		Kitsap County Planning Commission Minutes – November 9, 2021
1		KITSAP COUNTY PLANNING COMMISSION
2		Zoom Webinar
3		https://us02web.zoom.us/j/84676970241
4	Di	ial In: (253) 215-8782 Webinar ID: 846 7697 0241 Passcode: 589580
5		November 9, 2021 @ 5:30 pm
6 7 8 9 10	motio meeti Count	e minutes are intended to provide a summary of meeting decisions and, except for ons made, should not be relied upon for specific statements from individuals at the ng. If the reader would like to hear specific discussion, they should visit Kitsap ty's Website at <u>http://www.kitsapgov.com/dcd/pc/default.htm</u> and listen to the file (to assist in locating information, time-stamps are provided below).
11		
12 13	-	ing Commission (PC) Members present: Joe Phillips (Chair), Amy Maule (Vice Chair), Alan , Danielle Douthett, Kari Kaltenborn-Corey, Mike Eliason, Steven Boe, Aaron Murphy
14	<u>Plann</u>	ing Commission (PC) Members absent: Stacey Smith
15 16		<u>tment of Community Development (DCD) Staff present</u> : Darren Gurnee, Angie Silva, Liz ms, Melissa Shumake, Amanda Walston (Clerk)
17		5:31 pm
18	А.	Introductions
19	В.	Virtual Meeting Protocol
20	С.	Adoption of Agenda
21 22 23		<ul> <li>Chair Phillips notes this is a Special Meeting, and Deliberations for the Zoning Use Table item was continued from the previous Planning Commission (PC) meeting on 10/26/2021.</li> </ul>
24		• <b>MOTION:</b> Mike Eliason moves to adopt the agenda as presented.
25		• SECOND: Alan Beam
26		• VOTE: Unanimous in Favor – Motion Carries
27		5:35 pm
28	D.	DELIBERATIONS: Zoning Use Table Update – Melissa Shumake, Department of
29 30		Community Development (DCD) Planning & Environmental Programs (PEP) Planner (approx. 60 min)
31 32		• Chair Phillips notes the PC will resume working through Deliberations on Part 2 of the Comment Response Matrix.
33 34		<ul> <li>Ms. Shumake notes the remaining Comments, Reference # 8, 10 and 13, all relate to Limited Areas of More Intensive Rural Development (LAMIRDs); Staff</li> </ul>

1	proposed recommended revisions are based on state laws and basically revised
2	LAMIRD zones and pre-existing uses; asks PC's preference for review.
3	<ul> <li>Ms. Shumake asks, and Chair Phillips confirms, the PC will focus review of the</li></ul>
4	LAMIRD Residential Use Section first.
5	<ul> <li>QUESTION/ANSWER: Kari Kaltenborn-Corey asks, and Staff confirms, duplex</li></ul>
6	will remain permitted in residential areas, but not Multi-Family.
7	<ul> <li>QUESTION/ANSWER: Mr. Eliason asks, and Ms. Shumake confirms, changes</li></ul>
8	are identical in all LAMIRDs, including Keyport.
9	<ul> <li>Aaron Murphy notes it seems like opportunities to create housing</li></ul>
10	density would be encouraged in LAMIRDS; higher level concern that if
11	this was written in 2002, Kitsap has grown, should alternate use be
12	considered.
13	<ul> <li>Angie Silva, DCD Assistant Director, notes Case Law has verified</li></ul>
14	purpose, intent and definition lies with certain LAMIRD types; Kitsap
15	County was challenged on Type 1 with George's Corner; the Growth
16	Management Hearings Board (GMHB) went back to review line by line
17	whether a use was allowed vs. permissibility; Kitsap also supported
18	and provided input on two LAMIRD bills supporting flexibility on
19	GMHB challenges as well as types and categories o affordable
20	housing, but they did not make it through legislature.
