

Kitsap County Planning Commission Minutes – December 1, 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

December 1, 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).

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

Members absent: Richard Shattuck

Staff present: Jeff Rimack, Angie Silva, Dave Ward, Liz Williams, Kirvie Mesebeluu-Yobech, Amanda Walston (Clerk)

5:33 pm

A. Introductions

B. Virtual Meeting Protocol

C. Adoption of Agenda

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

D. Adoption of Minutes – 11/17/20

- Postponed to next regular meeting.

5:35 pm

E. General Public Comment

- **Chair Eliason opens the floor** to speakers wishing to provide testimony to the Planning Commission (PC) on subjects or items not listed on tonight's agenda.
- Hearing none, Chair Eliason closes the floor.

5:36 pm

F. Briefing: Shoreline Master Program (SMP) Update – Kirvie Mesebeluu-Yobech, Department of Community Development (DCD) Planning & Environmental Programs (PEP) Planner (est. 30 min)

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- 1 • Angie Silva, DCD Assistant Director, introduces the County’s consultant, Dan  
2 Nickel, from the Watershed Company, who will provide additional information  
3 during Ms. Mesebeluu-Yobech’s overview and update, specifically the  
4 Consistency Analysis portion.
- 5 • On 11/23/20, staff met with the Board of County Commissioners (BoCC) for  
6 review of the materials for the SMP periodic update, a legislative process with  
7 a tight schedule and June 30, 2021 deadline for completion. BoCC changes  
8 have been incorporated into the materials before the PC tonight.
- 9 • Specific attention tonight will be brought to Attachment 1, which is a summary  
10 matrix of topics and changes in the Consistency Analysis, and Attachment 2  
11 which includes the Department of Ecology Checklist format.

12 **5:39 pm**

- 13 • Ms. Mesebeluu-Yobech presents overview and begins review of the  
14 Consistency Analysis matrix, noting the table includes each topic, the action  
15 proposed, and the originator (DCD or DOE).
- 16 • *Topic 1 – Consistency with State Law; required amendment; from Washington*  
17 *State (WA St.)*
- 18 • Cite updated cost thresholds; add references and list statutory  
19 amendments; revise language to include exemptions for compliance  
20 with Americans with Disabilities Act (ADA); update references to 2017  
21 Critical Areas Ordinance (CAO); list lakes and streams in shoreline  
22 jurisdiction.
- 23 • **QUESTION/ANSWER:** Ms. Allen asks, and Ms. Silva confirms, the CAO  
24 was updated in Kitsap County in 2007 and 2017.
- 25 • Ms. Mesebeluu-Yobech notes previous SMP included reference for  
26 2007, this update will include 2017 updated language.
- 27 • *Topic 2 – Consistency with State Law; required amendment; from DOE*
- 28 • Revise and clarify definitions regarding development and forest  
29 practices; clarify the Shoreline Management Act (SMA) is not  
30 applicable to lands under exclusive federal jurisdiction; define special  
31 procedures for Washington State Department of Transportation  
32 (WSDOT) projects; add DOE recommended definitions; revise  
33 definitions to meet Federal Emergency Management Agency (FEMA)  
34 regulations.
- 35 • *Topic 3 – Consistency with Doe Wetland Guidance; recommended amendment;*  
36 *from DOE*
- 37 • Update SMP to align w/recent 2018 Ecology Wetland Guidance  
38 regarding calibration of wetlands.

