

Kitsap County Planning Commission Minutes – November 17, 2020

KITSAP COUNTY PLANNING COMMISSION

Zoom Webinar –

<https://us02web.zoom.us/j/86746453762>

OR Dial In: (253) 215-8782 Webinar ID: 867 4645 3762 Password: 826291

November 17, 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).

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

Members absent:

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:** Kim Allen moves to adopt agenda.
- **SECOND:** Joe Phillips
- **VOTE: 7 in Favor; 0 Opposed – Motion Carries**

D. Adoption of Minutes – 10/20/2020

- Chair Eliason calls for additions or corrections
- Page 2, line 9, add 'is' after 'overarching goal'; line 28 delete 'with'; page 6, line 34, delete 'no' before substance.
- Mr. Beam requests draft minutes be distributed sooner.
- Angie Silva, Department of Community Development (DCD) Assistant Director acknowledges impact of Clerk's workload and responsibilities in addition to the Planning Commission (PC); notes full meeting recordings can be accessed via links posted to the County's PC webpage, generally within one to two business days, for audio and BKAT (Bremerton Kitsap Access Television) video; Draft minutes are

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1 generally sent to Planning Commissioners for preview one week prior
2 to next regular meeting,

3 • **MOTION:** Mr. Phillips moves to adopt the minutes as amended.

4 • **SECOND:** Jim Svensson

5 • **VOTE: 6 in Favor; 1 Abstain; 1 Opposed – Motion Carries**

6 **5:37 pm**

7 E. General Public Comment

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

10 • **SPEAKER: Bill Palmer**

11 • Mr. Palmer wishes to provide comments during Agenda item F, the
12 Shoreline Master Program (SMP) update.

13 • Chair Eliason notes this item is meant for comment on items not on the
14 agenda; defers to Ms. Silva.

15 • Ms. Silva suggests either a vote to amend the agenda to allow
16 comments during the briefings, or that staff may follow up with Mr.
17 Palmer regarding questions or comments he may have during this
18 agenda item.

19 • Mr. Beam and Mr. Phillips support hearing questions if time allows.

20 • Mr. Shattuck suggests hearing Mr. Palmer's comments now, not
21 during this scheduled briefing; noting there will be additional public
22 comment testimony opportunities for this item during future
23 meetings.

24 • Ms. Allen concurs with Mr. Shattuck on timing; notes briefings are not
25 appropriate for question/answer sessions and Ms. Silva has noted
26 staff's availability for such an exchange as well.

27 • Amy Maule also concurs; noting the intent is to hear general
28 comments for items with no specified comment period.

29 • Mr. Svensson also concurs, noting items on the agenda are briefings
30 not public hearings; comments should be shared now.

31 • Mr. Murphy also concurs; this would be general public comment, not
32 providing specific testimony.

33 • Chair Eliason asks Mr. Palmer to proceed with his comments.

34 **5:41**

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- 1 • **Mr. Palmer:** Asks the PC and staff, when the public makes comment on the
2 SMP update, does it have bearing on how the update will proceed; comment
3 posed to staff as well as PC.
- 4 • **Dick Brown:** Has been involved for 50 years as a realtor, developer, builder and
5 is greatly concerned about emails and letters between Board of County
6 Commissioners (BoCC), staff and the PC. Has always considered PC to be a
7 separate and independent body, if not there is no need to have one. Looking
8 for fresh ideas on housing and does not agree with staff; the PC should
9 cooperate with staff, not be subservient and agree on all issues. PC is
10 intermediary between the public and staff, which has their own agenda that
11 may not be for the public. A housing crisis is taking place right now, PC has to
12 decide how they are going to respond as representative for the public.
13 Comment may be out of bounds but believes no one has spent more time on
14 this than he has.
- 15 • Chair Eliason calls for additional comments; hearing none, closes the Floor.

16 **5:45 pm**

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

- 19 • Ms. Mesebeluu-Yobech presents a brief overview on the project to date,
20 noting tasks accomplished and upcoming in Phase 1, including:
- 21 • Presentation and approval of the Public Participation Plan (PPP) by
22 the BoCC on 10/28/2020, which is posted to the Project Website
 - 23 • Drafting outreach communication to Tribes, State, other interested
24 agencies, providing for those needing one on one review throughout
25 the process.
 - 26 • Recurring monthly updates on 3rd Thursdays at 5:30 pm begins
27 12/17/20, including information on the project and upcoming public
28 engagement opportunities.
 - 29 • The Draft Consistency Analysis is in final review stage by staff, goes to
30 the BoCC for their feedback, which will shape the foundation for
31 scope of all proposed code revisions and actions.
- 32 • Essentially this is a multi-page report, based on a summary of review by staff
33 and consultants to evaluate consistency of the SMP with State amendments,
34 laws, regulations and gap analysis with local Comprehensive (Comp) Plan and
35 development regulations; also an opportunity for staff to look for areas to
36 clarify code, improve predictability and usability for permit applicants and
37 review staff.
- 38 • Dave Ward, DCD PEP Manager, notes the Department of Ecology (DOE) has a
39 good website for information and guidance on SMP periodic reviews, including
40 a checklist jurisdictions are required to use with a chronology of cumulative

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1 changes in state law that potentially intersect with SMP and local jurisdictions;
2 there are some inconsistencies now that do need to be fixed.

