

Kitsap County Planning Commission Minutes – August 18, 2020

KITSAP COUNTY PLANNING COMMISSION

Zoom Webinar –

<https://us02web.zoom.us/j/88327354001>

OR Dial In: (253) 215-8782 Webinar ID: XX Password: XX

August 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), Alan Beam, Amy Maule, Jim Svensson, Ed Galliway, Kim Allen, Aaron Murphy

Members absent: Richard Shattuck

Staff present: Jeff Rimack, Angie Silva, Dave Tucker, Dave Ward, Liz Williams, Amanda Walston (Clerk)

5:30 pm

A. Introductions

B. Virtual Meeting Protocol

C. Adoption of Agenda

- **MOTION:** Kim Allen moves to approve agenda as presented.
- **SECOND:** Jim Svensson
- **DISCUSSION:** Mr. Beam wishes to amend agenda to include the previous Stormwater Design Manual (SDM) discussion as an item.
- Chair Eliason notes process would require the original maker of the motion (to adopt) to modify, or that a new motion to amend be proposed.
- **Ms. Allen (original maker) declines to modify the motion.**
 - **MOTION TO AMEND:** Mr. Beam moves to amend the motion to include the SDM discussion.
 - **SECOND:** None; Amendment Fails
 - **VOTE: 8 in Favor; 0 Opposed – (original) Motion carries**

D. Adoption of Minutes

- 07/21/20 Minutes

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- 1 • Chair Eliason requests the following corrections: Page 5 line 1, correct
- 2 'published'; page 4 line 24, Ms. Silva notes 'an' option; page 5 line 32 – (delete)
- 3 'maybe lots of one acre or less'; page 5 line 36, (strike duplicate) 'these'; page
- 4 7, line 7, correct to '0' Opposed; page 7 line 33 'If this isn't the right vehicle it
- 5 doesn't' (complete the statement.)
- 6 • **MOTION:** Joe Phillips moves to adopt the minutes as amended.
- 7 • **SECOND:** Mr. Svensson
- 8 • **VOTE: 5 in Favor; 3 Abstentions – Motion carries**

10 E. General Public Comment

- 11 • **Chair Eliason opens the floor** to speakers wishing to provide testimony on
- 12 subjects or items not listed on tonight's agenda; will limit speaking time to 3
- 13 minutes.

14 **5:40 pm**

- 15 • **SPEAKER: Bill Palmer, Port Orchard resident**
- 16 • In reference to SDM regulations heard at the previous meeting,
- 17 objects to a note in the Findings of Fact (FoF) on consistency with the
- 18 Water as a Resource Policy; will bring objection to the Board of
- 19 County Commissioners (BoCC) that the policy is mentioned but not
- 20 included in the Comprehensive (Comp) Plan, so there is no need to be
- 21 in compliance with a policy not in the Comp Plan.
- 22 • Notes the Water as a Resource Policy implementation plan pertains
- 23 primarily to Kitsap County and only found one provision related to the
- 24 general public; while agencies have reviewed the policy, finds no
- 25 evidence the public has ever had a chance to review or comment on
- 26 it; objects to it being considered as part of design regulations.

27 **5:43 pm**

- 28 • **UNNAMED ATTENDEE (Joining by Phone ending in 095):**
- 29 • Has a virtual hand raised indicating a wish to speak; Clerk enabled audio
- 30 through Zoom to allow comment, but caller did not unmute.
- 31 • After troubleshooting measures, caller still experienced technical difficulties
- 32 and did not provide comment.
- 33 • Chair Eliason notes email sent to Commissioner Garrido regarding scheduling
- 34 of the joint PC/BoCC meeting; staff will coordinate dates.
- 35 • Chair Eliason invites the caller to submit comments in another meeting or to
- 36 the department; moves to next item.

