

Kitsap County Planning Commission Minutes – May 19, 2020

KITSAP COUNTY PLANNING COMMISSION

Zoom Webinar –

<https://us02web.zoom.us/j/85783263590>

OR Dial In: (253) 215 8782 Webinar ID: 857 8326 3590 Password: 246212

May 19, 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 Galliway, Jim Svensson, Richard Shattuck

Members absent: Kim Allen (excused)

Staff present: Angie Silva, Jon Brand, Jeff Shea, Dave Tucker, Michele Filley, Michelle Purdue, Shawn Alire, Scott Diener, Amanda Walston (Clerk)

5:30:00 pm

A. Introductions

B. Virtual Meeting Protocol

C. Adoption of Agenda

- **MOTION:** Joe Phillips moves to adopt the agenda as presented
- **SECOND:** Jim Svensson
- **VOTE: 8 in Favor; 0 Opposed – Motion carries**

D. Adoption of Minutes

- Chair Eliason notes a scrivener's error, short notes regarding the vote to be corrected.
- **MOTION:** Mr. Phillips moves to approve the minutes from **04/21/2020** as amended.
- **SECOND:** Alan Beam
- **VOTE: 8 in Favor; 0 Opposed – Motion carries**
- **MOTION:** Mr. Phillips moves to approve the minutes from **05/12/2020** as presented.
- **SECOND:** Mr. Beam
- **VOTE: 6 in Favor; 2 abstentions; 0 Opposed – Motion carries**

E. General Public Comment

- **Chair Eliason opens the floor** to speakers wishing to provide testimony.

Kitsap County Planning Commission Minutes – May 19, 2020

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5:47

G. Deliberations and Recommendation: Title 11 Road Standards Code Update – Jon Brand P.E., Public Works (PW) County Engineer

- Mr. Brand briefly review the process to date, noting the PCs question during previous Work Study prompted a change to staff’s proposed draft, regarding the planter strip requirement, which has been changed from 6 feet to 4 feet in paragraph 3.7.5.1.
- Chair Eliason calls for questions, from the PC.
- **COMMENT:** Mr. Shattuck thanks Mr. Brand and PW; greatly appreciates willingness to listen to suggestions.
- **COMMENT:** Ed Galliway agrees and appreciates hard work and speedy response to questions raised.
- **COMMENT:** Mr. Svensson missed the pubic hearing on 5/12 but has also been impressed with the good people in PW during previous study sessions and having worked with them for years.
- **COMMENT:** Chair Eliason agrees with colleagues. This update did a great job with language, going from passive to assertive in explaining policies and procedure written to an engineer’s focus that the layman can understand; overarching issue is roadway safety, which is codified in new document.
 - Mr. Brand appreciates the input from the PC, members of the public, KBA and other associations; hard to get public input on a document like this; appreciate the cooperation and support throughout the process.
- **MOTION:** Mr. Shattuck moves to recommend approval of the proposed PW Title 11 Road Standards and Code Update, as presented.
- **SECOND:** Mr. Phillips
 - **VOTE: 7 in Favor; 1 abstention; 0 Opposed – Motion carries**

5:51:00

- Chair Eliason notes draft Findings of Fact have been prepared, and the PC may, by unanimous vote, suspend the regular rule of waiting until the next regular meeting, and consider the Findings of Fact tonight.
- If that motion carries, the PC may then, but is not required to, move to recommend approval of the Findings of Fact as presented or amended.
- **MOTION:** Mr. Phillips moves to suspend the regular rule, and consider the Findings of Fact for PW Title 11 Road Standards and Code Update, as presented.
- **SECOND:** Mr. Galliway
 - **VOTE: 8 in Favor; 0 Opposed – Motion carries**
- **MOTION:** Mr. Phillips moves to approve the Findings of Fact as presented.
- **SECOND:** Mr. Shattuck
 - **VOTE: 7 in Favor, 1 abstention**

Kitsap County Planning Commission Minutes – May 19, 2020

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6:01

H. Work Study: Stormwater Design Manual Update – Angie Silva, Community Development (DCD) Assistant Director, Dave Tucker, PW Assistant Director