- 3 • **QUESTION:** Ms. Allen asks, and Ms. Mesebeluu-Yobech confirms, the
4 consistency analysis will be available and posted for view by the public. It is in
5 draft form now, to be presented to the BoCC on 11/25/20. The Project Website
6 is the main repository for all resources and links for the SMP periodic review
7 process and supporting materials.

- 8 • **ANSWER:** Ms. Silva confirms, the site will be updated with draft
9 amendments or related development regulations as they are
10 proposed, for review and comments; also monthly meetings,
11 administrative changes, DOE guidance on changes and
12 implementation since the last SMP update.

- 13 • There is a desire for clarity and improved processes in permit review,
14 such as Shoreline Substantial Development Permits (SSDP) and
15 Shoreline Conditional Use Permits (SCUP), which both currently go
16 before the Hearing Examiner for Decision.

- 17 • Initial discussion with DOE has included suggested process
18 improvement edits, including reducing the SCUP to an Administrative
19 Decision by the Director (Type II); they have ultimate approval but
20 have had generally positive comments so far.

- 21 • Ms. Allen notes, and Ms. Silva agrees, that currently, both these
22 permit types require approval by DOE anyway, so that change makes
23 a lot of sense.

- 24 • Ms. Mesebeluu-Yobech notes an online open house will be released in
25 December, to coincide with the start of the monthly 3rd Thursday update
26 meetings, and will be a one stop place with comments, proposal documents,
27 consistency analysis, product results and more.

- 28 • Mr. Ward notes DOE has a fairly prescribed process that provides guidance but
29 also limits flexibility. One unique piece is the larger DOE role in the public
30 engagement process; as Ms. Mesebeluu-Yobech noted in the last presentation,
31 there will be a joint PC/DOE public hearing to reduce the number of times
32 people have to appear and speak before going to the BoCC for final hearing.

33 **5:58 pm**

- 34 • **QUESTION/ANSWER:** Mr. Beam asks, and Mr. Ward confirms, staff will send a
35 copy of the consultant contract with scope of work to be done to the PC.

- 36 • **QUESTION/ANSWER:** Mr. Beam asks, and Mr. Ward confirms, once approved
37 by the BoCC, regarding proposed changes; noting the consultant agreement
38 will help provide a general sense of scope and process, while the consistency
39 analysis will help add state and federal guidelines.

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- 1 • **QUESTION/ANSWER:** Mr. Phillips asks, and Mr. Ward confirms, the
2 presentation from the last meeting will be made available to the PC.
- 3 • **QUESTION:** Chair Eliason asks if any significant changes have been made to the
4 PPP since the COVID-19 measures were put in place.
- 5 • **ANSWER:** Mr. Ward notes the previous update was a longer, multi-
6 year process while this review captures changes since then; the PPP is
7 scaled back since it is not the multi-year process, but still provides
8 almost identical opportunities for public review and comment, with
9 both PC and BoCC reviews and public hearing.
- 10 • Ms. Mesebeluu-Yobech notes one difference prompted by COVID-19 is that
11 hardcopies provided for review, typically with distribution at public libraries
12 and DCD, are not possible but other accessibility options will be in place.

13 **6:03 pm**

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

- 16 • Ms. Williams presents a brief overview regarding the BLP, which will include
17 the Buildable Lands Report (BLR) due on 6/30/21.
- 18 • On 10/27, the County's contractor, BERK Consulting facilitated 1 of 4
19 coordinating meetings between the County and local jurisdictions, reviewing
20 goals and timelines, sharing examples of findings of review and evaluations.
21 Conversations are high level but did set expectation for jurisdictional
22 agreement on evaluating land supply for presentation in the update and BLR.
- 23 • DCD is working closely with BERK to facilitate regular 1:1 check ins with
24 jurisdictions, which will be needed to meet deadlines.
- 25 • Met with BoCC to review PPP and the 1st project announcement goes out this
26 week via GovDelivery, Facebook, Twitter along with additional
27 correspondence to Tribes, Cities, other interested parties and agencies to offer
28 consultation project briefings; coordinating with County Policy team for
29 presentations at upcoming Citizen Advisory Committee meetings; regular
30 project updates will also be provided to the PC.
- 31 • Work with Cities has been ongoing for several months on look back at
32 development trends to see if County/City growth is consistent with Comp
33 Plans; permit data collection to wrap up soon, which will allow consultant to
34 complete 3rd party review of efforts and provide a recommendation on data.
- 35 • Next steps: County staff 1:1 meetings with local jurisdictions begin 12/8/20 for
36 methods on the look forward evaluation of future land supply and work
37 toward discussion, factors, assumptions for land capacity analysis.

