

Kitsap County Planning Commission Minutes – July 02, 2019

KITSAP COUNTY PLANNING COMMISSION

Administration Building – Commissioner's Chambers

July 02, 2019 @ 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: Aaron Murphy (Acting Chair), Tom Nevins, Joe Phillips, Jim Svensson, Mike Eliason

Members absent: Kim Allen, Gina Buskirk, Richard Shattuck

Staff present: Peter Best, Scott Diener, Steve Heacock, Dave Ward, Robyn Readwin (Clerk)

5:39:50 PM

A. Introductions

- Vice Chair Aaron Murphy will serve as Chair in Kim Allen's absence.

B. Adopt Agenda as presented

- **Motion:** Joe Phillips moves to adopt the agenda as presented.
- Second: Jim Svensson
- **Vote: Unanimous – Motion carries**

C. Approval of Minutes

- **Motion:** Mr. Phillips moves to postpone the approval of the minutes of 04/16/19, 05/14/19 and 05/21/19 to the next regular meeting.
- Second: Mike Eliason
- **Vote: Unanimous – Motion carries**

D. General Comment:

- Hearing none, comment period is closed.

05:42:59

E. Work Study: Timber Harvest Code Update – Scott Diener, DCD Development Services & Engineering (DSE) Manager; Steve Heacock, DCD DSE Environmental Planner

- Mr. Diener briefly reviews the previous work study, clarifying this effort/update is specific to Class 4 General Forest Practice permits, not the Special Class.
- Outreach is complete. The timber community has been very responsive, providing input on code, process improvement informing neighbors/monitoring activity.
- Staff sent out a memo with notes from the requested meeting with timber owners. Some key points from the meeting included:

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- 1 • Understanding trees and timber/forestry is a passionate issue on both sides,
2 with strong views.
- 3 • Timber ‘owner’ can indicate varied sizes from small lot to vast forest/land.
- 4 • 2 areas in code noted for minor changes; no language yet but revised draft
5 expected for next meeting.
- 6 • Appeals are a major issue for timber owners, as neighbors can cause major
7 obstructions for a small cost of \$500. Oftentimes, try to protect or restrict
8 land they don’t own, but is owned and designated for timber harvest.
- 9 • Possibly require adjacent property real estate disclosure for awareness up
10 front; additional discussion may be helpful during process improvement.

11 **05:51:00**

- 12 • Mr. Diener introduces Mr. Heacock who will provide a brief overview, referencing a
13 visual presentation, on differences in Class 1, 2, 3 and 4 permits, and related code.
- 14 • **QUESTION:** Mike Eliason asks about the appeal process and any proposed restriction?
15 • **ANSWER:** Mr. Diener notes the appeal process can be very long, and likely a
16 topic for discussion during process improvement.
- 17 • **QUESTION:** Mr. Nevins asks, given the County’s resolution on conversion permits, why
18 is the forest practice discussion is not happening for this kind of land?
19 • **ANSWER:** Mr. Diener notes that Class 4 Special working forest permits
20 typically involve use of herbicides, which is a larger discussion than this
21 update intends to take on.

22 **05:57:00**

- 23 • Mr. Heacock shows an example of Harrison Hospital’s Site Development Activity
24 Permit (SDAP), which required a Class 4 logging permit from the state, applied for
25 during the pre-construction phase. The associated processes were previously waived
26 through the State, until 3 -4 years ago, when a 2-week waiting period was
27 implemented. Part of this update would eb a process improvement for developers.
- 28 • Mr. Heacock notes primary requested permits in DCD are Class 3,4; Class 2 is rare.
- 29 • **QUESTION:** Mr. Eliason asks if clear-cut property or professionals who have opted for
30 moratoriums are more frequent.
31 • **ANSWER:** Mr. Heacock notes calls are received approximately every 2
32 weeks regarding logging moratoriums. Part of this update will produce a
33 plan/process for noticing on the website.
- 34 • **QUESTION:** Chair Murphy asks if a tag or notice is placed on the title.
35 • **ANSWER:** Mr. Heacock notes the State used to pay for the Notice to Title;
36 DCD now places a permit-related hold-tag on the parcel instead which lists
37 the date it was logged and when the 6-year period is up.
38 • Chair Murphy notes public is more familiar with searching for a Notice to
39 Title for ‘buyer beware’ items.
40 • Mr. Diener notes the process improvement phase will examine this further,
41 and that other improved parcel search features, like design standards and
42 zoning are active now as result of other process improvement actions.