- Ms. Silva, introduces attendees from PW Utility Stormwater division, and others that have helped craft this update: Dave Tucker; Michelle Filley PW Supervisor; Scott Diener DCD Development Services & Engineering (DSE) Manager; Michelle Purdue PW Manager; Shawn Alire DSE Supervisor; Robin Kirschbaum, Consultant & Rebecca Dugopolski, Consultant.
- Ms. Silva notes this is the first work study session on very technical document; aims to outline and address ‘why and how.’ Also, to provide affordable housing, we must work within all requirements passed through, federal and local laws as well as case law, such as maximum lot size and minimum densities. All play a role in competing demands. We do not prioritize, but do advocate at state level, with affordable housing brought up consistently along with environmental and water quality protection.
- Ms. Silva reviews materials provided for this session, noting the shared presentation will outline outreach efforts and workshops that led to comments and revisions, also noting the Tribes played a large role in draft preparation.
 - Chair Eliason asks about the listed joint meeting with KBA, noting the PC was not part of that meeting.
 - Ms. Silva notes the KBA workshop date, originally set for March was delayed and held as a virtual meeting, due to COVID.

6:07

- Ms. Kirschbaum shares presentation
- Ms. Silva notes, background context for the SDM update and associate code changes is consistency, and the role of Department of Ecology (DOE). Key summary is included in the first draft and public outreach before you.
- Ms. Silva thanks contributors from DCD and PW, as well as consultants, RKI and Herrera Environmental Consultants, Bernie Kenworthy of AXIS Land Consulting who was identified KBA as their point of contact. The KBA did provide comments that will be pro
- Ms. Kirschbaum provides a brief review of the 2016 Kitsap County SDM and code update, which was very similar to this process. Team worked a little over a year to examine codes; gap analysis of DOE manual requirements at time; reviewed changes; conducted similar outreach process; finalized updates to code in fall 2016 with an adoption phase in December 2016 including updating materials and training staff.
- Ms. Kirschbaum notes 2016 SDM changes were a heavier lift than 2020, because in 2016 new requirements to incorporate Low Impact Developments (LID) were needed to make them the preferred method and commonly used approach, aiming to reduce amount of vegetation law, impervious surfaces and amount of stormwater runoff. County specific submittal requirements were also updated to be consistent with DOE manual.

Kitsap County Planning Commission Minutes – May 19, 2020

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6:12

- Mr. Tucker (PW) notes questions of ‘why are we doing this and why now’ are common. Under the federal Clean Water Act passed in 1972, the National Pollutant Discharge Elimination Systems (NPDES) permit program designated jurisdictional authority, under RCW guidance, including requirements for development of all public and private lands, and code language to adhere to current SDM or alternative state approved equivalent manual. Kitsap County also follows guidance in BoCC’s 2009 ‘Water as a Resource’ policy.
- Mr. Tucker notes while NPDES does not apply strictly to every bit of the County, state and UGA guidance directs application where density will occur. Kitsap County’s guidance under the Water is a Resource policy, is to apply across all areas where water flows. This policy established regulations and plan to preserve natural hydrology and maintain natural low energy flow, and one measure of review is whether we are still abiding by this guidance.
- Ms. Silva reviews the propose schedule and procedural requirements for this update, including noticing and outreach, noting the team is working on the 2nd draft now, for consistency and housekeeping edits, which will be reviewed by the PC and BoCC, with the process aiming for adoption in August, and training workshops and updates to information materials prior to the effect ive date of January 2021.

6:20

- Ms. Kirschbaum reviews updates in SWM from DOE, which drove majority of Kitsap County’s updates, including usability enhancements, development of an online manual for 1st time instead of only pdf or print copy, and consolidation for ease of navigation. While the online manual is new, the organization hasn’t changed much.
- Ms. Kirschbaum notes key changes including updates relating to continuous simulation modeling, flow control, water quality, design criteria, hard surface replacement threshold, added local amendments for source control Best Management Practices (BMPs), clarified dispersion flow path requirements, wetland guidance and incorporation of the Underground Injection Control (UIC) program which was previously separate.
- Ms. Kirschbaum notes examples, such as simplification of trench design including new figures; also added figure showing covered berm and plumbed areas for dumpsters, also noting many definitions, acronym, figures and tables were added to the glossary and appendices as well as housekeeping edits. The public draft is set for a 6/5 release.