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- 1 • Chair Eliason calls for any other speakers, seeing and hearing none, **closes the**
2 **floor to speakers.**

3 **5:45**

F. Announcements

- 5 • Chair Eliason calls for announcements from the Planning Commission (PC) or
6 Department of Community Development (DCD) Staff.
- 7 • Mr. Beam notes, during SDM approval discussion, the PC was told there were
8 no means to comment and reduce the requirements for 2 items presented; the
9 1st the National Pollutant Discharge Elimination System (NPDES) permit
10 required the most restrictive case; 2nd the Water as a Resource Policy would
11 not allow reduction back to the state requirement.

12 **5:46 pm**

- 13 • **POINT OF ORDER:** Ms. Allen notes the motion to add this topic to the agenda
14 failed.
- 15 • Chair Eliason confirms the motion failed, noting Mr. Beam is making
16 an announcement regarding the topic, which is acceptable, however
17 the PC will not take any action on the comments.
- 18 • Mr. Beam continues, noting the 2007 NPDES permit did have the reference,
19 and in two revisions since, the license is no longer bound to that requirement;
20 it was also stated the Water as a Resource policy would not allow to reduce it
21 down to what the State required; based on those two statements, Mr. Beam
22 voted to pass the item presented but now finds those statements might not be
23 true; wants to ensure understanding the PC is not necessarily bound by a 2007
24 permit that has been superseded twice.
- 25 • Mr. Beam has concerns regarding the County and City of Bremerton's
26 affordable housing study which calls for 1,480 new units annually, with current
27 production of about 500, and putting more requirements on the system that
28 inhibit meeting housing requirements. Mr. Beam emailed a study to the PC,
29 interprets it to read that \$70-100,000 of additional housing costs are dictated
30 by stormwater requirements; last week heard the average house price in
31 Kitsap County is \$428,000, well above what most can afford; doesn't believe
32 requiring these added costs in developed housing is appropriate; questions
33 why we are we doing this.
- 34 • Chair Eliason calls for other announcements

35 **5:50 pm**

- 36 • Angie Silva, DCD Assistant Director, asks if the PC desires a response to Mr.
37 Beam's comments. Chair Eliason agrees.

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- Ms. Silva thanks Mr. Beam for continued interest in SDM project; notes questions brought up were following the 7/21 PC Deliberations, Approval and FoF; restates questions, which are twofold relating to the 2007 NPDES permit requirements, that we cannot change restrictive requirements from Ecology; the Water as a Resource policy specifically pertaining to response in the comment matrix to threshold discharge areas, which was brought forth through Kitsap Builders Association (KBA) comment and in subsequent PC Public Hearing from Mr. Fuhrer, based on his engineering experience.
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- Ms. Silva notes part of the discussion, including Work Studies leading up to Deliberations, related to the various inputs and requirements including the Clean Water Act, NPDES permit, Western Washington Manual and all WACs (Washington Administrative Codes) that feed into that. Those are the minimum state requirements that must be met and adhered to. Mr. Beam is correct that the 2007 NPDES permit threshold did contain language that you cannot remove more restrictive requirements than Ecology, and also correct that in subsequent permit updates that was removed; however, as part of the response to KBAs comments there was discussion and follow up, as well as being noted in the comment matrix, on the Water as a Resource policy extensively. Ms. Silva has prepared information in response to this question if reconsideration came up.
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- **POINT OF ORDER:** Mr. Phillips notes an amendment was proposed and failed to reconsider this item. The Announcements topic was not created to circumvent the amendment to reconsider, this matter has been decided. If a private discussion may be needed elsewhere, but it is not on the agenda.
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- Chair Eliason notes Mr. Beam spoke within the three-minute time frame, from his experience and on his vote, and did not engage the PC. Once a question was asked, a call for other Announcements was made. Staff offered a response, which was accepted. If the PC wishes to dispense with the subject, it can be taken offline. Staff has indicated they have a response to provide.
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- Ms. Silva notes the intent was to offer a response if the PC wanted, but if that is not the desire, DCD is glad to move forward as well.
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- Having heard from two Planning Commissioners, and concurrence by others, Chair Eliason closes this item and returns to the General Public Comment to allow the individual caller the opportunity to speak.
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- Clerk enables the Caller’s permissions to speak, but technical difficulties are still present; additional troubleshooting is unsuccessful and Chair Eliason notes the Caller may attend a subsequent meeting to provide comment, and also may provide written comments as well.