21	<ul> <li>MOTION: Kari Kaltenborn-Corey moves to accept changes to the LAMIRD</li></ul>
22	RESIDENTIAL USES SECTION as proposed by staff.
23	• SECOND: Aaron Murphy
24	VOTE: UNANIMOUS IN FAVOR – MOTION CARRIES
25	Ms. Shumake begins review of the LAMIRD COMMERCIAL USE TABLE
26	<ul> <li>QUESTION: Ms. Kaltenborn-Corey asks, in HOTEL &amp; HOSPITALITY CATEGORY,</li></ul>
27	why Resort is going back to Prohibited while Hotel/Motel moved from
28	Conditional Use Permit (CUP) to Administrative CUP (ACUP).
29	<ul> <li>ANSWER: Ms. Shumake notes Hotel/Motel was already a use; while</li></ul>
30	Resort was a change in intensity.
31	<ul> <li>MOTION: Amy Maule moves to approve changes as proposed by staff in the</li></ul>
32	HOTEL & HOSPITALITY CATEGORY.
33	SECOND: Kari Kaltenborn-Corey
34	<ul> <li>DISCUSSION: Mr. Murphy has concerns about limiting applicant/developer</li></ul>
35	decisions in a LAMIRD when there are multiple other opportunities for review,
36	approval, and denial throughout the process; seems like LAMIRDS should
37	encourage, not take away options.

1 VOTE: 6 In Favor; 2 Opposed – Motion Carries 2 Ms. Shumake begins review of RETAIL SECTION proposed changes. • 3 **QUESTION/ANSWER:** Chair Phillips asks, and Darren Gurnee, DCD PEP Planner, • confirms, the definition of Fuel/Charging Station WITH a convenience store 4 5 would allow a car wash 6 MOTION: Kari Kaltenborn-Corey moves to approve changes to the RETAIL • 7 section of the Commercial LAMIRD Use Table as proposed by staff. • SECOND: Amy Maule 8 • **QUESTION:** Mr. Murphy asks when the 2<sup>nd</sup> set of revisions and changes based 9 on public comment were made, and why those led to edits of changes made 10 based on 1<sup>st</sup> set of comments. 11 ANSWER: Mr. Gurnee notes Outreach Workshops led to the proposed 12 changes; but additional comments specific to LAMIRDs came out 13 14 following those workshops and during public comment. • Ms. Shumake notes feedback came from multiple sources, not only 15 16 from stakeholders in specific areas. • Mr. Murphy guestions whether a broad cross-section came up with 17 18 ideas and led to staff proposed changes; followed by a small group's 19 comments and attorneys to scare those changes off. 20 Ms. Kaltenborn-Corey KKC notes the initial Outreach events 21 happened guite some time ago and opinion may have changed over 22 time or as the public learned more about the project; doesn't view 23 the second revisions as being scared off; believes if this is their feedback, we should consider it; notes level of growth is intensifying. 24 VOTE: 6 in Favor; 2 opposed – Motion carries 25 26 6:12 pm Ms. Shumake reviews OFFICES & SERVICES CATEGORIES. 27 • **MOTION:** Amy Maule moves to approve the changes to OFFICES & SERVICES 28 • 29 CATEGORIES as proposed by staff. SECOND: Kari Kaltenborn-Corey 30 31 **QUESTION:** Mr. Eliason notes familiarity with LAMIRDS, and Keyport, • Manchester, and Suguamish all have Automotive, Residential Commercial 32 Mixed Use Home Businesses, asks if they would be prohibited with changes. 33 34 • ANSWER: Ms. Shumake confirms the changes would only apply to 35 standalone businesses.

1 2 3	• <b>QUESTION/ANSWER:</b> Mr. Murphy, asks, and Staff confirms, voting in opposition would remove the 2 <sup>nd</sup> set of draft revisions, and revert to the 1 <sup>st</sup> Draft Ordinance changes.
4	• VOTE: 5 in favor; 3 opposed – Motion carries
5	6:18 pm
6	Ms. Shumake begins reviewing OTHER COMMERCIAL USES.
7 8	• <b>QUESTION:</b> Mr. Murphy asks about internal discussion on language and definition for Shared Work and Maker Space, which was removed in this draft.
