

Kitsap County Planning Commission Minutes – October 20, 2020

KITSAP COUNTY PLANNING COMMISSION

Zoom Webinar –

<https://us02web.zoom.us/j/84760600560>

OR Dial In: (253) 215-8782 Webinar ID: 847 6060 0560 Password: 245978

October 20, 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).

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Members present: Mike Eliason (Chair), Joe Phillips (Vice Chair), Alan Beam, Amy Maule, Kim Allen, Richard Shattuck

Members absent: Ed Galliway, Aaron Murphy, Jim Svensson

Staff present: Jeff Rimack, Angie Silva, Dave Ward, Liz Williams, Kirvie Mesebeluu-Yobeck, Amanda Walston (Clerk)

5:30 pm

**A. Introductions**

**B. Virtual Meeting Protocol**

**C. Adoption of Agenda**

- **MOTION:** Richard Shattuck moves to amend agenda to include recognition of Tom Nevins.
- **SECOND:** Joe Phillips
- **VOTE: 6 in Favor; 0 Opposed – Motion Carries**

**D. Adoption of Minutes – 09/29/20**

- Chair Eliason calls for additions or corrections
- Page 3, line 14 'until'; page 3, line 35 'no' new draft; page 4, line 34 focus 'and' support; page 5 line 7, 'public'; page 6, line 13 'chair.'
- **MOTION:** Mr. Phillips moves to adopt the minutes of 9/29/20 as amended.
- **SECOND:** Amy Maule
- **VOTE: 5 in Favor; 1 Abstain; 0 Opposed – Motion Carries**

**E. General Public Comment**

- **Chair Eliason opens the floor** to speakers wishing to provide testimony on subjects or items not listed on tonight's agenda.

**Kitsap County Planning Commission Minutes – October 20, 2020**

- 1 • Hearing none, Chair Eliason closes the Floor

2 **5:38 pm**

3 **F. Briefing: Shoreline Master Program (SMP) Update – Kirvie Mesebeluu-Yobech,**  
4 **Planning & Environmental Programs (PEP) Planner (est. 30 min)**

- 5 • Ms. Mesebeluu-Yobech presents an overview of the SMP and the Periodic  
6 Review for 2020-2021 referencing a visual PowerPoint presentation, noting  
7 team members and project consultant The Watershed Company, purpose,  
8 timeline, and project information.
- 9 • Overarching goal is to prevent inherent harm in an uncoordinated and  
10 piecemeal development of the state’s shoreline; applies to all WA State county  
11 and approximately 250 towns and cities, and shorelines of statewide  
12 significance; addresses the Shoreline Management Act (SMA); periodic review  
13 is required under Revised Code of Washington (RCW) 90.58.080(4).
- 14 • Scope of the SMP Periodic Review does not include a review of ecological  
15 functions or baseline conditions and does not include substantive updates.
- 16 • Project timeline includes scheduled project updates with the Planning  
17 Commission (PC) and a review of the Consistency Analysis prior to release of  
18 formal draft for public review and 30-day comment period, as well as a joint  
19 public hearing with the Department of Ecology (DOE) prior to deliberation and  
20 formal PC recommendation to the Board of County Commissioners (BoCC).
- 21 • Ms. Mesebeluu-Yobech notes the Project website is live and will be the primary  
22 location for information; next steps will bring the Consistency Analysis to the  
23 PC; calls for questions.

24 **5:55 pm**

- 25 • **COMMENT:** Mr. Shattuck notes past engagement with advisory groups was  
26 successful. With COVID-19 safety measures in place, and with advance notice,  
27 issue having this a few months in advance, the local advisory council groups  
28 could advertise and bring people into participation.
- 29 • **QUESTION:** Alan Beam asks if a public participation task group will be created.
- 30 • **ANSWER:** Ms. Mesebeluu-Yobech and Dave Ward, PEP Manager, note  
31 this periodic review is a lighter load; plans include reaching out to past  
32 members but not engaging a full task force.
- 33 • **QUESTION/ANSWER:** Mr. Beam asks, and Mr. Ward confirms, as this is the first  
34 iteration of the SMP, no full update is required; this will be the 8-year review  
35 for consistency with State laws and County code.
- 36 • Mr. Beam is interested, as a shoreline property owner, in evaluation of  
37 the program; believes putting it off indefinitely is short-sighted.

**Kitsap County Planning Commission Minutes – October 20, 2020**

- 1 • Mr. Ward notes effective monitoring is in place for the Natural
- 2 Resources programs including SMP, Critical Area Ordinance and
- 3 Stormwater; while it has been challenging, state agencies are taking
- 4 notice of the monitoring efforts and programs.
  
- 5 • Mr. Beam asks, and Mr. Ward confirms, DCD is working on building a
- 6 webpage focused on effectiveness monitoring, but as an unfunded
- 7 mandate, that effort will be separate from this periodic review.
  
- 8 • **QUESTION/ANSWER:** Kim Allen asks, and Mr. Ward confirms, the RCW
- 9 includes a review for overall updates, with this cycle set primarily for
- 10 consistency review.
  