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1 **6:09:08**

- 2 • Mr. Heacock notes the Class 4 General Permit, which is the focus of this Code Update,
3 has a 5,000 board foot limit or over 2-acres in size through Department of Natural
4 Resources; also a \$1,500 conversion logging permit and/or danger tree permits.
5 • Class 1 requires no noticing, no board feet and mainly used for larger logging
6 applicants for replacing culverts; reference visual presentation showing 1,200 – 1,500
7 board feet, dependent on log length; often for commercial thinning.
8 • Class 2 often is a large forest land owner, using steel-track buncher and rubber track;
9 outside the Urban Growth Area (UGA), no notice required other than State
10 notification, no streams or impacts; logging with no conditions.
11 • **QUESTION/ANSWER:** Mr. Murphy asks, and Mr. Heacock confirms, prominent timber
12 properties on Stottlemeyer in North Kitsap were Class 3 permits.
13 • **QUESTION/ANSWER:** Mr. Svensson asks, and Mr. Heacock confirms, typically
14 properties dealing with large amount of water would be Class 3 permits; also noting
15 those requiring geo-technical would be Class 4 Special and will remain under DNR.

16 **6:19:50**

- 17 • Mr. Heacock references a visual flow chart showing Class 4 General process now, as
18 well as the proposed new process flow. He also explains the outreach comments and
19 process improvements both tied to the Code Update as well.
20 • Key themes for the Code update are outlined, including invitations to area tribes,
21 diversity for science and the impact, extent and intensity of logging.
22 • Key Code Changes are outlined, special attention to #6, related to the conversion
23 harvest option for State Environmental Policy Act (SEPA) designated water or streams.
24 • Mr. Diener notes that Kitsap County's Title 21 Development Code has many
25 different processes and section, some things, including transparency in
26 process have gotten lost. Department aims to change that, to clarify and
27 consolidate with roles for Hearing Examiner, moratoriums, procedures,
28 strict rules for logging properties without County or State process which
29 include Code Compliance action and enforcement.
30 • Mr. Diener notes #8 relates to site and permit influence and effectiveness. #9
31 discusses essential noticing and awareness for SDAP and Land Use activities.

32 **6:35:30**

- 33 • Mr. Diener notes 3 DCD inspectors are receiving specific training related to clearing
34 limits, which took place during 9 recent significant permits.
35 • **QUESTION:** Mr. Nevins asks what consequences and process for enforcement are in
36 place for violations of these rules.
37 • **ANSWER:** Mr. Heacock notes DCD first works with them to rectify the
38 violation, possibly allowing the application to go through following a
39 replanting. Aim is to have more Code Compliance activity as a result of
40 thorough inspections and noted violations.
41 • **QUESTION/ANSWER:** Mr. Eliason asks about proper process for seedlings, and Mr.
42 Heacock notes there is research, 2.0 grade forestry stock, but a correctly planted
43 potted, root-bound tree will need 5 years for same sized tree.

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- 1 • **QUESTION:** Chair Murphy asks about the fees taken out through DNR or for pre-clearing for tribes, and how or if the money comes back to the County.

- 2
- 3 • **ANSWER:** Mr. Heacock notes there are application fees for processing those
- 4 permits; conversion logging permits have an SDAP which pays for Inspection
- 5 fees and includes clearing limit verifications and site visits.
- 6 • Mr. Diener notes complaints and inquiries about unauthorized activities,
- 7 neighbors leaving safe stand of tress during clearing will also be helped by
- 8 the additional training for inspectors, who can help educate the public, and
- 9 often the neighbors of timber land owners who do not understand the code
- 10 and the practices related to this kind of activity.

11 **6:43:39**

- 12 • Mr. Diener asks the Planning Commission (PC) to please provide any additional
- 13 comments or questions and to approve moving forward to the Public Hearing phase.
- 14 • **MOTION:** Mr. Svensson moves to approve the proposed Timber Harvest Code Update
- 15 moving to Public Hearing.
- 16 • **SECOND:** Mr. Phillips seconds
- 17 • **DISCUSSION:** The code changes are also being reviewed by DNR, comments
- 18 received will be brought back before the PC, along with any additional
- 19 stakeholder or public comments.
- 20 • A short Work Study may be held prior to the scheduled Public Hearing,
- 21 address these and any other concerns.
- 22 • Draft code changes will be coming with the scheduled date for the Public
- 23 Hearing, but not before August.
- 24 • County Prosecutor will track all DNR/legal clarifications, DNR Commissioner
- 25 and Department of Ecology will take care of their respective agency.
- 26 • **VOTE: 0 in Favor; 4 Opposed – Motion fails**
- 27 • Mr. Heacock notes the conversion option harvest and Class 4 General are okay, but
- 28 other items need additional clarifying language. Logging landing site, and Best
- 29 Management Practices (BMPs) will be clarified.
- 30 • Mr. Eliason notes the Comment matrix is always very helpful and easy to read.
- 31 • Mr. Phillips asks for documents to be provided to the PC as PDF files, Word format and
- 32 versioning can prove challenging.

33 **6:59:35**

34 **Chair Murphy calls a 5-minute RECESS**

35 **7:06.00**

36 **F. Work Study: 2019 Comprehensive Plan Amendment (CPA) Update – Peter Best, DCD**

37 **Planning & Environmental Programs (PEP) Planner**

- 38 • Mr. Best provides a brief overview on scoping and changes, noting a formal proposal
- 39 will follow in August, referencing materials provided, requesting PC feedback.
- 40 • Periodic, complete review and update of the County's Comprehensive Plan is required
- 41 every 8 years. Kitsap County's last update was in 2016, with annual amendments

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1 allowed but not required by Code, and which must be processed as a package and be
2 consistent with the current plan.

