

Kitsap County Planning Commission Minutes – February 18, 2020

**KITSAP COUNTY PLANNING COMMISSION
Administration Building – Commissioner’s Chambers
February 18, 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), Aaron Murphy, Alan Beam, Amy Maule, Ed Gallaway, Jim Svensson, Kim Allen, Richard Shattuck

Members absent:

Staff present: Eric Baker, Peter Best, Dave Ward, Liz Williams, Robyn Readwin (Clerk)

05:30:01

A. Introductions

B. Adoption of Agenda

- **MOTION:** Kim Allen moves to adopt the agenda as presented
- **SECOND:** Jim Svensson
- **VOTE:** Unanimous in Favor; Motion Carries

C. Approval of Minutes

- **01/21/20**
 - Chair Eliason requests the following revisions: Page 2 Line 19 (P2-L19) ‘...reviewed’; P2-L37 ‘...the land’; P3-L19 ‘...have to follow’; P3-L22 ‘...than’; P5-L3 ‘...surrounded’; P7-L15 ‘...related or specific, but want’
- **MOTION:** Mr. Svensson moves to adopt the minutes of 01/21/20 as revised
- **SECOND:** Aaron Murphy
- **VOTE:** Unanimous in Favor; Motion Carries
- **02/04/20**
 - Postponed to next regular meeting.

D. General Comment

- **No speakers or comments; this item is closed.**

5:35:00

E. Deliberations & Recommendation: Port Gamble Legislative Amendments: Eric Baker, Board of County Commissioners (BoCC) Policy Manager

- Some technical difficulties with microphone/audio.
- Mr. Baker briefly reviews the proposed amendments.

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- **COMMENT:** Mr. Svensson references Footnote 8 on page 43 of the Proposed Amendment, noting the wildlife shelter location adjacent to the town will better help keep eagles and other animals away from unwanted activity.
 - **QUESTION:** Chair Eliason asks if a compromise on the noise restriction time, instead of midnight, 11pm on weeknight and midnight on weekends would impact future plans, noting Kitsap County has a 10pm cutoff while other jurisdictions cut off at 7pm?
 - **ANSWER:** Mr. Baker acknowledges the concern about this requirement, but notes that this is being developed under one Master Plan, with everyone knowing up front what they are getting in this small area.
 - Chair Eliason asks about public disturbance noise concerns as raised in the City of Bremerton case regarding Brother Don's.
 - Mr. Baker notes the code before the Planning Commission (PC) for this project is based on decibel levels, the other case centered on public disturbance, noise complaints.
 - Ms. Allen notes existing residents would be affected after the build out; support of compromise to allow something less during the week.
 - Mr. Baker notes all properties are currently owned by Pope Resources.
 - **QUESTION/ANSWER:** Alan Beam asks, and Mr. Baker responds, the Proposed Venues in questions would largely be restaurants and drinking establishments, on the interior of buildings, located inside the town core.
 - Mr. Beam asks, and Mr. Baker confirms there are no current venues in place, but a Concert Center has been discussed.
 - Ms. Allen asks, and Mr. Baker confirms there is open space, but no outdoor theater is proposed.
 - **QUESTION:** Chair Eliason asks about the 295 unit maximum with mix of single family and multi-family attached; if there is an estimate or plan for how many would be attached; police and fire service and zoning changes to the area have a role.
 - **ANSWER:** Mr. Baker notes the code allows for a wide variety, currently it shows cottage, a majority of single family with some attached housing. None are guaranteed. Applicant could provide more details.
- 5:49:06**
- **MOTION:** Ms. Allen moves to approve the Recommendation as presented by Staff.
 - **SECOND:** Richard Shattuck
 - **AMENDMENT TO THE MOTION:** Amy Maule moves to include Attachment A, revisions to Staff's Recommendation.
 - **SECOND:** Mr. Beam
 - **VOTE:** Unanimous in Favor; Motion Carries
 - Mr. Baker notes the specific change to the wildlife reference should be stated for adoption.