- 11 • **QUESTION/ANSWER:** Mr. Beam asks, and Ms. Mesebeluu-Yobech confirms,
- 12 the Stream Team is involved with this review.
  
- 13 • **QUESTION/ANSWER:** Chair Eliason asks, and Ms. Mesebeluu-Yobech confirms,
- 14 there is a template with required elements for public participation. Liz
- 15 Williams, PEP Supervisor, notes past code update projects have based
- 16 participation outlines on BoCC recommended scope of work.
  
- 17 • **QUESTION/ANSWER:** Chair Eliason asks if Kitsap’s PC is unique in reporting
- 18 and recommending to DCD, as opposed to directly to the BoCC?
  
- 19 • Angie Silva, DCD Assistant Director, notes the RCW lists two options;
- 20 Kitsap opted to establish a Planning Commission to assist the dept;
- 21 the other option has the PC appointed by the Director.

**6:08 pm**

**G. Briefing: Buildable Lands Program Overview – Liz Williams, PEP Planning Supervisor (est. 30 min)**

- 25 • Ms. Williams presents an overview of the Buildable Lands Program (BLP),
- 26 including background, purpose, and process such as development trends and
- 27 land capacity analysis, participation opportunities for the public and planning
- 28 commission, projected timeline, and other project details.

**6:25 pm**

- 30 • **QUESTION/ANSWER:** Mr. Beam asks, and Ms. Williams confirms,
- 31 considerations related to water supply for building and infrastructure and
- 32 roads were key components of the 2014 statutory update.
  
- 33 • Ms. Silva notes current methodology utilizes a multi-step process starting with
- 34 gross acreage, applying assumption and reduction factors considering Critical
- 35 Areas, Public Facilities, Stormwater systems, market, and other factors.
  
- 36 • Changes were made since the 2017 legislative update, based in part on Kitsap’s
- 37 litigious history where a certain reduction factor was applied in Kingston, and
- 38 challenged to the Growth Management Hearings Board (GMHB) around 2005.

## Kitsap County Planning Commission Minutes – October 20, 2020

1 This set the tone for the 2006 Comprehensive Plan (Comp Plan) Update, when  
2 consolidation of the Silverdale subarea plan and similar process in South Kitsap  
3 saw land capacity analysis legal battles go to the GMHB all the way to the  
4 Court of Appeals and remanded back to Kitsap, requiring removal of reduction  
5 factors and methodology adjusted to a process similar to what we have today.

- 6 • Key is the City and County have to agree on the methodology; based on the  
7 last report, we will have to factor in approach considering Bremerton's growth  
8 for centers has very different look and feel in different jurisdictions; the  
9 process is also running in tandem, handled through the local Kitsap Regional  
10 Coordinating Council (KRCC)
- 11 • Environmental factors must be included in the BLR, such as the Critical Areas  
12 ordinance has been updated, with some cities, such as Poulsbo, taking a flat  
13 reduction, however the County has different geological factors such as hydric  
14 soils, streams, geohazards and buffers to take into account.
- 15 • Work is being done with Ms. Williams and Mr. Ward through the PEP team on  
16 how to best use the highly technical report, and also how best to explain and  
17 understand it on a level for non-technical staff and the public.

18 **6:34 pm**

- 19 • **QUESTION:** Has the BLP affected any legal rulings?
  - 20 • **ANSWER:** Legal advised Ms. Silva that the Department of Commerce  
21 has issued updated BLP guidelines, which are available on the project  
22 website, and a memo on Housing Affordability with reference to BLP,  
23 though what to do is not clearly defined
  - 24 • Legal counsel is reviewing GMHB cases for jurisdictions all over, and  
25 Superior Court cases with potential impact to Kitsap, for a level of risk  
26 analysis and legal advice.
  - 27 • The Growth Management Act (GMA) doesn't really have blueprints  
28 on how you are supposed to do things, it's a lot of look back for  
29 review and determination; the key is to show your work in making  
30 data driven decisions and actions.
  - 31 • The County and Department have a great working relationship with  
32 variety of Cities; even if we do not always agree, we do share  
33 rationale and data and assumptions.

34 **6:38 pm**

### 35 **H. Resolution in Recognition of and Honoring Tom Nevins**

- 36 • Mr. Shattuck thanks Ms. Maule for suggesting this and providing, along with  
37 Commission Gelder, some of Mr. Nevins' many varied projects and  
38 involvement with the County over the years.

