

Kitsap County Planning Commission Minutes – February 2, 2021

KITSAP COUNTY PLANNING COMMISSION

Zoom Webinar

<https://us02web.zoom.us/j/84541190788>

OR Dial In: (253) 215-8782 Webinar ID: 845 4119 0788 Password: 896660

February 2, 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).

Members present: Joe Phillips (Chair), Amy Maule (Vice Chair), Aaron Murphy, Alan Beam, Kari Kaltenborn-Corey, Mike Eliason, Stacey Smith

Members not present: Kim Allen

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

5:30 pm

A. Introductions

B. Virtual Meeting Protocol

C. Adoption of Agenda

- **MOTION:** Stacey Smith moves to adopt the agenda as presented.
- **SECOND:** Aaron Murphy
- **VOTE: 7 in Favor; 0 Opposed – Motion Carries**

D. Adoption of Minutes

- **Minutes of 1/19/21**
- **MOTION:** Mike Eliason moves to adopt the minutes as presented.
- **SECOND:** Kari Kaltenborn-Corey
- **VOTE: 7 in Favor; 0 Opposed; 0 Abstained – Motion Carries**

E. General Public Comment

- **Chair Phillips opens the floor** to speakers wishing to provide testimony.
- **SPEAKER: Bill Palmer, South Kitsap resident, President of Kitsap Alliance**
- Has concerns on staff comments regarding the citizen participation plan; with Buildable Lands Program and Shoreline Master Program coming up, there

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1 appears that anyone can submit comments, but unsure if they will have any
2 input on results of the final report; hasn't seen any citizen comments have any
3 impact in the past few months on the PC or the Board of County
4 Commissioners (BoCC) in actions.

- 5 • Staff and the consultants have made several assumptions about the Buildable
6 Lands Report (BLR) about underdeveloped property and circumstances for
7 redevelopment; has not submitted any comments yet, and believes they often
8 are either ignored or just put into the matrix and believes it also happens to
9 other citizens submitting input.

10 **5:37 pm**

- 11 • **SPEAKER: Dick Brown, Kitsap Resident, Owner of Kitsap Commercial Group**
12 • Longtime resident, developer, business owner; believes there is no public
13 participation plan and feels staff and BoCC are trying to silence the PV; he has
14 always seen the PC as the voice of the people and comments used to be given
15 directly to the PC, not washed or filtered by staff to view how they want it.
16 • Right now there is no housing, not low income, just regular housing; the
17 coming BLR will show this and believes Kitsap County is headed for disaster,
18 where for the first time a worker in navy yard won't be able to afford to buy a
19 house in Kitsap anymore; and a citizen in Manchester can't afford to buy a
20 house because Seattle buyers will come over and offer more than two times
21 the price.
22 • **Hearing no other speakers, Chair Phillips closes the floor.**

23 **5:40 pm**

24 **F. Status Update: Buildable Lands Program Update – Liz Williams, DCD Planning**
25 **Supervisor (est. 5 min)**

- 26 • Ms. Williams presents a project overview to date, referencing the visual
27 presentation, noting the two main deliverables are the Development Trend
28 Review and Land Supply Analysis; highlighting estimated release dates for
29 reports, two comment periods and upcoming opportunities for outreach,
30 meetings and next steps.
31 • **QUESTION:** Mr. Eliason asks if all jurisdictions have agreed on methodology.
32 • **ANSWER:** Ms. Williams notes no major issues have been raised
33 regarding the framework, etc. but no firm commitment on agreement
34 for methodology; intent to address this in upcoming meetings.

35 **5:47 pm**

36 **G. Work Study Session: Shoreline Master Program (SMP) Update – Kirvie Mesebeluu-**
37 **Yobech, DCD Planning & Environmental Programs (PEP) Planner (est. 1 hr)**

