

KITSAP COUNTY PLANNING COMMISSION

Zoom Webinar

Dial In: 253-215-8782 Webinar ID: EDIT Passcode: EDIT

July 18, 2023 @ 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, timestamps are provided below).

Planning Commission (PC) Members present: Joe Phillips (Chair), Richard Shattuck, Jonathan Tudan, Kari Kaltenborn-Corey, Stacey Smith, Joey Soller, Steven Boe, Alan Beam

Planning Commission Members absent: Aaron Murphy

Department of Community Development (DCD) Staff present: Carla Lundgren, Colin Poff, Scott Diener, Caitlin Schlatter, Marissa Ludwig, Amanda Walston (Clerk)

5:30 pm

A. Introductions

B. Virtual Meeting Protocol

C. Adoption of Agenda

- **MOTION:** Stacey Smith moves to approve agenda as presented by staff
- **SECOND**
- **VOTE: Unanimous in Favor – Motion Carries**

D. Adoption of Minutes

- **MOTION:** Jonathan Tudan moves to recommend approval of the minutes of **04/04/2023**
- **SECOND**
- **VOTE: Unanimous in Favor – Motion Carries**
- **MOTION:** Jonathan Tudan moves to recommend approval of the minutes of **04/18/2023**
- **SECOND**
- **VOTE: Unanimous in Favor – Motion Carries**

- 1 • **MOTION: Jonathan moves to recommend approval of the minutes of**
2 **06/06/2023 as amended**

- 3 • **SECOND**

- 4 • **Delete Page 5, Line 7**

- 5 • **VOTE: Unanimous in Favor – Motion Carries**

6
7 **E. General Public Comment**

- 8 • **Chair Phillips opens the floor** to speakers wishing to provide testimony.
9 • **Chair Phillips** calls again for speakers; as there are no other speakers; **closes**
10 **the floor to general speakers.**

11 **F. Work Study: Briefing: 2024 Critical Areas Ordinance (CAO) Update – Colin Poff and**
12 **Carla Lundgren, Department of Community Development (DCD) Planner (approx. 60**
13 **min)**

14 PROJECT WEBSITE: <https://www.kitsapgov.com/dcd/Pages/Critical-Areas-Ordinance-Update-2024.aspx>

- 15 • Mr. Poff provides a brief introduction to the project including timeline,
16 including the first phase which is wrapping up; transition to 2nd phase
17 beginning code drafting; references materials tonight including Best Available
18 Science (BAS) and Gap/Consistency (GAP/CON) Analysis documents which have
19 been available on the Project Website for a few weeks; will focus on Gap
20 Analysis tonight; anticipates meeting more frequently as work groups meet
21 and provide input.
- 22 • Ms. Lundgren presents a brief overview of the subject to date including goals
23 and purpose, last review in 2017; Public Participation is large focus on
24 engagement, feedback opportunities, technical review, working groups,
25 community consultations.
- 26 • Working groups consist of standing members such as Tribes, environmental
27 groups and stakeholders from development and other communities as well as
28 technical experts from the State and other agencies.
- 29 • **QUESTION:** Richard Shattuck appreciates listing out the Work Groups in the
30 presentation; asks about outreach to the farm/agricultural community who will
31 be impacted by the update.
 - 32 • **ANSWER:** Ms. Lundgren notes Work Groups include community
33 organizations and public agencies; all meetings are open to the public
34 to attend, while no public input will be taken during the meetings,
35 there is opportunity to submit to them afterward; comments can be
36 sent to a designated email; also open to bringing a community
37 consultation to any of the individual groups.