9 10 11 12 13	<ul> <li>ANSWER: Ms. Shumake notes the definitions were accurate, but the general decision was that Shared Work and Maker Space are too different, may need to be separated out; maker space is a much more intense use depending on what kind of activity, could be simple painting, could be glass blowing, metal work, etc.</li> </ul>
14 15	<ul> <li>Liz Williams, DCD PEP Interim Manager, reviews definition on screen, noting staff felt it was too broad to be included at this time.</li> </ul>
16 17 18 19 20 21	<ul> <li>Ms. Maule believes that both could be a huge benefit to a small community; they do come in a wide variety of scales, some very small; believes this would be a good opportunity for a CUP or ACUP to help temper the scale, and still provide this great opportunity; also believes botanical garden is also a great local resource; doesn't see the need to prohibit in these areas; Mr. Murphy agrees.</li> </ul>
22 23	<ul> <li>MOTION: Amy Maule moves to strike proposed changes to Shared Work/Maker Space, Arboreta, Botanical Garden, and Club.</li> </ul>
24	• SECOND: Kari Kaltenborn-Corey
25 26 27	<ul> <li>MOTION TO AMEND: Kari Kaltenborn-Corey moves to amend the motion by replacing it with 'strike the changes to Arboreta, Botanical Garden and Club, and change Shared Work/Maker Space to ACUP.'</li> </ul>
28	SECOND: Mike Eliason
29	• VOTE: (on amendment) 7 in favor 1 opposed – Motion Carries
30 31	<ul> <li>VOTE: (on amended Main Motion) 7 in favor 1 opposed – Motion Carries</li> </ul>
32	Ms. Shumake review INSTITUTIONAL section.
33 34	• <b>MOTION:</b> Mike Eliason motions to approve changes to INSTITUTIONAL section as proposed by staff.
35	• SECOND: Amy Maule
36	• <b>DISCUSSION:</b> Whether changes meet recommendation of the Port of Kingston.

1 2	<ul> <li>Ms. Williams notes these will not be applicable to the Port of Kingston, only to LAMIRDS, and the Port is in other zones.</li> </ul>
3 4 5	<ul> <li>Ms. Murphy asks for definition of Transportation Terminals Marine &amp; Non- Marine; Ms. Williams displays on screen; Ms. Maule asks, and Ms. Williams confirms, Non-Marine could include a bus depot, for example.</li> </ul>
6 7 8	<ul> <li>Mr. Eliason asks about input from Ports of Keyport or Manchester; Ms. Shumake notes Mt. Gurnee attended the All-Ports meeting in initial draft outreach, but neither submitted formal comment.</li> </ul>
9 10 11	<ul> <li>Mr. Beam notes a vote in favor would prohibit terminals in all cases, eliminating a Port in any of the LAMIRDs; Ms. Shumake clarifies it would leave the ACUP in the two Rural Employment Center LAMIRDs.</li> </ul>
12 13 14	<ul> <li>Mr. Murphy notes it could create an unfair advantage for Port of Kingston; areas south like Brownsville, etc. may want to try for this; ACUP is a hard process where beneficial projects could get stuck and never built.</li> </ul>
15 16	<ul> <li>Ms. Maule believes from a public transit perspective these opportunities could be beneficial.</li> </ul>
17	• Mr. Beam notes if they have a Port, they have a Commission.
18	<ul> <li>VOTE: 0 in favor; 8 opposed – Motion fails</li> </ul>
19	6:42 pm
20	Ms. Shumake reviews INDUSTRIAL section.
21 22	<ul> <li>MOTION: Aaron Murphy moves to adopt changes to the INDUSTRIAL SECTION as proposed by staff.</li> </ul>
23	SECOND: Amy Maule
24 25 26	• <b>DISCUSSION:</b> Clarification that Storage Indoor is to prohibit the primary use of storage, if a business has an accessory storage, that would be allowed; Staff confirms there is no size breakdown.
