order:**

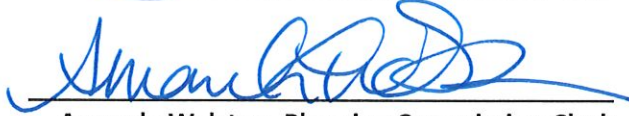
16 • N/A

17 **Time of Adjournment: 7:30:54**

18
19 Minutes approved this 13 day of March 2018.

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22 **Gina Buskirk, Planning Commission Chair**

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24 

25 **Amanda Walston, Planning Commission Clerk**