



# Kitsap County Department of Community Development

## Introduction to the Planning Commission Public Comment Response Matrix

This Comment Response Matrix includes public comments received to date. The comments are organized by commenter, summary of comments received, and Department response. Column one is the number of the comment. Column two indicates the name and organization, if applicable, of the commenter. The Summary of Comment column includes a summary of each public comment. The Department Response column indicates whether a change to the proposed code amendment is recommended and associated rationale. The full written comment letters will be transmitted to the Planning Commission.

Planning Commission Public Comment Matrix: DETAILED COMMENTS				
Ref #	Name (Org)	Type	Summary of Comment	Staff Response
1	Levi Holmes	Email	Comment on dimensional standards in <u>KCC 17.420.052</u> . Minimum lot width and depth requirements in UH zone may be prohibiting certain kinds of housing types (ex: attached single family).	<b>No Changes Made.</b>  This change is outside of the scope of this administrative review. The County intends to look at all dimensional standards for urban residential zones as part of 2024 Comprehensive Plan update.
2	Ron Perkerewicz	Email	Comment on proposed change to <u>KCC 17.420.060.42A Non Conforming Structures</u> . Does not agree with staff interpretation and therefore feels that the change is substantive, rather than minor.	<b>Changes Made.</b>  After internal review of this proposed change, the interpretation of this code is not clear cut enough to make easily. Because of this, it is deferred to an update in 2023, when it can receive more analysis.
3	Rod Malcom, Suquamish Tribe	Email	Regarding proposed change to <u>KCC 17.520.060</u> . They want to clarify if this will result in the proliferation of larger garages.	<b>No Changes Made.</b>  Because this footnote only applies to issues of <i>minimum density</i> , this change will have no impact on building permits for garages, as those do not affect density
4	Berni Kenworthy	Email	Regarding proposed change to <u>KCC 17.520.060</u> . They want to clarify if adding the language of <i>dwelling unit</i> will make is so ADU's must meet minimum density. Concerned that this will result in urban properties no longer being able to add ADUs.  If this change makes more properties required to subdivide, many will not do so because it is often infeasible to subdivide certain properties in the UL zone.	<b>No Changes Made.</b>  As it stands today, ADUs are not considered in the calculation of density, and therefore this change will not have an impact on ADUs.

5	John Bissell	Email	Regarding proposed change to <u>KCC 16.40</u> Subdivisions. There should be clarification that preliminary subdivisions should be allowed to have time extensions where there is another permit with a longer expiration period, such as a Development Agreement (which can run for 15 years).	<p><b>No Changes Made.</b></p> <p>This comment is outside of the scope of this administrative update for the year 2022, but has been added to the County's catalog for future consideration.</p>
6	Rod Malcom, Suquamish Tribe	Email/Letter	<ul style="list-style-type: none"> <li>• Regarding proposed change to definition of lot area in <u>KCC 17.110.405</u>, concerned that the County does not have impervious surface maximums in rural areas</li> <li>• Regarding proposed change to <u>KCC 17.520.060</u>. They want to clarify if this will result in the proliferation of larger garages. Added that garages can be converted to dwelling units, and that any additional structures represent increase to impacts to impervious surface, traffic, etc.</li> <li>• Regarding language in <u>KCC 19.100.135</u> and <u>KCC 22.500.100</u>, which establishes that dimensional variances are preferred to critical area variances/buffer reductions, the Tribe supports this change.</li> </ul>	<p><b>No Changes Made.</b></p> <ul style="list-style-type: none"> <li>• Impervious surface maximums are not considered in this review and would be outside of the scope of administrative code edits.</li> <li>• Because this footnote only applies to issues of <i>minimum density</i>, this change will have no impact on building permits for garages, as those do not affect density.</li> </ul>
7	Meredith Green, Kitsap County Treasurer	Email	Request that KCC 17.455.100.C is removed from code. This section of code relates to notification of property owners about Right to Farm provisions, but the Kitsap County Treasurer was not part of the process when this notification requirement and believes it is a burden to do these notifications annually.	<p><b>No Changes Made.</b></p> <p>KCC 17.455.100.C has not been a subject of consideration in this update. The change is too substantial to analyze and add to the 2022 review, but may be considered to be removed in 2023.</p>

**From:** [Levi Holmes](#)  
**To:** [Colin Poff](#)  
**Subject:** 2022 Admin Code updates  
**Date:** Thursday, August 11, 2022 11:13:20 AM

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Hi Colin,

I was reviewing the admin code updates and have one update that I believe is very important to add. I've mentioned it in the past but with some of the turn-over I think it may have fallen off the list.

