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1 2		 MOTION: Aaron Murphy moves to adopt the Minutes of 2/28/23 & 3/21/23 as presented.
3		• SECOND
4		 VOTE: Unanimous in Favor – Motion Carries
5		 Minutes of 4/04/23 – continued to next regular meeting
6		5:38 pm
7	E.	General Public Comment
8		Chair Phillips opens the floor to speakers wishing to provide testimony.
9 10		 Chair Phillips calls again for speakers; as there are no other speakers; closes the floor to general speakers.
11		5:39 pm
12	F.	Presentation: Role, Background on Planning Commission, Growth Management Act
13		& Case Law – Lisa Nickel, Kitsap County Sr. Deputy Prosecuting Attorney (approx. 90
14		min)
15 16		 Ms. Nickel has worked with the County for over 20 years; focus on Current Planning for the first half, and now with Long Range Planning and Code.
17		• Refers to presentation on-screen, invites questions throughout presentation.
18 19 20		 Reviews the Role of the Planning Commission (PC), history, resolution and ordinance establishing the PC also noting and Kitsap County Code (KCC) and Revised Code of Washington (RCW) related to the PC.
21 22 23 24 25		 Ms. Nickel reviews the 2 options, under RCW, for operating the PC; first is what Kitsap follows, which designates DCD as the Planning Department and the PC assists the Planning Department in its duties; the other option designates the PC as the planning body, which would recommend or direct work of the jurisdiction and staff planning efforts.
26 27 28 29		 Duties include assisting DCD in preparation and work on Development Regulations and Comprehensive Plan (CP), including hearings and recommendations; review code amendments for DR & CP including Shoreline Master Plan (SMP); adopting Findings of Fact and following DCD Rules of Procedure and work plans.
31 32 33 34		 Duties may also include delegation of Development Agreement hearings, though our Board of County Commissioners (BoCC) typically sends to the Hearing Examiner (HE); authority to propose rezones; authority to hear HE matters is all examiners are disqualified.

1	 Ms. Nickel reviews General Actions, such as Work Study, Public Hearing,
2	Adoption of Findings of Fact and Conclusion of Laws for recommendations to
3	the BoCC,
4	 Ms. Nickel reviews laws to be aware of including those in KCC, Code of Ethics,
5	Appearance of Fairness Doctrine, Open Public Meetings Act (OPMA) and Public
6	Records Act (PRA), and Growth Management Act (GMA);
7	 Ms. Nickel reviews recent GMA legislation and House Bills (HBs)regarding
8	multiple topics, applicable to Kitsap and the PC.
9	 QUESTION: Mr. Shattuck asks if amendment to the parking code is needed
10	based on House Bill 2343
11	ANSWER: Ms. Nickel notes she is unsure if it is needed, will review.
12	 QUESTION: Aaron Murphy asks for a discussion or presentation on HB 1220
13	related to planning and accommodation for housing.
14	 ANSWER: Ms. Nickel agrees it would be a worthy discussion, but
15	doesn't know if there is enough data available, though Commerce
16	does have a number of tools and resources that help guide planning.
17	 Ms. Nickel continues reviewing recent legislation as well as Case Law, citing
18	multiple examples that affect or inform Kitsap County planning and policies,
19	related to Critical Areas, Resource Lands, Urban Growth Areas (UGAs)
20	 QUESTION/ANSWER: Mr. Shattuck asks, and Ms. Nickel confirms, the County is
21	note doing a new Land Capacity Analysis (LCA) as a result of recent Case Law,
22	but it did complete a recent Buildable Lands Report (BLR)
23	6:42 pm
24	 Ms. Nickel continues reviewing Case Law, citing multiple examples related to
25	Capital Facilities, Essential Public Facilities, Consistency, Rural
26	 QUESTION/ANSWER: Mr. Shattuck asks if 1 dwelling per 5 acres (1:5) is still the
27	starting point for rural density; Ms. Nickel notes it should go back to a variety
28	of 1:5, 1:10 and 1:20 based on the Case Law challenge.
29 30 31 32	 QUESTION/ANSWER: Chair Phillips asks, and Ms. Nickel elaborates on the definition of 'bright line' and notes it is a well-known established or 'safe harbor' position; Growth Management Hearings Board (GMHB) said the Supreme Court can't establish a bright line because it is supposed to be
33 34 35	established by local needs and jurisdictions; a bright line is equivalent to a line in the sand and it is clear when it's been crossed; not for nebulous terms like character, more for numbers, etc.
36	 Ms. Nickel continues reviewing Case Law, citing multiple examples related to
37	Property Rights, State Environmental Protection Act (SEPA), Public
38	Participation, and other miscellaneous.

Kitsap County Planning Commission Minutes – April 18, 2023

1 2 3	 QUESTION/ANSWER: Alan Beam asks, and Chair confirms with Clerk, slides and recording will be posted on the Planning Commission page and forwarded to all PC members.
4	7:05 pm
5	G. General Public Comment
6	Chair Phillips opens the floor to speakers wishing to provide testimony.
7 8	 Chair Phillips calls again for speakers; as there are no other speakers; closes the floor to general speakers.
9	H. For the Good of the Order/Commissioner Comments
10 11	 Mr. Murphy asks to look into a presentation on HB 1220; Chair Phillips will bring it up at the agenda meeting with Clerk and staff.
12 13	 Joint PC/BoCC Meeting will take place 4/24/23 at 11:00 am virtual or in person attendance; 2021-22 Annual Report sent to PC.
14	
15	Meeting adjourned by unanimous consent.
16	Time of Adjournment: 7:08 pm
17	Minutes approved this 18th day of
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20	Joe Phillips, Planning Commission Chair
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22	XIVVE COS
23	Amanda Walston, Planning Commission Clerk