- 1 • Mr. Shattuck notes some proposed changes could include hiring a
2 habitat biologist for farm plans; these groups should be included and
3 updated.
- 4 • Mr. Poff notes this requirement is included in staff identified changes
5 being considered, not incorporated, or included yet; if these do move
6 forward, public engagement would be included.
- 7 • Mr. Poff provides an overview of BAS document, noting it is more of a review
8 informing the GAP/CON analysis; does not actually provide or propose any
9 changes but is required by the Growth Management Act (GMA) as it underpins
10 criteria for the CAO; public notice and request for feedback was sent when
11 documents became available.
- 12 • In the GAP/CON Analysis, everything couched as recommended changes,
13 required for consistency with State law and guidelines; recommended changes
14 based on BAS & evaluation of current code; discretionary changes are not
15 included in the GAP/CON, but we do intend to review or consider these as well.
- 16 • **GAP/CON Wetlands** section, pulled from related code sections, title and
17 recommendations for each chapter; instead of going through one by one, will
18 be discussing and highlighting main points.
 - 19 • Provide more detail on standard Buffer Conditions & Removing Buffer
20 Reduction options; Standard Buffer conditions may be required to
21 include planting.
 - 22 • Department of Ecology (DOE) has provided guidance to remove some
23 buffer reduction options, applying mitigation measures; allowing
24 reductions to be Administrative (Admin) or through the Hearing
25 Examiner (HE) depending on level of reduction
 - 26 • Reductions are not preferred by DOE; would be large departure from
27 DCD’s current standard of processing a fair amount of Admin
28 reductions; criteria would remain the same, but process would go
29 through the HE for decision.
- 30 • **QUESTION/ANSWER:** Mr. Shattuck asks, and Mr. Poff confirms, the
31 recommendation relates to removing Admin Buffer Reduction options, not to
32 remove Buffer Averaging which could still be processed through Admin review
33 with some additional requirements.
- 34 • **QUESTION/ANSWER:** Chair Phillips asks, and Mr. Poff confirms, the 1/3
35 planting requirement regarding Buffer Reduction is a DOE recommendation.
- 36 • **GAP/CON Fish & Wildlife Habitat Conservation Area (FWCHA)** section has
37 most substantial level of recommended changes and considered approaches.
 - 38 • Riparian Protection based on recent WA Department of Fish &
39 Wildlife (WDFW) Riparian Management Zone (RMZ) guidance.

- 1 • Site Potential Tree Height (SPTH200); assumption that old-growth
2 forest conditions are needed for full riparian ecosystem, functions.
- 3 • Not many jurisdictions or current practices to look to for examples.
- 4 • Biggest issues from implementation standpoint are predictability;
5 stream buffers are not site specific whereas RMZ is; Work Groups
6 may be discussing different circumstances locally; City of Anacortes
7 does have code that addresses this; some data and examples out
8 there but still learning and working through things.
- 9 • **QUESTION/ANSWER:** Chair Phillips asks, and Mr. Poff confirms, DFW has
10 provided instructions on use of the tool and that staff and applicants will be
11 able to learn and use.
- 12 • Joey Soller notes concern and importance that this new tool available to the
13 public will need user friendly education as this will be a significant change to
14 the buffer standards everyone is used to, even as a commercial real estate.
- 15 • **QUESTION:** Ms. Smith asks if any meetings are planned with jurisdictions
16 currently using this tool regarding any concerns or feedback on actual use.
 - 17 • **ANSWER:** Mr. Poff notes there are not many using it now but will
18 investigate outreach opportunities.
- 19 • **QUESTION/ANSWER:** Ms. Soller asks, and Mr. Poff confirms, the mapping tool
20 has been pretty well vetted; looks at height of dominant species and other
21 factors in the calculations; Kitsap is still learning about other features.
- 22 • **GAP/CON Geologic Hazardous Areas** section directs to include channel
23 migration zones mapped in accordance with agency guidance; Work Group will
24 look into this topic which directs consideration of multiple sources, which
25 Kitsap already does.
- 26 • **GAP/CON Frequently Flooded Areas** section directs to consider expanding the
27 designation and/or protection of flooded areas; Kitsap uses Federal Emergency
28 Management Act (FEMA) flood hazards; understands there is LIDAR data that
29 exists, that can help identify areas that could be frequent flooded areas;
30 climate change implications; this is potential issue of understanding where
31 data comes from and capacity; should we acknowledge document this
32 mapping exercise now or address in future updates.
- 33 • **GAP/CON Critical Aquifer Recharge Areas (CARAs)** section had no major
34 recommendations.
- 35 • **QUESTION:** Mr. Shattuck notes CARA reference #1 mentions potential
36 saltwater areas and BAS notes shallow aquifers can also be affected; asks if this
37 includes or will propose changes to wells on waterfront properties.
 - 38 • **ANSWER:** Mr. Poff notes cursory review did not show any changes.

- 1 • Scott Diener, DCD Planning Manager, notes importance that FEMA
2 flood maps identify these areas as intrusion and flood velocity zones;
3 confirms CAO will have to look at impact on wells and proposed wells
4 in these zones.

- 5 • Mr. Poff notes a few examples in **Staff Identified Optional Changes Document:**
- 6 • Buffer Breaks – roads separated by a critical area, not discussed in
7 code but do come up in review
- 8 • Wetlands – Setbacks when wetland is exempt from review; required
9 sequencing for Buffer Averaging before mitigation; clarification on
10 Land Division Buffer Reductions and Averaging; Wetland Buffer
11 Mitigation not addressed in section
- 12 • FWCHA – Wetland delineation for lakes less than 20 acres and buffer
13 requirements; Land Division Buffer Reduction / Averaging clarification
14 on allowance related to density; Special Review for Farm Plans;
15 Guidance on standards for fences in buffers.
- 16 • Monitoring Requirements – Related to 19.700 special report, and new
17 sections in Wetlands, FWCHA, and enforcement, effectiveness
- 18 • Mr. Poff notes these will all be reviewed by Work Groups

- 19 • **QUESTION/ANSWER:** Chair Phillips asks, and Mr. Poff confirms, regarding the
20 definition of wetlands, there are levels and delineation; a biologist evaluates
21 features and applies a corresponding rating and type which would inform
22 buffer requirements, mitigation levels, other impacts or actions required.