In 17.420.052 the UH zone has no minimum lot size however the minimum lot depth is 60' and the minimum lot width is 60'. This effectively makes a minimum lot size of 3600 square feet. This is an issue because it's impossible to meet the minimum density (18 units per acre) with 3600 sqft lots.  $43,560$  (1 acre) divided by  $3600 = 12.1$  units/acre. This minimum lot size is also larger than the lower density UM minimum lot size (2400 sqft). Additionally, it is very difficult to create attached product (the only allowed SFR use) when the minimum lot width is 40'. Currently, the only way to meet density with attached product in the UH zone is to do a Performance Based Development.

I recommend the code be clarified to make the minimum lot width and depth N/A. This will be consistent with the N/A minimum lot size. Ultimately, density should drive product type in the UH zone as opposed to minimum lot size. Without this change, it's likely the UH zone will only be developed with multifamily product.

Feel free to give me a call on my cell phone to discuss.

Best Regards,

Levi Holmes  
JWJ Group LLC  
Principal

3599 NW Carlton Street, Suite 201  
[Silverdale, WA 98383](#)  
[360.626.1146](tel:360.626.1146) - office  
[360.265.8701](tel:360.265.8701) – cell

**From:** [Ron Perkerewicz](#)  
**To:** [Colin Poff](#)  
**Cc:** [Jeff Rimack](#); [Scott Diener](#); [Jim Rogers](#)  
**Subject:** Re: proposed administrative changes  
**Date:** Monday, August 15, 2022 8:37:42 AM

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Colin, I respectfully disagree with you, it appears as though staff is not reading the current wording and interpreting it correctly. It says that existing non-conforming setbacks can be used for additions or remodels. That being the case, I do not believe the proposed change is administrative.

take out all the redlines and it reads

42. The following exceptions apply to historic lots:

a. Building setback lines that do not meet the requirements of this title but were legally established prior to the adoption of this title shall be considered the building line for alterations, remodels and accessory structures on the lot or parcel; providing, that no structure or portion of such addition may further project beyond the established building line

Thanks,  
Ron Perkerewicz - Adam Perkerewicz  
inspection & permit services llc  
360.731.8398

-----Original Message-----

From: Colin Poff <[CPoff@kitsap.gov](mailto:CPoff@kitsap.gov)>  
To: Ron Perkerewicz <[perk120@aol.com](mailto:perk120@aol.com)>  
Cc: Jeff Rimack <[JRimack@kitsap.gov](mailto:JRimack@kitsap.gov)>; Scott Diener <[SDiener@kitsap.gov](mailto:SDiener@kitsap.gov)>; Jim Rogers <[JLRogers@kitsap.gov](mailto:JLRogers@kitsap.gov)>  
Sent: Fri, Aug 12, 2022 11:01 am  
Subject: RE: proposed administrative changes

Hello Ron –

Thank you for your email and input on this potential edit.

The first reason for the change is that footnote 42 in KCC 17.420.060.42A, should be consistent with our non-conforming provisions in KCC 17.570.040. It makes sense that these two code sections should not conflict.

I also spoke with our team of planners who review development projects, and they been interpreting our code to require that any *new* development, such as an addition, should meet today's setback standards.

Keep in mind that remodel's and rebuilds may use the existing footprint of a non-conforming structure. However, if that structure is expanded or moved, it must meet today's setbacks.

Please let me know if you have any other questions or concerns as we consider these potential edits.