27 28	<ul> <li>Mr. Murphy asks, and Staff confirms, Indoor/Outdoor storage facilities are prohibited in neighborhoods, so any in place are grandfathered.</li> </ul>
29	<ul> <li>VOTE: 0 in Favor; 7 Opposed; 1 abstain – Motion fails</li> </ul>
30 31	<ul> <li>Ms. Shumake reviews RESOURCE, ACCESSORY USE; noting Accessory Use or Structure is changed to clarify that all will be going to Permitted.</li> </ul>
32	• <b>QUESTION:</b> Mr. Murphy asks why Aquaculture is proposed to be different.
33	• <b>ANSWER:</b> Ms. Silva notes in addition to zoning regs, the Shoreline
34	Master Program Update also regulates Aquacultural uses within shoreline jurisdiction; so, depending on the specific designation it
35	
35 36	prohibits or allows certain uses; this brings the two together.

1	<ul> <li>Chair Philips asks if the State Department of Fish and Wildlife (DFW)</li></ul>
2	provides any input on these permits.
3	<ul> <li>Ms. Silva notes possible for tidelands or land owned by</li></ul>
4	Department of Natural Resources (DNR); for Suquamish there
5	may be treaty rights for Geoduck harvest, etc.
6	<ul> <li>Mr. Murphy asks, and Ms. Silva confirms, it is prohibited in</li></ul>
7	Suquamish, any commercial activity would be taking place
8	offshore, where it is governed by tribal law.
9	<ul> <li>MOTION: Aaron Murphy moves to adopt changes for RESOURCE, ACCESSORY</li></ul>
10	USE, as proposed by staff.
11	SECOND: Amy Maule
12	<ul> <li>QUESTION: Mr. Beam asks if the draft ordinance would make Forestry no</li></ul>
13	longer permitted in the LAMIRD
14	<ul> <li>ANSWER: Ms. Silva notes Forest Practice laws are in place and other</li></ul>
15	governing chapters in Kitsap County Coe (KCC) pertain to and apply to
16	forestry activities, as well as DNR.
17	VOTE: Unanimous in Favor – Motion Carries
18	6:57 pm
19	<ul> <li>Ms. Shumake notes, as changes were proposed in the LAMIRD use section, it</li></ul>
20	also created changes to the ALLOWED USE STANDARDS SECTION; reviews
21	these changes.
22	<ul> <li>MOTION: Amy Maule moves to approve changes to the ALLOWED USE</li></ul>
23	STANDARDS SECTION 17.415, as proposed by staff.
24	SECOND: Kari Kaltenborn-Corey
25	• VOTE: Unanimous in Favor – Motion Carries
26	End of Proposed Changes; Staff calls for questions.
27	• <b>QUESTION:</b> Mr. Eliason asks why the Garage Sale change was removed.
28	• <b>ANSWER:</b> Mr. Gurnee notes initial stakeholders brought concerns
29	about situations where garage sales happened at the same site every
30	weekend or every day of the week, prompting suggestion to regulate
31	the use but not require a permit; After ongoing internal discussion,
32	clarifications, we have existing Code Compliance regulations in place
33	to handle that, so there was no longer a need to create a use for it.
34	<ul> <li>QUESTION: Mr. Eliason asks for confirmation that no proposed staff changes</li></ul>
35	would restrict any manufactured, modular, or tiny homes.

1	<ul> <li>ANSWER: Staff confirms the only restriction is in the Park Zone within</li></ul>
2	a LAMIRD; noting the State requires that any standalone
3	manufactured home is treated the same as a stick-built home.
4	<ul> <li>QUESTION: Ms. Kaltenborn-Corey notes some setbacks in rural industrial zones</li></ul>
5	seem to be contradictory, such as Section 174 – 17.330.030 SPECIAL
6	PROVISIONS, notes the side & back are 20 & 25 feet; Compared to Existing
7	Footnote (12) in 17.410
8	<ul> <li>ANSWER: Displaying the section on screen, staff notes, the more</li></ul>
9	restrictive would apply; for the rural and rural industrial zones where
10	we see a use abutting resource lands, they would have to maintain
11	50-foot setbacks, but in other locations these would apply to other
12	sections; also clarifies where Footnote 12 was relocated to – moved
13	to 17.415 Allowed Use Standards.