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6:00 pm

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G. Work Study: Zoning Use Table Update – Liz Williams, Community Development (DCD) Planning & Environmental Programs (PEP) Supervisor

- Ms. Williams briefly reviews the project to date, using visual aids and noting materials provided for review during the meeting and proposed changes to allowed use standards including removing footnotes, relocating existing footnotes and adding development standards for new uses.
- Ms. Williams highlights some examples of footnotes and special provisions proposed for removal:
 - Special provisions for Guest Houses are proposed for removal, as the use itself is proposed for elimination.
 - Footnote 19 referencing Silverdale Design District Boundaries; Footnote 37 requiring commercial uses to have a residential component; Footnote 41 to comply with state law related to adult family homes.
 - Visual aid: Attachment 2, Footnote Relocation Guide, notes pink shading indicates footnotes proposed for removal.
- Ms. Williams notes proposed relocation of existing footnotes, and special provisions to each zone chapter, include existing development standards that apply to most uses in a zone; some examples include:
 - Footnote 42 which limits outdoor activities in the rural industrial zone when abutting or across the street from residential zones.
 - Footnote 57 which requires more permit review when certain land undergoes development and it is next to a less intensive use and residential zone.
 - Visual aid: Attachment 1, Draft Allowed Use Provisions Resource Guide, shows Zone Chapters and proposed changes; pages 1 -11 are standards related to specific chapters in our zoning code.
- Ms. Williams notes proposed relocation of existing footnotes, and special provisions to a new zone chapter, will add:
 - A General Requirements section for existing code provisions that apply to all permit applications.
 - A section for each use for existing and proposed provisions that apply to each use identified in the allowed use table
 - Visual Aid: Attachment 2, Footnote Relocation Guide, shows red text

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1 within the description of each footnote indicating where that
2 standard is relocated within the special use provision in either
3 Chapter 17.415 or the specific zone chapter.

- 4 • Visual Aid: Attachment 1, Draft Allowed Resource Provisions
5 Resource Guide, shows the new Chapter 17.415 beginning with
6 purpose statement for chapter outlining general requirements and
7 shifts into sections for each individual use with standards.

8 **6:08 pm**

- 9 • Ms. Williams notes proposed addition of development standards for any new
10 uses proposed in this update are based on comparison of surrounding
11 jurisdictions or experience with similar uses; where no standards are
12 proposed, intent is to allow public comment and permit review process to
13 inform over time on proposed development standards for new uses.
- 14 • Ms. Williams notes DCD welcomes input and feedback, views the
15 department's recommendation as a starting point and fully anticipates the
16 public process will inform and help shape the final proposal, and walks
17 through and highlights some examples:
 - 18 • Visual Aid: Attachment 1, Draft Allowed Use Provisions Resource
19 Guide, large blocks of red underlined text typically indicates where
20 new use provisions are included.
 - 21 • **Events Facilities**, is a new use, but similar to existing uses such as
22 Conference Center and Club – civic/social; proposed language based
23 on these similar uses; as currently drafted, lists special provisions
24 applied to event facilities in rural zones; defines event participant,
25 number of participants allowed, number of events allowed as one
26 per day and must include one event-free weekend per month;
27 establishes access, parking, traffic, landscaping requirements, allows
28 Director or Hearing Examiner to impose conditions on provisions.
 - 29 • Ms. Williams notes number of events and participants was discussed
30 at length and may be a focus area the PC may expect comments on.
 - 31 • **QUESTION/ANSWER:** Ms. Allen asks, and Ms. Williams confirms, the
32 new standard would apply to new event facilities; and existing,
33 currently operating, legally established facilities would not be
34 affected; also notes this only applies to the Rural zone.
 - 35 • **QUESTION:** Chair Eliason asks how number of participants per event
36 was selected and comparison to neighboring Pierce and King County.
 - 37 • **ANSWER:** Ms. Williams notes based on staff experience and