**Colin Poff** | Planning Supervisor  
Kitsap County Department of Community Development  
Planning and Environmental Programs  
(360) 337-5777 ext. 4844 | [cpoff@kitsap.gov](mailto:cpoff@kitsap.gov)

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**From:** Ron Perkerewicz <perk120@aol.com>  
**Sent:** Thursday, August 11, 2022 7:01 AM  
**To:** Colin Poff <CPoff@kitsap.gov>  
**Cc:** Jeff Rimack <JRimack@kitsap.gov>  
**Subject:** proposed administrative changes

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your item number eight (17.420.060.42A) has some confusion when read with the proposed final wording after you remove the edits.

My understanding, as it is currently written if you have an existing building that does not conform to the setbacks of current regulations you can still use that setback for remodels and additions as long as you do not make it more nonconforming. The revised wording appears to state that regardless of where the existing building sets in relationship to the property lines with setbacks that all new additions remodels or modifications would have to meet current setback standards.

if this is correct then this should not be considered a minor modification to the code and should go through a more deliberative process

Thanks,  
Ron Perkerewicz - Adam Perkerewicz  
inspection & permit services llc

360.731.8398

**From:** [Rod Malcom](#)  
**To:** [Colin Poff](#)  
**Subject:** RE: Programmatic SEPA DNS - 2022 Admin Code Edits  
**Date:** Tuesday, October 4, 2022 9:19:05 AM  
**Attachments:** [image002.png](#)

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Good morning, I am the new permit/SEPA reviewer at Suquamish and am currently reviewing the DNS for the 2022 Admin Code Edits. To better understand what the potential impacts of the proposed edits might be, I have a couple of questions. Questions which reflect my lack of familiarity with your code and planning.

The proposed change to 17.420.060 is listed as needed to clarify the intent as the current interpretation is that this footnote would apply to any building permit application, such as a garage, while the actual intent is that only residential dwelling unit applications should apply to this footnote. The definition I found in the code (17.110.295 ) for a garage is *“an accessory building or part of a main building intended primarily for the storage of motor vehicles owned or used by occupants of the main building.”* As the definition, I found for a garage did not include a size limitation, is it possible that by removing garage from the intent could result in large oversized “garages” being constructed with the intent to use them for purposes beyond that of a garage (such as a detached work out room or man cave)?

For 17.110.405, lot area, the Review and Reason for change section states *“Lands covered regularly by water should be excluded from lot area definition as well. This would apply to lakes and streams, but does not apply to wetlands.”* I was able to find definitions for streams (21.02.325) and wetlands (21.02.365), but not for lakes. Is there a definition for lakes?

Thank you.

Rod

Roderick Malcom  
Biologist/Ecologist, Natural Resources Department



P.O. Box 498 (mailing)  
18490 Suquamish Way

Suquamish, WA 98392  
phone: (360) 394-8449

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**From:** Amanda Walston <awalston@kitsap.gov>  
**Sent:** Monday, October 3, 2022 4:56 PM  
**To:** Rod Malcom <rmalcom@suquamish.nsn.us>  
**Cc:** Colin Poff <CPoff@kitsap.gov>; Scott Diener <SDiener@kitsap.gov>  
**Subject:** FW: Programmatic SEPA DNS - 2022 Admin Code Edits

Hello Rod,  
Colin Poff is the Lead Planner for this project and Scott Diener is the SEPA Official. I have copied them both here.

Thank you,

**Amanda Walston**

Clerk to the Hearing Examiner / Planning Commission  
Kitsap County Department of Community Development  
360-337-5777

619 Division St. MS-36  
Port Orchard, WA 98366

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**From:** Rod Malcom <[rmalcom@suquamish.nsn.us](mailto:rmalcom@suquamish.nsn.us)>  
**Sent:** Monday, October 3, 2022 4:23 PM  
**To:** Amanda Walston <[awalston@kitsap.gov](mailto:awalston@kitsap.gov)>  
**Subject:** RE: Programmatic SEPA DNS - 2022 Admin Code Edits

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Good afternoon.

I have a couple questions about the wording of some of the recommended changes. Whom would be the best person to contact about those questions.

Thank you.