## Kitsap County Planning Commission Minutes – October 20, 2020

- 1           • **MOTION:** Mr. Beam moves to adopt the resolution as presented.
- 2           • **SECOND:** Ms. Maule
- 3           • **Mr. Shattuck reads the resolution in its entirety:**
- 4           • The Citizens of Kitsap County and the Kitsap County Planning Commission have  
5 benefited from Tom Nevins’ tireless efforts to responsibly protect Kitsap  
6 County. These efforts included helping to guide the development of the  
7 County through both good economic times and severe challenges as a member  
8 of the Planning Commission for over 18 years. Tom Nevins distinguished  
9 himself as a devoted advocate for his Kitsap neighbors and the Kitsap County  
10 environment that he loved and cherished. In recognition of his service to the  
11 Commission and our Community, the Kitsap County Planning Commission is  
12 proud to unanimously adopt the following resolution:
- 13           • WHEREAS, Tom Nevins served as a Kitsap County Planning Commissioner  
14 between 2001 and 2019 as a key advocate for the Kitsap County Community;
- 15           • AND WHEREAS, Tom Nevins worked tirelessly in promoting the interests of the  
16 Kitsap Community, including determined efforts to regulate use of Kitsap’s  
17 County water resources as a Community asset by service on the Kitsap County  
18 Surface and Stormwater Management Advisory Committee and Shoreline  
19 Master Program Update Task Force;
- 20           • AND WHEREAS, Tom Nevins’ service to the Kitsap County Community extended  
21 to decades of active participation in non-profit organizations such as the  
22 Stillwaters Environmental Center in Kingston;
- 23           • AND WHEREAS, it is fitting and proper for this distinguished service to be  
24 recognized by the Kitsap County Planning Commission and the Kitsap County  
25 Community;
- 26           • NOW, THEREFORE, BE IT RESOLVED, that the Kitsap County Planning  
27 Commission hereby recognizes and commends Tom Nevins for his devotion  
28 and work on behalf of Kitsap County and its citizens. It hereby adopts this  
29 Resolution in celebration and honor of his life.
- 30           • Ms. Maule thanks Mr. Shattuck for writing the resolution.

31                   • **VOTE: Unanimous in Favor; 0 Opposed – Motion carries**

32                                   **6:45 pm**

### 33 I. For the Good of the Order/Commissioner Comments

- 34           • Chair Eliason calls for Comments
- 35           • Mr. Beam notes the PC has recently received a number of letters to the PC,  
36 which fall into 3 categories: current topics, which are generally noted in  
37 discussion and minutes; general interest, which should be acknowledged; and

## Kitsap County Planning Commission Minutes – October 20, 2020

1 public participation, which should be answered. Asks what the role and  
2 responsibility of the PC is for each.

- 3 • Chair Eliason, notes, as Chair, not every email has been replied to, but  
4 when correspondence is acknowledged as received, he is careful not  
5 to express opinion. The PC often suggests putting thought and  
6 comments into writing; if correspondence in general nature, a  
7 response could be given, but being careful not to set a precedent; staff  
8 also acknowledges letters and comments related to subjects before  
9 the PC.
- 10 • Mr. Phillips notes a recent letter, dated 10/11/20 was addresses to the  
11 BoCC, referencing the PC; believes while PC should consider what the  
12 letter said, it would be inappropriate to respond to a letter when  
13 addressed to the BoCC.
- 14 • Chair Eliason notes some correspondence from Kitsap Alliance of  
15 Property Owners (KAPO) through Bill Palmer regarding different  
16 topics, one being Public Participation, we have been proactive in  
17 creating workgroup; could send a response noting this action.
- 18 • Mr. Beam suggests response by thanking Mr. Palmer and sending the  
19 letter to the workgroup.
- 20 • Ms. Allen has concerns of sending it to the workgroup for action; they  
21 are not supposed to act and are structured to be less than a quorum  
22 to ensure it cannot act. Would be more comfortable acknowledging  
23 receipt and thanking them for their comments, but not addressing  
24 specific feedback; doesn't see value in addressing or responding to  
25 some of the inflammatory remarks submitted; doesn't think we could  
26 speak or respond with the same voice; in all the years serving on  
27 various PCs, have never entertained making replies to substantive  
28 comments.
- 29 • Mr. Shattuck agrees with Ms. Allen, noting the workgroup was  
30 purposely designed not to act, but to provide helpful feedback to staff  
31 and the PC; in no way should the workgroup be providing answers or  
32 serve as a voice of the PC; also agree that an acknowledgement the  
33 comment was received and will be passed to PC for consideration, not  
34 addressing substance.
- 35 • Mr. Beam suggests passing the letter to the workgroup for  
36 consideration but not action, believes this is input related to the  
37 workgroup's topic.
- 38 • Chair Eliason also agrees to acknowledgment not addressing  
39 substance and that no other PC does this.

**Kitsap County Planning Commission Minutes – October 20, 2020**

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- Ms. Maule also agrees, noting for letters regarding specific topics being considered by the PC, we acknowledge them and enter to the record; the same could be done for items not specific to the agenda.
- Chair Eliason notes for specific projects with public comment and hearing, staff handles those comments and includes them.
- Mr. Shattuck notes he will not seek reappointment to another term, has personal plans, thanks the PC for the time and appreciates the work done.
- Chair Eliason notes Jim Svensson also is not seeking reappointment.
- Chair Eliason asks if any other PC members do not plan to attend the joint BoCC/PC meeting; Kim Allen will be unable to attend.

**7:09 pm**

- **MOTION:** Mr. Shattuck moves to adjourn.
- **SECOND:** Mr. Phillips
- **VOTE:** 6 in Favor; 0 Opposed – Motion carries

**Time of Adjournment: 7:11 pm**

**Minutes approved this 17th day of November 2020.**



**Mike Eliason, Planning Commission Chair**



**Amanda Walston, Planning Commission Clerk**