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- 1 ability of area to handle capacity, economy, etc.; welcomes
2 suggestions or alternatives.
- 3 • Dave Ward, DCD PEP Manager concurs input is welcome; notes
4 aim was to use language on access, parking, etc. that provides
5 some criteria for the Hearing Examiner to make a decision; also
6 clarifies, while previously stated changes will not be made in
7 the rural residential zones; this is included only because it is a
8 brand new use that has no provisions, so some standards must
9 be proposed.
- 10 • Ms. Williams notes standards will help mitigate impacts, etc.
11 during the review process; while it is a new use, DCD does have
12 some experience to compare with, as DCD has been processing
13 these through the current Like Use Determination process.
- 14 • **QUESTION:** Mr. Phillips asks, under Landscaping, ‘site obscuring
15 fence required around entire parcel or proposed use area,’ if the
16 applicant could show that the event could be covered by something
17 smaller than the entire lot perimeter, would it be allowed?
- 18 • **ANSWER:** Ms. Williams notes language in item 4, referencing
19 Kitsap County Code (KCC) 17.500, which is the County’s
20 Landscaping and Buffering requirement, does build in some
21 site-specific flexibility for variances.
- 22 • Mr. Phillips asks if the applicant showed agreement from all
23 surrounding landowners, could they forego the screening
24 requirement.
- 25 • Ms. Williams understands the desire for such flexibility but
26 cautions that neighbors and consent can change over time and
27 measures and mitigation are required as part of this proposal;
28 will take note and look for clarification if possible.
- 29 • Mr. Ward notes this could also apply to parking, headlights, or
30 other things in addition to visual buffer from the event.
- 31 • **QUESTION:** Ms. Allen asks about including specific reference to the
32 County’s noise ordinance; to prevent assumptions that while
33 amplified sounds or music may be allowed during events, they must
34 still comply with the noise ordinance.
- 35 • **ANSWER:** Ms. Williams notes the General Provisions section of
36 the proposed new Chapter requires all permit applications
37 comply with the noise ordinance, as included in Title 10.

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6:22 pm

- **Campgrounds**, is a new use which would essentially allow for short term stays at a recreational facility; current proposal limits any stay to no more than 30 days within a 40-day period. This is also a focus area the PC may expect public comment on.
- Ms. Williams notes intent is short-term stays; this is a modification of the WAC regarding Campgrounds and Camp Facilities which has a complex calendar on days, stays, year, etc. This modifies and clarifies that language and provides the basis of short- term stay.
- **QUESTION:** Chair Eliason notes King County allows 6 months; asks if the maximum number of days allowed for stays at the Kitsap Memorial Park near Lofall, or private campgrounds is known.
 - **ANSWER:** Ms. Williams can provide WAC citation but does not have specific information on individual Kitsap properties.
- **COMMENT:** Ms. Allen notes the stay allows up to 30 days, but the second sentence requires 10 days in between, so you could not camp on consecutive weekends, returning home during the week.
 - Ms. Williams and Mr. Ward note the original intent was to prevent the transient nature of consecutive stays or leaving for just a night and having a de facto permanent residence.
 - Mr. Phillips notes many camp sites in the area are claimed very quickly on weekends, and Ms. Allen’s example might allow for enjoyment of the same camp site during the week.
- **QUESTION:** Ed Galliway asks if this applies to campgrounds only, or could you rent your property out as an affordable place to stay?
 - **ANSWER:** Ms. Williams notes this applies to a designated campground in rural or other area, for short-term stays; there is a proposed use for RV, tiny home or mobile home parks, where someone could reside there permanently; a third option of RV or additional unit on a residential lot, would be different and does have standards already in the code.
- **QUESTION/ANSWER:** Ms. Allen asks, and Ms. Williams confirms, Campground has been defined, noting the proposed definition was included and reviewed during the June 16 PC meeting.
- **Garage Sale** is a proposed new Temporary Use, which includes some standards to specify compliance terms and items, but no permit will