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- **AMENDMENT TO THE MOTION:** Ms. Allen moves to amend Attachment A as follows: referencing page 43, Kitsap County Code (KCC) 17.410.050 Footnote #8, insert a comma after ‘veterinary clinic’; strike ‘or’ between ‘veterinary clinic’ and ‘animal hospital’; and insert ‘or wildlife shelter’ between ‘animal hospital’ and ‘shall not.’
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- **SECOND:** Mr. Murphy
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- **VOTE:** Unanimous in Favor; Motion Carries
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- Chair Eliason calls for any additional discussion regarding the noise restrictions, on page 7.
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- **COMMENT:** Mr. Shattuck notes 10 pm noise cutoff can be restrictive, especially for weddings and events; supports the Master Plan and its unique circumstances, with considerations like Notice to Title; favors flexibility to support what will be an area unlike any other in the County.
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- Chair Eliason and Mr. Beam share concerns that complaints come regardless of Notice to Title; even providing additional information to buyers, they often still don’t see it.
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- Mr. Phillips notes the Master Plan separates out residential and commercial with intentional thought to areas that are combined; supports the plan.
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- Mr. Murphy also supports the plan; noting the Master Plan is unique in many ways and provides reference and reason for breaking from other areas noise restrictions.
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- Ms. Allen notes deviation from noise standards could prevent neighbor to neighbor complaints or create enforcement issues; although developers could add stricter limits later as needed.
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- Ms. Maule notes lower income housing is often stuck in areas with high noise. That is not the intent for this area, so no opposition to later cutoff.
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- Mr. Baker notes this code is very heavy already, but many more covenants will be added by the time the area builds out.
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- Mr. Svensson notes that noise can also carry across the bay, which could be problematic as well.
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- Mr. Baker notes Port Gamble S’Klallam Tribe would be the area most highly impacted and has responded that they are not concerned about noise.
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- **QUESTION:** Chair Eliason asks for applicant’s thoughts on how a change to 11pm during the week would affect their plan.
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- **ANSWER:** Applicant states it wouldn’t be the end of the world to have 11pm during the week as long as Friday-Saturday are later.
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- **AMENDMENT TO THE MOTION:** Ms. Allen moves to amend Attachment A as follows: referencing page 7, Kitsap County Code (KCC) 17.360.C.020 Footnote #1, replace the word ‘midnight’ ‘11:00 pm on Sunday through Thursday and 7:00 AM to midnight on Fridays and Saturdays’; replace ‘12:01’ with ‘11:01 PM’; insert ‘on Sunday through Friday and 12:01 AM to
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- Chair Eliason notes staff has difficulties too, as they don't know what might draw big reactions; typically, staff and the Chair would pair up and discuss; there are also quorum concerns, timing, other issues that all play into it.
- PC thanks Chair Eliason for his work in a challenging meeting; Chair Eliason notes he is sensitive to keeping a healthy environment on the PC; he doesn't like conflict and thinks it's important to work together with staff.
- Mr. Ward notes, again, staff really appreciates feedback and many requests have led to improvement for all. We will start working on an agenda planning call.
- Chair Eliason would like to know what happens when items move forward; realizes staff spends months taking these items through, but an update and final outcome would be appreciated.

6:13:00

- **Mr. Baker presents revised Findings of Fact for the Port Gamble Legislative Amendments**, which now includes the changes to the noise code section; it will still have to go through a final legal review
- **MOTION: Ms. Allen moves to waive the requirement to consider Findings of Fact at a meeting separate from the Deliberations & Recommendation.**
- **SECOND: Mr. Murphy**
- **VOTE: Unanimous in Favor; Motion Carries**
- **MOTION: Mr. Shattuck moves to adopt the Findings of Fact, as revised and presented by Staff.**
- **SECOND: Mr. Galliway**
 - **VOTE: Unanimous in Favor; Motion Carries**
- Mr. Svensson again commends Mr. Best for excellent work, wishes him well in future endeavors; acknowledges PC Clerk, Amanda Walston for handling very complex minutes.

Time of Adjournment: 6:49 pm

Minutes approved this 21st day of April 2020.



Michael Eliason, Planning Commission Chair


Amanda Walston, Planning Commission Clerk