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- Ms. Mesebeluu-Yobech presents an overview of the project to date, referencing the Executive Summary and visual presentation, reviewing timeline and phases, noting she will walk through proposed code revisions and updates for the periodic review, which is on target with tasks and timeframe; highlighting upcoming public engagement opportunities including the upcoming Open House and continued monthly project updates.
 - Ms. Mesebeluu-Yobech notes the materials she will review tonight were shared with the PC and posted to the project website last week, including proposed draft amendments, the Scoping Matrix and Amendment Guide, updated to include specific sections of code where revisions apply, and including a Department recommendation column with details on each proposed change.
 - Ms. Mesebeluu-Yobech walks through each Proposed Action, beginning with those designated mandatory as directed by the Department of Ecology (DOE.)
 - **QUESTION:** Mr. Murphy asks if mandatory means exact replacement wording and valuations are dictated or required by law with no room for input or changes or whether to include it at all.
 - **ANSWER:** Mr. Ward confirms that dollar values are per state law; language itself can vary slightly by jurisdiction, to conform with the way code is written, but must be included and consistent with the DOE guidelines.

22 **5:59 pm**

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- Ms. Mesebeluu-Yobech continues review, noting DOE requires a reference to the most recent updated Critical Areas Ordinance (CAO); for Kitsap it was 2017, but in 2018 DOE released new guidance on wetland function ratings; Kitsap County opened up the CAO to update two tables, to update with the most recent DOE Guidance, and to reference to the most recently update CAO.
 - Ms. Mesebeluu-Yobech notes Appendix F shows the proposed update listing all Lakes and Stream under Shoreline Waterbodies; Mr. Ward notes there are no changes, only an update as required by DOE to include the existing table or list as written into the code.
 - Ms. Mesebeluu-Yobech reviews additional proposed changes including the definition of floodway, language regarding trams and platform viewing decks.
 - **QUESTION:** Mr. Beam asks how the square footage was decided.
 - **ANSWER:** Kathlene Barnhart, DCD Environmental Planner, who led the most recent CAO update for Kitsap County, notes the 100 square foot measure determination is consistent with the CAO; dimensions provided for platforms and decks were meant to achieve consistency between the CAO and SMP.

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- 1 • Angie Silva, DCD Assistant Director, notes state law does not have a
2 specific number, but has to do with achieving no-net-loss and
3 consistency with Title 19, among other factors.
- 4 • Dan Nickel, Watershed Company Consultant, notes DOE looks for
5 jurisdictions to achieve no net loss with ecological functions; if a
6 number different that the 100 ft already specified in the CAO was
7 provided in the SMP, DOE may request a valuation of the impact
8 beyond the 100 feet.
- 9 • Mr. Ward notes there are several changes Ms. Mesebeluu-Yobech is
10 reviewing at high level to address consistency issues and align these
11 updates with other parts of code, such as building code or the CAO. If
12 the SMP allows for decks larger than those allowed in the CAO, it
13 would have to be addressed.
- 14 • Mr. Eliason asks, and Mr. Ward confirms, some examples of very large
15 decks, called stair landings are well in excess of 100 square feet.
- 16 • Ms. Mesebeluu-Yobech notes the 100 square foot size for decks and
17 platforms has always been there, clarification here is when there are
18 beach stairs, the limit applies to the size of those landings.
- 19 • Mr. Beam asks, and Ms. Mesebeluu-Yobech confirms, an application
20 process exists for someone wishing to build a 150 square foot deck.

6:20 pm

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- 22 • Ms. Mesebeluu-Yobech continues review of proposed actions, including
23 Department recommendations, including changing Shoreline Substantial
24 Development Permits (SSDP) from a Type III review to a Type II and changing
25 the Shoreline Variance (SVAR) for less than 25% of any portion of reduced
26 buffer to a Type II review.
- 27 • **QUESTION:** Mr. Eliason asks how changing to Type II affects appeal processes.
- 28 • Ms. Silva, Mr. Ward and Mr. Nickel confirm Type II decisions by the
29 Department can be appealed to the Hearing Examiner.

6:31 pm

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- 31 • Ms. Mesebeluu-Yobech reviewing proposed Department recommendations,
32 including a change to exempt primary Single Family Residences (SFRs) from
33 SSDPs for subdivisions, unless every new lot is created entirely outside the
34 shoreline jurisdiction; Mr. Ward notes comments or suggestions on the
35 wording for this change are welcome.

6:41 pm

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- 37 • **QUESTION/ANSWER:** Mr. Eliason notes some comments reference County,
38 Staff, or County Staff recommendations, asks if they all come from DCD; Ms.