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- 1 • PC review of some of those findings and methodology planned for September;
2 PC is encouraged to visit the project website, which has link to PPP and
3 materials from 10/20/20 PC meeting summary overview.

4 **6:09**

- 5 • **QUESTION/ANSWER:** Mr. Beam asks, and Ms. Williams confirms, staff will send
6 a copy of the consultant contract and scope of work to be done to the PC.

- 7 • **QUESTION:** Mr. Beam notes the last update landed in Superior Court, asks what
8 steps have been taken to avoid that happening again.

- 9 • **ANSWER:** Ms. Williams notes this is a heavily litigated element
10 through the Growth Management Act (GMA) and legal is carefully
11 reviewing past case law and new statutory requirements established
12 in 2017 to be sure efforts are data driven and defensible, in
13 anticipation of what may come as a result.

- 14 • Chair Eliason notes such scrutiny is expected, as the BoCC years ago
15 allocated nearly a million dollars to defense of litigation of prior
16 comprehensive plan.

- 17 • Ms. Silva notes intense interaction with Legal attempting to avoid
18 such litigation; a number of cases posted for Puget Sound and other
19 jurisdictions for BLP and other GMA related topics; the staff guide
20 from the Department of Commerce doesn't always spell things out
21 and with this first update the waters haven't been tested yet.

- 22 • Surrounding jurisdictions have also had multiple elements land in
23 Superior Court, Growth Management Hearings Board and even State
24 Supreme Court and there are tendencies to disagree on what the
25 intent of GMA is and was, but local jurisdictions must be in agreement
26 for this program and the County will do our best to defend
27 assumptions and how we achieve growth targets, other items.

- 28 • Mr. Beam asks if there is a specific timeline for annexations to be
29 completed, and whether the BLR will address that, as the Urban
30 Growth Areas (UGAs) have not been updated in some time.

- 31 • Ms. Silva notes they are reviewed in evaluation periods, such as the
32 current look at 2019 permit trends in Port Orchard and McCormick
33 area where lots were created, but zones were modified; review
34 needed to determine if we are achieving densities specified in policy;
35 also what measures are in place and if reasonable along with what
36 must be adjusted or implemented in the 2024 Comp Plan update.

37 **6:18 pm**

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

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- 1 • Chair Eliason notes there are some items planned in advance; will call for
2 additional comments later
- 3 • Briefing on Annual Meeting with the Board of County Commissioners
- 4 • Chair Eliason notes he was satisfied with the process and outcome;
5 appreciated Commissioner Garrido’s engaging with each
6 commissioner on their thoughts; Commissioner Gelder restated that
7 county email is to be used for communications; Commissioner Wolfe
8 emphasized the purpose of the PC.
- 9 • PC requested clarification on the Public Participation Work Group;
10 Commissioner Gelder responded on 11/13 via email addressing roles
11 and responsibilities of PC, with some clarification on Work Groups.
- 12 • Report of the Public Participation Work Group
- 13 • Chair Eliason notes when proposed, the intent was for completion by
14 12/30/20; one of the next two meetings will allow for that report out.
- 15 • Chair Eliason notes Commissioner Gelder’s stated ‘please do limit the
16 discussion to PC members and focus on proposals that will benefit
17 DCDs efforts’ in his clarification email; the Work Group reaching out
18 to stakeholders would be a helpful step to get recommendations and
19 focus on enhancing staff efforts; but he interprets Commissioner
20 Gelder to say the group can reach out for resources, but not contact
21 stakeholders or engage external groups.
- 22 • Mr. Phillips does not see the purpose of the group if it cannot reach
23 out to the public; it doesn’t make sense if they can’t get people’s
24 perception of the PC and see what can be done.
- 25 • Mr. Shattuck believes the group can still do good work within that;
26 group has done some initial data collection, with Mr. Beam reaching
27 out to the Department of Commerce; we can still look at outside
28 resources to find concepts, generate ideas that have worked there.
- 29 • Mr. Beam notes the PC charter is to represent the public, the
30 stormwater manual had two people comment; if we can enhance
31 public comment, it is important to discuss.
- 32 • Chair Eliason notes within confines, data collection without engaging
33 the public can still happen; bring your own ideas forward to the PC, to
34 decide what to recommend to staff; agrees with Mr. Phillips; notes
35 comments come through staff, but individuals don’t come to the PC
36 and wonders why.
- 37 • Mr. Murphy asks what can or cannot be done legally, such as, could I
38 ask the Director of the Home Builder’s Association, as an individual?
39 Where is that line we do not want to cross?

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- 2021 Chair & Vice Chair Elections
 - Chair Eliason notes elections are coming up; noting agenda setting meetings have been helpful, staff is very supportive and even with changes like virtual meetings this year, encourages fellow PC members to consider.

Time of Adjournment: 6:57 pm

Minutes approved this 15th day of December 2020.



Mike Eliason, Planning Commission Chair



Amanda Walston, Planning Commission Clerk