- 3 • Mr. Best references the Annual Amendment schedule, noting phases for
4 Scoping/Docketing, Studies, Draft Environmental Impact Statements (EIS), Public
5 Comment period and Final Draft for adoption.
 - 6 • **Dave Ward, DCD PEP Manager**, notes the Dickey Road site-specific
7 amendment, which was previously expected to be considered in this cycle
8 has been pushed out for review/adoption once the EIS is complete.

9 **7:19:00**

- 10 • **QUESTION:** Mr. Phillips asks for a summary or criteria on how the Board of County
11 Commissioners (BoCC) chooses amendments for consideration, noting the PC doesn't
12 hear anything until the docket has been decided. What criteria leads to choosing some
13 over others?
 - 14 • **ANSWER:** Mr. Ward asks for feedback on how the process could be
15 improved; Mr. Best notes in other jurisdictions, such as Bremerton, PC does
16 have some discretion in what moves forward, as opposed to Kitsap, where
17 the decision rests with the BoCC.
 - 18 • Mr. Phillips hopes the PC input is helpful to the BoCC and would find it
19 useful for the PC to be involved earlier in the process.
 - 20 • Chair Murphy notes it feels like a lack of transparency before the first step
21 of the process, to not understand their basis of deferring or including a site-
22 specific application.
 - 23 • Mr. Ward notes coordination of meetings, materials and other scheduling,
24 is a difficult 14-month process. Right now, we already exceed the state
25 regulations and requirements, but staff seeks to revise and streamline this
26 year's process.
 - 27 • DCD strives for transparency, opportunity, predictability for the applicant,
28 but the common complaint is they weren't aware of how or when to apply.
- 29 • Mr. Best reviews the Development phase and requirements, including staff
30 consultation or pre-application meeting where calculations and policy language
31 discussions are helpful and educational.
- 32 • **QUESTION:** Mr. Nevins likes the procedures and the process as outlined; asks why this
33 year Kitsap County Code (KCC) Chapter 21.08 includes new language that the County
34 is exempt from completing the application process.
 - 35 • **ANSWER:** Mr. Best notes the County does not create an application, but
36 other jurisdictions do. KCC 21.08.050 references this and also pulls from the
37 County and State website.
 - 38 • Mr. Nevins asks for clarification as he has been unable to locate the
39 language in footnotes or other sections; Mr. Best acknowledges this concern
40 and will follow up to clarify.

41 **7:37:38**

- 42 • Mr. Best reviews the Analysis phase, noting this is a standard leg of the process,
43 including any changes in criteria used.

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- Mr. Best reviews the Public Participation phase, including a brief description of NextDoor.com and an explanation of verified neighborhoods, with 15,000 registered in Kitsap County.
 - Chair Murphy commends staff on great notification efforts and would like to see a page listing included. Mr. Best also notes the Online Open House and many options available through the website.
- **QUESTION:** Mr. Nevins notes on page 9 of 13, there doesn't seem to be difference between #1 and #5, and #7 didn't seem to make sense.
 - **ANSWER:** Mr. Best acknowledges many redundancies in the code should be addressed; staff report analysis did not provide detail on how criteria were written. Staff will improve, writing responses that are clear for PC & public.

7:45:55

G. Administrative Update

- Mr. Ward notes Assistant Director Jim Bolger accepted a position with King County, his last day will be 7/3. Recruitment has begun, with emphasis on Planning & DSE.
- Commissioner Garrido working to fill PC post vacated when Shelley Kneip moved. Consideration to diversify, balance geography, gender, expertise and other factors.
- Land Use Technical Advisory Committee (LUTAC) meets next week on Rural Centers; Mr. Ward notes funding through Puget Sound Regional Council (PSRC) and Kitsap Regional Coordinating Council (KRCC) directed toward Buildable Lands and Land capacity analysis has allows DCD hire of planner Kristen Howard for this effort.
- Mr. Phillips asks about evaluation of the last effort on Buildable Lands. Mr. Ward notes Buildable Lands looks backward, Land Capacity is forward with any gaps analyzed and reasonable measures identified. Not all Counties require a review, but most do; some discussions have taken place with Cities on methods. Chair Murphy asks for an update on the findings from this review.

H. Good of the Order

- Reminder regarding quorum requirements; makes it hard to approve minutes. Mr. Nevins asks if draft minutes can be posted on the website with audio. Mr. Ward will check on it.
- Clarification on next meeting dates requested, will be sent from Staff.

Time of Adjournment: 7:12:00 pm

Minutes approved this 20th day of August 2019.



Kim Allen, Planning Commission Chair



Amanda Walston, Planning Commission Clerk