- 23 • **QUESTION:** Mr. Shattuck notes DCD Director Rimack's recent comments
24 regarding recruiting challenges; asks if adding additional required work and
25 actions for applicants and developers also puts an even larger burden on staff
26 to get the additional review work and processing done.

- 27 • **ANSWER:** Mr. Poff appreciates comment; notes the focus is on
28 regulatory requirements and recommendations that could improve
29 internal functions too such as staff time streamlining process, etc.

6:25 pm

- 31 • Ms. Soller thanks DCD for getting this information to the farm and agricultural
32 community, noting they are in a state of food growth and store leading up to
33 harvest; very much wants to see this outreach happen.

- 34 • Mr. Poff reviews Next Steps in Phase 2 schedule; noting Work Group meetings
35 and Community Consultations starting in July; County Advisory Committee
36 presentations in August and Board of County Commissioners' and PC updates
37 as needed in August through end of year as staff prepares draft code

1 amendment; all documents discussed are located on the Project webpage,
2 encourages outreach to Carla Lundgren or himself.

- 3 • **QUESTION:** Ms. Smith notes, in reviewing milestones, this has not been
4 reviewed since 2017; considering staffing and volume of changes there are
5 comments that this is a lot of work to complete in less than 2 years; asks if
6 there are plans to change in the future?

- 7 • **ANSWER:** Mr. Poff notes the next update will be in 10 years; would
8 like to do annually review needs and issues & build a list of issues and
9 changes needed before the next update for this and all code updates.

10 **6:30 pm**

11 **G. General Public Comment**

- 12 • **SPEAKER:** Bill Palmer, Kitsap County Resident & President Kitsap Alliance of
13 Property Owners (KAPO)
 - 14 • Comments regarding time limit for public comment and public input
15 regarding the full code update process; time processing applications
16 through DCD to the Hearing Examiner and staffing issues.
- 17 • **SPEAKER:** Marla Powers, Staff with Port Gamble S’Klallam Tribe, will be
18 working with DCD Planning staff on this update.
 - 19 • Comments regarding inclusion of consultants who worked on BAS
20 report in the Work Groups to answer questions.

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

- 22 • Chair Phillips appreciates the Work Groups that will be taking place, notes
23 having a PC member or more to participate and at least observe and the
24 process would be helpful.
 - 25 • Mr. Poff appreciates the request; notes other code update Work
26 Groups have included PC members; this process was based on the
27 previous update and membership is fairly well established at this
28 point; will include written summaries to provide and opportunities for
29 discussion based around them.
- 30 • Chair Phillips notes the hybrid format; asks for better microphones for staff
31 when presenting, as it is very hard to hear throughout presentations as sound
32 cuts in and out.
- 33 • **2024 Comprehensive Plan Update:** Mr. Poff provides a brief update, noting he
34 can elaborate in future meetings more if needed; last meetings focused on
35 choosing 3 Preliminary Alternatives, which were approved by the BoCC on
36 4/19; since then progress is largely in consultants’ hands as they process the
37 reclassification and rezone requests and work to develop the draft

1 Environmental Impact Statements; staff in holding pattern as those are note
2 complete yet.

3 • Intent for draft to be available and presented publicly in late October, much of
4 summer will be spent working on this; No prelim drafts ready for review yet
5 but do expect to meet w/PC before release of those drafts; Public process to
6 follow release of the drafts at end of October.

7 • Looking to work with the PC to develop the Preferred Alternative, drawn from
8 the 3 approved Preliminary Alternatives, by February 2024; Expect substantial
9 amount of work for discussion and proposed changes at that time;

10 • Chair Phillips notes from previous Comp Plan Update and Project Management
11 career, it will be very difficult to catch up with time lost; if we get to a point of
12 chasing the schedule or deadlines, it robs the public of their opportunity to be
13 involved; multiple PC members have voiced concern about getting schedule
14 back on track.

15 • **Meeting adjourned by unanimous consent.**

16 **Time of Adjournment: 6:47 pm**

17 **Minutes approved this 19th day of September 2023.**

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Joe Phillips, Planning Commission Chair



Amanda Walston, Planning Commission Clerk