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- 1 be required. Language based on City of Port Orchard standards on
2 garage sales, listing a maximum of four events per year, maximum of
3 four consecutive days per event, hours of operations, prohibiting
4 goods from being placed in the public Right-of-Way (ROW),
5 establishes general standards related to a garage sale. This item is
6 also likely to bring public comment, especially related to maximum
7 events per year.
- 8 • **QUESTION:** Mr. Phillips asks how the resident or operator can be
9 sure traffic is not obstructed, under Item E, noting traffic is an
10 immediate issue, not always preventable by a plan or preview.
- 11 • **ANSWER:** Ms. Williams notes the onus is put on the person
12 running the sale, code compliance response would be if
13 neighbors identify issues, the County will go investigate.
14 Perhaps instead of drafted language, could propose to include
15 some parking outside of the right of way to help mitigate.
- 16 • Chair Eliason notes current land use restrictions on signage
17 could have an impact; interested to hear testimony.
- 18 • **QUESTION:** Mr. Phillips asks about residents with vehicles parked on
19 property for sale on weekly basis; if they fall under garage sale?
- 20 • **ANSWER:** Ms. Williams believes this may fall under an
21 accessory use of property; will check with Current Land Use.
- 22 • Mr. Ward notes the use was added because some locations in the
23 County have year-round garage sales taking place. Many actions
24 could be taken, from these to others more prohibitive, or similar to
25 Mill Creek where they limit them to twice a year for everyone.
- 26 • Mr. Galliway notes, having lived in Mill Creek, limiting to one
27 weekend in fall and one in summer did allow for preparation and
28 choice for residents to participate or even be home at all.
- 29 • **QUESTION:** Mr. Phillips asks if all the code will be searchable online.
- 30 • **ANSWER:** Ms. Williams notes once BoCC approves final changes, it
31 will be integrated into the online code, which is serviced through
32 Code Publishing, a company, and will be searchable by word, key
33 phrase, etc. This update process will also explore using some new
34 capabilities to allow hyperlinks within different sections of code.
- 35 • Mr. Phillips requests a demonstration of the new capabilities, when
36 available; will help in understanding how footnotes can be easily
37 incorporated and found without a lot of digging.

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- Chair Eliason notes most jurisdictions have reduced restrictions, but few have increased, other than City of Bainbridge Island.

- **Ms. Allen and Mr. Murphy excuse themselves, to attend other meetings; discussion and material presented tonight are appreciated.**

H. For the Good of the Order

- Mr. Beam refers to a previous comment from the Kitsap Public Market; notes one of these proposed items, one would restrict small neighborhood markets to main roadway arterial or arterial collector intersections; with Bremerton having only two main arterials, this feels restrictive.
 - Ms. Williams notes the current allowed use requires some commercial component, which is a barrier to allow a small scale grocery; also currently limits to ‘intersections’ but includes no standards; this proposal tried to balance allowing it but not limiting to areas where mixed use is present.
 - Mr. Phillips suggests including the Director’s discretion for flexibility.
 - Mr. Ward notes some criteria is still needed to issue a decision.
- **MOTION:** Mr. Phillips moves to adjourn.
- **SECOND:** Mr. Beam
- **VOTE: 6 in Favor; 0 Opposed – Motion carries**

Time of Adjournment: 7:00 pm

Minutes approved this 29th day of September 2020.



Mike Eliason, Planning Commission Chair



Amanda Walston, Planning Commission Clerk