14	• <b>DISCUSSION:</b> Ms. Kaltenborn-Corey asks for PC opinion on 17.45.520 Storage
15	Indoor & Outdoor in residential zone, facilities being built are only to be used
16	by people within the neighborhood/development; noting her own background
17	in self-storage industry and has seen it work well in a multi-family format, but
18	if it was in a SFR format, it could restrict what well run facilities could do; could
19	see a suggestion of either striking out all the requirements, or suggests making
20	them applicable only in Multi-Family zones being beneficial.
21	<ul> <li>Ms. Maule asks, and Staff confirms, this would allow storage for a</li></ul>
22	neighborhood or development, but not as a standalone facility as a primary
23	use; it would be required to be associated with a residential development.
24	<ul> <li>Ms. Kaltenborn-Corey asks if it could be owned by a 3<sup>rd</sup> party or if requirement</li></ul>
25	to own/operate would lie with the development or Homeowners' Association,
26	etc.
27	<ul> <li>Ms. Williams notes that level of detail would be determined during the land</li></ul>
28	use review process, but not specified in code.
29	<ul> <li>Ms. Kaltenborn-Corey notes concern is that if a facility is a 3<sup>rd</sup> party business,</li></ul>
30	limiting the people who can be served could prevent a well-run facility that
31	looks good, is appropriate and beneficial
32	<ul> <li>Ms. Silva notes this would be an allowed option, not a requirement.</li> </ul>
33	7:27pm
34	DISCUSSION ON MAIN MOTION to APPROVE AS AMENDED
35	<ul> <li>Mr. Eliason note there have been some votes for and some against different</li></ul>
36	changes, but all Planning Commissioners have been involved.
37	<ul> <li>Chair Phillips likens the process to a sausage making exercise; all the pieces</li></ul>
38	have now been ground into the end product.

	Kitsap County Planning Commission Minutes – November 9, 2021
1 2 3 4	<ul> <li>Mr. Murphy notes the combined effort stretched over many meetings and many years; believes there has been a good process and effort put forward to work through it all; gives credit to staff; would not throw out all the work that has gone into this because he didn't win a vote somewhere along the way.</li> </ul>
5	<ul> <li>Mr. Beam believes the complexity and size of this process is much too large.</li> </ul>
6 7 8	<ul> <li>Ms. Silva notes the Board of County Commissioners (BoCC) is working on that; the GMA requires certain intervals; they have been breaking out different code and sections that have been split to fit into those intervals</li> </ul>
9 10	<ul> <li>VOTE ON THE MAIN MOTION TO APPROVE THE CHANGES PROPOSED BY STAFF AS AMENDED: 7 in favor; 1 opposed – Motion Carries</li> </ul>
11 12	<ul> <li>Chair Phillips notes there is still an opportunity to participate and speak during the public hearing process before the BoCC.</li> </ul>
13	7:34 pm
14	E. For the Good of the Order/Commissioner Comments
15	<ul> <li>Appreciation is expressed by and for Staff and the PC, present and past.</li> </ul>
16 17	<ul> <li>Ms. Silva will be leaving Kitsap County at the beginning of December; Mr. Eliason will be leaving the PC after this term; appreciation is expressed.</li> </ul>
18	MOTION: Mike Eliason moves to adjourn the meeting.
19	SECOND: Steven Boe
20	VOTE: Unanimous in Favor – Motion Carries
21	
22	Time of Adjournment: 7:46 pm
23	Minutes approved this <u>21st</u> day of <u>December</u> 2021.
24	
25	for teins
26	Joe Phillips, Planning Commission Chair
27	Amongales
28 29	Amanda Walston, Planning Commission Clerk
25	Amanua Waiston, Flamming Commission Clerk

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