Rod

Roderick Malcom  
Biologist/Ecologist, Natural Resources Department



P.O. Box 498 (mailing)  
18490 Suquamish Way  
Suquamish, WA 98392  
phone: (360) 394-8449

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**From:** Amanda Walston <[awalston@kitsap.gov](mailto:awalston@kitsap.gov)>

**Sent:** Tuesday, September 27, 2022 1:21 PM

**To:** karen.bevers <[karen.bevers@bremertonschools.org](mailto:karen.bevers@bremertonschools.org)>; [service@cngc.com](mailto:service@cngc.com); [stacey@smsaunders-law.com](mailto:stacey@smsaunders-law.com); [jchristian@ckfr.org](mailto:jchristian@ckfr.org); [davidb@cksd.wednet.edu](mailto:davidb@cksd.wednet.edu); [cherylpo@cksd.wednet.edu](mailto:cherylpo@cksd.wednet.edu); [kristim@ckschools.org](mailto:kristim@ckschools.org); [dougn@ckschools.org](mailto:dougn@ckschools.org); [DCDNotices@ci.bremerton.wa.us](mailto:DCDNotices@ci.bremerton.wa.us); [Andrea.Spencer@ci.bremerton.wa.us](mailto:Andrea.Spencer@ci.bremerton.wa.us); Nick Bond <[nbond@cityofportorchard.us](mailto:nbond@cityofportorchard.us)>; [planning@cityofportorchard.us](mailto:planning@cityofportorchard.us); [kboughton@cityofpoulsbo.com](mailto:kboughton@cityofpoulsbo.com); Jeff Rimack <[JRimack@kitsap.gov](mailto:JRimack@kitsap.gov)>;