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- 1                             • Ms. Mesebeluu-Yobech defers to Ms. Silva and Mr. Nickel; Ms. Silva  
2                             asks Ms. Mesebeluu-Yobech to show on the presentation screen, the  
3                             section of the Consistency Analysis relating to wetland scoring.
- 4                             • Mr. Nickel notes the rating system was updated in 2017 to include  
5                             several wetland types throughout the State and a buffer rating  
6                             system to offer similar levels of protection from 2004.
- 7                             • A 2018 recalibration found: a score of 5 was more similar to the 3 – 4  
8                             ‘low’ rating, than the 6 – 7 ‘moderate’ rating for systems such as  
9                             water quality or habitat functioning level.
- 10                            • Essentially the summary of the tables, shown in Table 3-2, speaks to  
11                            the number of low to moderate categories, affecting Kitsap County by  
12                            moving any score previously rated at 5, to the lower level of 4.
- 13                            • DOE doesn’t publish guidance often; they made clear the  
14                            recalibration does not mean they are reducing the level of  
15                            importance of protection, only that they need a smaller level of  
16                            wetland buffer protection; this ensures appropriate wetland  
17                            protection and offers some development relief.
- 18                            • Ms. Silva notes the scale and scope of potential relief for housing and  
19                            economic factors would be determined on site by site, parcel by  
20                            parcel basis; BoCC sees this as an opportunity to seek relief before the  
21                            next update in 2025, which that prompted inclusion in this update.
- 22                            • **QUESTION:** Chair Eliason asks whether the current draft does not  
23                            specify the SMA applicability to lands w/exclusive federal jurisdiction.
- 24                                     • **ANSWER:** Ms. Mesebeluu-Yobech notes it did not clarify that  
25                                     these lands were SMA exempt; Mr. Ward notes page 8 includes  
26                                     more detail.
- 27                                     • Chair Eliason asks, and Mr. Ward confirms that would include all  
28                                     naval base installations.

29   **5:56 pm**

- 30                            • Ms. Mesebeluu-Yobech notes the next section covers discretionary  
31                            amendments recommended by DCD to help clarify, provide  
32                            transparency, and increase functionality of the SMP
- 33                            • *Topic 4 – Definitions; discretionary amendment; from DCD*
- 34                                     • Clarify definition for view blockage; currently too specific;  
35                                     needed for internal consistency across all development  
36                                     regulations and code.
- 37                                     • Ms. Silva notes this is a frequent request for formal Director’s  
38                                     Interpretations; Mr. Ward notes more details on page 19, row 2.

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- *Topic 4 – Miscellaneous; discretionary amendment; from DCD*
    - Correct spelling, grammar, scriveners' errors throughout; more details on page 24, section 4 table 5.
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- *Topic 6 – Existing Development; discretionary amendment; from DCD*
    - Increase timeline from 6 to 12 months, for rebuilding due to accidental destruction, allowing for reasonable permit preparation timing.
    - Mr. Ward notes on occasion, customers have run out of time, especially when inspections or fire investigation are involved.
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- *Topic 7 – Vegetation Conservation Buffers; discretionary amendment; from DCD*
    - Apply buffer reduction review criteria consistently; establish uses and standards in shoreline buffers and geologically hazardous (geo-hazard) areas; clarify multi-use materials; clearly indicate allowed uses may require shoreline permits; revise language on viewing decks and platforms for Single Family Residences (SFRs) to achieve intent of the SMP.
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- *Topic 8 – Water Quality & Quantity; discretionary amendment; from DCD*
    - Match shoreline jurisdiction limits with Kitsap County Code (KCC) Title 12 stormwater drainage provisions.
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- *Topic 9 – View Blockage; discretionary amendment; from DCD*
    - Evaluate, clarify regulations, and revise or remove diagrams with limited representation for KCC 22.400.1035.
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- *Topic 10 Bulk & Dimensional Standards; discretionary amendment; from DCD*
    - Compare and resolve discrepancies between Title 12 Zoning code and the SMP Development Standards Chart.
- 25
- 26
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- *Topic 11 – Process & Enforcement; discretionary amendment; from DCD*
    - Remove Hearing Examiner requirement for standalone Shoreline Substantial Development Permits (SSDP); evaluate Shoreline Application Flow Chart; update minimum permit application requirements in SMP; include Title 21 Land Use and Development Procedure cross references where applicable.
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- *Topic 12 – Shoreline Use & Modification Standards; discretionary amendment; from DCD*
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- 1 • Add language pursuant to recently passed State Law HB 2957 on  
2 commercial net pens; clarify minimum standards for  
3 replacement pilings, and unclear regulations regarding  
4 subdivisions near but outside shoreline jurisdiction.
- 5 • Mr. Ward notes more details found on page 23 row 19.
- 6 • *Topic 13 – Special Reports; discretionary amendment; from DCD*
- 7 • Clarify, define qualified professionals.