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1 Silva confirms, noting that other County Reviewers, such as the legal
2 department, also contribute.

- 3 • **QUESTION:** Mr. Beam asks, under View Blockage, how far can a fence be built
4 down the shoreline.

- 5 • **ANSWER:** Ms. Barnhart notes this depends on many factors, including
6 where neighbors are located, their view line, whether you are within
7 the buffer.

- 8 • Mr. Beam repeats his question.

- 9 • Ms. Barnhart notes, again, for view blockage, determining factors will
10 depend on where you are, location of buffers, neighbors, and view
11 lines, among others.

- 12 • Mr. Beam asks again how far down the shoreline a fence can be built.

- 13 • Ms. Silva and Mr. Ward note there is no definite number.

- 14 • Amy Maule suggest this discussion is not productive, as specific
15 factors are not known.

- 16 • Jeff Rimack, DCD Director, notes a good summary is that if the fence
17 is in the buffer, it will require permitting review.

- 18 • **QUESTION:** Ms. Kaltenborn-Corey asks if there is a defined process for
19 developers to measure correctly?

- 20 • **ANSWER:** Mr. Rimack notes a view line inspection occurs, with listed
21 requirements for view line setback, that takes place with the
22 foundation inspection.

- 23 • Chair Phillips thanks Ms. Mesebeluu-Yobech; who invites the PC to send her
24 any questions or items they would like more information on.

25 **6:46 pm**

26 **H. For the Good of the Order/Commissioner Comments**

- 27 • Ms. Beam asks if there is an estimate on when the briefing on setting up a
28 monitoring system for no-net loss may be.

- 29 • Mr. Ward will coordinate the briefing and will contact Mr. Beam.

- 30 • Mr. Beam would like to discuss an email he sent on public participation as a
31 future agenda item; Chair Phillips agrees it would be a good discussion, will
32 establish with staff the best time to bring it forward.

- 33 • Ms. Smith thanks staff for a succinct review of very large documents and
34 providing a good overview, allowing questions and moving through in a timely
35 manner; Mr. Phillips concurs; Mr. Ward thanks Ms. Mesebeluu-Yobech and Mr.
36 Nickels for their work throughout this process.

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- 1 • Mr. Murphy commends DCD for their work during all the industry changes
2 related to the Building and Energy code update; asks if there is an update on
3 workflow and staffing as they deal with the deadline to get projects submitted;
4 also any comment on other jurisdictions that have mentioned the possibility of
5 extensions or waivers.
 - 6 • Mr. Rimack notes end of day Friday there were 176 applications
7 submitted, by Monday morning it was 264; still calculating expected
8 processing and review time; the new energy code changes add a
9 significant amount to the cost of building, which also spurred the
10 massive influx, with many from developers.
 - 11 • DCD typically reviews 1st come 1st serve, but we are now making calls
12 to determine need; if a developer submits 15 plans for a basic permit,
13 do they really need them all reviewed now or can it be broken into
14 pieces, 5 now and 5 later; we also want to ensure we are helping
15 individuals applying for once or twice in a lifetime homes; focusing
16 prioritization of staff review time; basically we are carefully
17 evaluating, trying to find the best path.
 - 18 • Other jurisdictions, such as Jefferson, who are submitting requests or
19 waivers; DCD has talked about it but no plans decided right now.
 - 20 • Mr. Murphy thanks DCD for their hard work, experienced firsthand
21 staff's responsiveness; agrees the energy code is driving the rush.
- 22 • Mr. Eliason addresses earlier speaker's concern that public comment ends up
23 compiled in a matrix, noting the comments are not ignored, each one is
24 reviewed and considered along with the materials. Mr. Murphy concurs, noting
25 the PC often has a large amount of material to read, but considers everything.
- 26 • **MOTION: Aaron Murphy moves to adjourn the meeting.**
- 27 • **SECOND: Amy Maule**
 - 28 • **VOTE: 7 in Favor; 0 Opposed – Motion Carries**

29 **Time of Adjournment: 6:59 pm**

30 **Minutes approved this** 18 **day of** March **2021.**

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33 **Joe Phillips, Planning Commission Chair**

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35 
36 **Amanda Walston, Planning Commission Clerk**