[sepa@dahp.wa.gov](mailto:sepa@dahp.wa.gov); Scott Diener <[SDiener@kitsap.gov](mailto:SDiener@kitsap.gov)>; Samantha Long <[SLong@kitsap.gov](mailto:SLong@kitsap.gov)>; [eric.evans@kitsappublichealth.org](mailto:eric.evans@kitsappublichealth.org); [Kimberly.Jones@Kitsappublichealth.org](mailto:Kimberly.Jones@Kitsappublichealth.org); [kcachair@gmail.com](mailto:kcachair@gmail.com); [morrison@kitsapeda.org](mailto:morrison@kitsapeda.org); [mark@kpud.org](mailto:mark@kpud.org); [smelcer@kpud.org](mailto:smelcer@kpud.org); [EdwardC@KitsapTransit.com](mailto:EdwardC@KitsapTransit.com); [SteffaniL@kitsaptransit.com](mailto:SteffaniL@kitsaptransit.com); [caroleleininger35@gmail.com](mailto:caroleleininger35@gmail.com); [allison.satter@navy.mil](mailto:allison.satter@navy.mil); [smith@nkfr.org](mailto:smith@nkfr.org); [communications@nkschools.org](mailto:communications@nkschools.org); Jason Rhoads <[jrhoads@nkschools.org](mailto:jrhoads@nkschools.org)>; [finance@nkschools.org](mailto:finance@nkschools.org); [rgillig@nkschools.org](mailto:rgillig@nkschools.org); Greg Englin <[GregE@portofkingston.org](mailto:GregE@portofkingston.org)>; Gillard, Jim <[jgillard@poulsbofire.org](mailto:jgillard@poulsbofire.org)>; Christine DeGeus <[cdegeus@kitsap.gov](mailto:cdegeus@kitsap.gov)>; Andrew Nelson <[anelson@kitsap.gov](mailto:anelson@kitsap.gov)>; [SEPA@psc Cleanair.org](mailto:SEPA@psc Cleanair.org); [robert.bergquist@pse.com](mailto:robert.bergquist@pse.com); [lunderwood-bultmann@psrc.org](mailto:lunderwood-bultmann@psrc.org); [pingsham@psrc.org](mailto:pingsham@psrc.org); [pwom@bainbridgewa.gov](mailto:pwom@bainbridgewa.gov); [thomas.knuckey@ci.bremerton.wa.us](mailto:thomas.knuckey@ci.bremerton.wa.us); [mark@kpud.org](mailto:mark@kpud.org); [smelcer@kpud.org](mailto:smelcer@kpud.org); Kitsap1 <[Kitsap1@kitsap.gov](mailto:Kitsap1@kitsap.gov)>; [prevention@skfr.org](mailto:prevention@skfr.org); [millera@skitsap.wednet.edu](mailto:millera@skitsap.wednet.edu); [adamst@skitsap.wednet.edu](mailto:adamst@skitsap.wednet.edu); [scacchair@gmail.com](mailto:scacchair@gmail.com); [crossi@pnptc.org](mailto:crossi@pnptc.org); [romac@pgst.nsn.us](mailto:romac@pgst.nsn.us); [mpowers@pgst.nsn.us](mailto:mpowers@pgst.nsn.us); [russ.ladley@puyalluptribe-nsn.gov](mailto:russ.ladley@puyalluptribe-nsn.gov); [apapiez@skokomish.org](mailto:apapiez@skokomish.org); [emarbet@squaxin.us](mailto:emarbet@squaxin.us); Alison Osullivan <[aosullivan@suquamish.nsn.us](mailto:aosullivan@suquamish.nsn.us)>; Dennis Lewarch <[dlewarch@Suquamish.nsn.us](mailto:dlewarch@Suquamish.nsn.us)>; [R6CSplanning@dfw.wa.gov](mailto:R6CSplanning@dfw.wa.gov); [sepa.reviewteam@doh.wa.gov](mailto:sepa.reviewteam@doh.wa.gov); [sepacenter@dnr.wa.gov](mailto:sepacenter@dnr.wa.gov); [AviationLandUse@wsdot.wa.gov](mailto:AviationLandUse@wsdot.wa.gov); [RPAD461@ECY.WA.GOV](mailto:RPAD461@ECY.WA.GOV); [nemo461@ecy.wa.gov](mailto:nemo461@ecy.wa.gov); [or-sepa-review@wsdot.wa.gov](mailto:or-sepa-review@wsdot.wa.gov); [thomas.knuckey@ci.bremerton.wa.us](mailto:thomas.knuckey@ci.bremerton.wa.us); [mark@kpud.org](mailto:mark@kpud.org); [smelcer@kpud.org](mailto:smelcer@kpud.org); [customerservice@manchesterwater.org](mailto:customerservice@manchesterwater.org); [r.robinson@northperrywd.org](mailto:r.robinson@northperrywd.org); [mjohnson@swd16.org](mailto:mjohnson@swd16.org); [info@swd16.org](mailto:info@swd16.org); [customerservice@wawater.com](mailto:customerservice@wawater.com); [rscrews@wsud.us](mailto:rscrews@wsud.us); [itapia@wsud.us](mailto:itapia@wsud.us); [jjohnson@wsud.us](mailto:jjohnson@wsud.us); Janet Essig <[jessig@wsud.us](mailto:jessig@wsud.us)>; [bsmalley@wsud.us](mailto:bsmalley@wsud.us)

**Cc:** Colin Poff <[CPoff@kitsap.gov](mailto:CPoff@kitsap.gov)>; Jim Rogers <[JLRogers@kitsap.gov](mailto:JLRogers@kitsap.gov)>; Scott Diener <[SDiener@kitsap.gov](mailto:SDiener@kitsap.gov)>

**Subject:** Programmatic SEPA DNS - 2022 Admin Code Edits

The programmatic SEPA Determination of Non-Significance and SEPA Checklist for the proposed 2022 Administrative Edits Code Update related to amendments to Kitsap County Code, Titles 16, 17, 18 & 21 is attached for your review.

Thank you,

**Amanda Walston**

Clerk to the Hearing Examiner / Planning Commission  
Kitsap County Department of Community Development  
360-337-5777

619 Division St. MS-36  
Port Orchard, WA 98366

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**From:** [Berni Kenworthy](#)  
**To:** [Colin Poff](#)  
**Cc:** [Scott Diener](#); [Jim Rogers](#)  
**Subject:** RE: 2022 Administrative Code Edits  
**Date:** Wednesday, October 5, 2022 10:21:33 AM  
**Attachments:** [image001.png](#)

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Thank you, Colin.