8 **6:08 pm**

- 9 • **QUESTION:** Mr. Phillips asks, when moving the time limit for  
10 rebuilding from 6 to 12 month (Topic 6) mainly because of permits or  
11 damage inspections, does the customer have to apply for a new  
12 permit if it goes beyond 12 months?
  - 13 • **ANSWER:** Ms. Silva confirms a new permit would be required,  
14 depending on when the original shoreline development was  
15 constructed.
  - 16 • Mr. Phillips asks if exceptions can be made.
  - 17 • Mr. Ward notes this doesn't apply to the zoning or full site  
18 development, but the building permit side; this brings our code  
19 into consistency with International Building Code (IBC); 6  
20 months just hasn't been enough time in some cases where  
21 lengthy fire or damage investigations are needed.
- 22 • Ms. Mesebeluu-Yobech reviews next steps including: monthly project update  
23 meetings, online open house and the public comment period all launching on  
24 12/17/20; a refresh will come again in January to prepare for release of the  
25 proposed code amendments for public review.
- 26 • Communications have been sent to key stakeholders, Tribes, local groups with  
27 project information, invitation to engage and provide comment, as well as  
28 offers of consultations; outreach and presentation at local advisory groups also  
29 begins soon.
- 30 • Ms. Silva notes late February – early March target for joint DOE/PC hearing;  
31 with another public comment period during the BoCC's review.
- 32 • **QUESTION/ANSWER:** Mr. Eliason asks, and Mr. Ward confirms, in addition to  
33 those who have opted in or subscribed to specific project updates, an email  
34 will be sent out to the entire County Listserv members.

35 **6:17 pm**

- 36 **G. Briefing: Buildable Lands Program Overview – Liz Williams, PEP Planning Supervisor**  
37 **(est. 30 min)**

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- 1
- 2 • Ms. Williams presents a brief overview on the Buildable Lands Program (BLP)  
3 to date; noting that since the last briefing, the project announcement was  
4 distributed via GovDelivery, Next Door and in broad announcement  
5 encouraging people to sign up for project-specific updates and directing them  
6 to the project page for more information.
  - 7 • County has compiled permit data, through the end of November, for  
8 unincorporated Kitsap County and from each city jurisdiction for look back  
9 trends; DCD is reviewing the data and once results are compiled, it will be sent  
10 to BERK Consulting, for 3<sup>rd</sup> party review for consistency with the County Plan  
11 and mandates .
  - 12 • Looking forward to land supply and future projected growth; the County met  
13 with each city to review methodology and assumptions in reviewing land  
14 supply and adequacy to accommodate future growth with focus on how to  
15 include new DOE statute requirements; consistency and how to calculate  
16 changes going forward is critical as the County must use same methodologies.  
17 BERK is currently developing recommended approaches, to be reviewed at  
18 the next City meeting on 12/08/20.
  - 19 • Aim is to come back to PC next meeting to look at different steps taken to  
20 evaluate land supply and jurisdictional assumptions, and how to consider  
21 integration of new statute requirements; prepare for technical discussion on  
22 evaluating land supply, which is an important, if not exciting, conversation in  
23 looking at how we size Urban Areas in preparation for the 2024 update.
  - 24 • **QUESTION:** Mr. Svensson asks if the Cities are mainly in agreement with the  
25 County methodology so far?
    - 26 • **ANSWER:** Ms. Williams notes there seem to be comfort levels  
27 regarding existing methods; but now need to consider how to  
28 implement new statute requirements and how they mesh with our  
29 existing methods.
    - 30 • That is the focus of the next meeting, and some areas have been  
31 identified as opportunities to incorporate those requirements;  
32 assumptions used in each step can and historically have varied by  
33 jurisdiction, as opposed to the steps themselves; also some questions  
34 on how to handle projects currently in progress and effects while  
35 analysis and determination happens.
- 36
- 37 **6:25 pm**
- 38 • **QUESTION:** Mr. Beam asks about annexation plans.
    - 39 • **ANSWER:** Ms. Williams notes not much has happened since 2013,  
40 with the Rocky Point area as the only coming to mind; part of this  
review does take a look at how that impacts the trends we have or  
will find with this newly collected data and projections.