6:30

- Ms. Silva again notes Bernie Kenworthy was key in coordinating outreach and workshops to develop this 1st draft with local communities and stakeholders that signed up for any DCD or PW info updates to ensure early and continuous visibility.
- Ms. Silva reviews next steps in the timeline and calls for questions.

6:35

- **QUESTION:**– Mr. Shattuck notes, this guidance is designed for urban areas, but we are applying it across the County, and reducing barriers to LIDs often increases cost of

Kitsap County Planning Commission Minutes – May 19, 2020

1 development; Critical Area Ordinance was updated four years ago, now we have to
2 update for NPDES every 5 years to address ecology’s guidance. Shares Mr. Beam
3 concern on why we are doing this, when it will likely increase development costs.

- 4 • **ANSWER:** Mr. Tucker notes changes from a cost perspective are very small
5 compared to what is currently required of developers. We make these
6 updates every permit cycle, under direction of the BoCC, in order to be in
7 compliance with state and federal laws, directed by BoCC. 2010 was most
8 dramatic in terms of cost to developers and home buyers, this update is the
9 least significant change seen during this time.
- 10 • **QUESTION:** Mr. Beam asks, for typical house development, if the engineering and
11 design costs in the permitting process is closer to 2% or 60%.
 - 12 • Ms. Silva defers to Shawn Alire, DCD DSE Supervisor, who notes 2 versions
13 of Stormwater engineering plans can be submitted with a permit; less costly
14 is the simplified drainage review plan for projects located in critical drainage
15 areas, but have less than allowed amount of impervious surface, per code
16 and SDM. This cost is \$1,050 and review take place as part of the building
17 permit for projects that require engineering but not a traditional Site
18 Development Activity Permit (SDAP).
 - 19 • Mr. Alire notes an SDAP is required, if the project meets minimum large
20 project requirements 1 – 9. An example is if you live in an urban area and
21 your project will exceed the allowed amount of impervious surface, per
22 code, you must submit an SDAP, which is separate from the building permit,
23 carries a larger fee of \$2,800 and requires specific, in-depth review.
 - 24 • Mr. Alire notes these are the costs of the permits required by the County,
25 for engineered projects, not the cost incurred by the applicant when hiring
26 an engineer; Mr. Beam asks for an estimate of typical engineering cost.
 - 27 • Mr. Alire notes it depends on the amount of engineering required and the
28 engineer, but can offer a personal scenario, as he is currently building a
29 home on property with critical area slopes, but no SDAP required. Hired a
30 private section Professional Engineer (PE) to provide a simplified engineered
31 drainage plan for cost of \$2,500 – \$3,000.
 - 32 • Mr. Beam asks if the County monitors how the permit cost and the
33 engineering cost affects overall housing prices, so feedback can be provided
34 to the legislature.
 - 35 • Ms. Silva notes work, through a collaborative relationship with BA and the
36 Kitsap Realtors’ Association, to identify true cost of development which
37 includes cost of review and implementation of DOE and other state or
38 federal requirements, passed through local agencies. We seek balance
39 between streamlining operations costs and implementation when the
40 mandates are passed down to us, but some kind of recovery for the agency
41 in terms of development has to be allowed.
 - 42 • Mr. Beam asks if a County program to monitor costs and increases would be
43 helpful to provide feedback to the legislature and monitor or define success.

Kitsap County Planning Commission Minutes – May 19, 2020

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6:55

- **QUESTION:** Mr. Galliway asks, if the code relating to LID standards applies to private and commercial development as well as public infrastructure, what LID measures has County implemented in recent years that have been successful; also noting concern with UIC is the groundwater table is fairly high, so is UIC still feasible and have there been any issues.

- **ANSWER:** Mr. Tucker notes lots of LID measures are present in road projects; recently in Phase 1 of the Ridgetop project, the median was converted to bioretention; coupled with some pervious pavement access roads. We do monitor to make sure they are still working; we also have some examples at parks, all are still working.

I. For the Good of the Order

- No comments heard.
- **MOTION:** Mr. Phillips moves to adjourn.
- **SECOND:** Mr. Shattuck
- **VOTE: 8 in Favor; 0 Opposed – Motion carries**

Time of Adjournment: 6:59 pm

Minutes approved this 16th day of June 2020.



Mike Eliason, Planning Commission Chair



Amanda Walston, Planning Commission Clerk