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- 1 • Mr. Beam notes it is hard to define an Urban Growth Area (UGA) if  
2 there is no urban growth.
- 3 • Mr. Ward notes the County does still define areas of growth, as they  
4 do extend beyond the city; there are assumptions for eventual  
5 expansion.
- 6 • Chair Eliason notes many annexation petitions have failed because  
7 areas are within the UGA do not want to become part of the cities.
- 8 • **QUESTION:** Chair Eliason asks if any technology, Geographic Information  
9 Systems (GIS) or map overlay improvements will come with this update.
  - 10 • ANSWER: Ms. Williams notes new Light Detection and Ranging  
11 (LIDAR) data has provides some new information; some other  
12 jurisdictions are using SMARTGOV, which is the same permit  
13 database; grants from the Department of Commerce to develop  
14 dashboards that provide visual representation of collected data.
  - 15 • Mr. Ward notes Kitsap County paid for the last LIDAR flight, flown by  
16 Department of Natural Resources (DNR) in late 2017-2018, which is  
17 the most recent in Western Washington. While it doesn't help  
18 necessarily in Land Use, it does give well defined imaging for streams,  
19 buffers, structures, etc., very useful on the natural resources side.

20 **6:30 pm**

- 21 • Ms. William notes next steps include another coordination meeting on  
22 12/08/20; return to next PC meeting with methods and assumptions previously  
23 used; BERK 3<sup>rd</sup> provides 3<sup>rd</sup> party review, evaluation of lookback data and  
24 recommendation for assumptions of Countywide Policies and Comp Plan  
25 consistency; BoCC work Study on same considerations and Land Capacity  
26 Analysis.

### 27 H. For the Good of the Order/Commissioner Comments

- 28 • Public Participation Work Group
  - 29 • Chair Eliason notes clarification was requested regarding  
30 expectations, asks if Ms. Silva can share outcome.
  - 31 • Ms. Silva notes response received from 2 of 3 County Commissioners,  
32 confirming it is okay for group to solicit input from outside group, but  
33 do need to keep the number of group participants small and limited  
34 to PC members; also being mindful when taking comments on  
35 particular issues or items coming before the PC.
  - 36 • Mr. Phillips notes the work group topics will be defined, so gathering  
37 input shouldn't raise flags, since they won't be in a commission

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meeting setting and no decisions are being made; groups will present a report of findings to the PC.

- The group has not met, due to waiting for this clarification; will meet in December to help draw up a plan to help going forward next year.

- 2021 Regular Meeting Calendar

- Ms. Silva notes Legal confirmed the schedule does not require PC approval, however, when deviating from the 1<sup>st</sup> or 3<sup>rd</sup> Tuesday, additional noticing is required as a special meeting; this applies to a limited number of dates that must be shifted due to requirements for logistics, such as Elections.

- 2021 Chair & Vice Chair Elections

- Reminder that elections are scheduled for the 1<sup>st</sup> meeting in January.

**Time of Adjournment: 6:43 pm**

Minutes approved this 15th day of December 2020.



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**Mike Eliason, Planning Commission Chair**



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**Amanda Walston, Planning Commission Clerk**