I'd love to talk to you more about this footnote. While I understand the intent of the footnote is to encourage denser housing in UL, I've seen this requirement backfire a dozen times because a property owner isn't able to afford a subdivision on top of building their home. The result is that the parcel remains vacant, which achieves nothing in terms of housing. I've only seen this work on parcels which are encumbered by critical areas and we're able to get the net developable area down or if the owner has two or more lots and we can do a creative BLA to get a lot which meets this standard. I understand why this was implemented, but I don't think it's working as envisioned. It is definitely worth more discussion.

Thanks for your feedback.

Berni



**Berni Kenworthy, MSE, PE**  
Owner at Axis Land Consulting

PO Box 596  
Poulsbo, WA 98370

**Mobile:** 360-509-3716

**Email:** [berni.kenworthy@axislandconsulting.com](mailto:berni.kenworthy@axislandconsulting.com)

---

**From:** Colin Poff <CPoff@kitsap.gov>  
**Sent:** Wednesday, October 5, 2022 10:12 AM  
**To:** Berni Kenworthy <berni.kenworthy@axislandconsulting.com>  
**Cc:** Scott Diener <SDiener@kitsap.gov>; Jim Rogers <JLRogers@kitsap.gov>  
**Subject:** RE: 2022 Administrative Code Edits

Hi Berni –

Thank you for bringing this up. The proposed change on Item 2 would not change anything in terms of how ADUs relate to density. As it stands now, ADUs are not considered additional density and as such should not trigger footnote 25.

I will add the caveat that the issue of ADUs and density could come up as a discussion item during the 2024 Comprehensive Plan update. However, this admin code change will not have any affect.

Your point about the difficulty of dividing land in UL because of minimum density or infeasibility issues is a fair one and also should be a point of discussion as we look at ways to encourage more urban housing in UL zones. Perhaps

we can talk about that in the future.

Best,

Colin Poff | Planning Supervisor  
Kitsap County Department of Community Development  
Planning and Environmental Programs  
(360) 337-5777 ext. 4844 | [cpoff@kitsap.gov](mailto:cpoff@kitsap.gov)

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**From:** Berni Kenworthy <[berni.kenworthy@axislandconsulting.com](mailto:berni.kenworthy@axislandconsulting.com)>  
**Sent:** Wednesday, October 5, 2022 9:31 AM  
**To:** Colin Poff <[CPoff@kitsap.gov](mailto:CPoff@kitsap.gov)>  
**Subject:** FW: 2022 Administrative Code Edits

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Hi Colin,

For Item 2 (Minimum Density), would a proposal for an ADU for a primary residence that is on a lot over eighteen thousand square feet trigger this requirement? I've always been opposed to this requirement for a new home on a vacant lot (but I lost that fight when this was adopted), but this got me thinking about the consequences of proposing an ADU (so far, I've not had that come up). You will never see an application for an ADU in that scenario because it would be too cost prohibitive if the minimum density requirement resulted in the need for a subdivision. I've seen a lot of people walk away from building a primary residence in UL because they can't afford a subdivision, and this would be even more cost prohibitive for a small ADU.

Thanks!  
Berni

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**From:** Kitsap County <[kitsapcounty@public.govdelivery.com](mailto:kitsapcounty@public.govdelivery.com)>  
**Sent:** Tuesday, October 4, 2022 7:31 AM  
**To:** Berni Kenworthy <[berni.kenworthy@axislandconsulting.com](mailto:berni.kenworthy@axislandconsulting.com)>  
**Subject:** 2022 Administrative Code Edits



**Kitsap County Department of Community Development**

## ADMINISTRATIVE CODE EDITS - 2022

The Kitsap County Community Development Department proposes to make administrative revisions to the Kitsap County Code. The purpose of this project is to make **minor**, administrative edits and will **not** address substantive changes to the code.

### Edits may involve the following areas of Kitsap County Code:

- Title 16 (subdivisions)
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---

### Should you have any questions during this process or would like to discuss this project further, please contact:

Colin Poff, Planning Supervisor  
Kitsap County Department of Community Development  
(360) 337-4844  
[CPoff@kitsap.gov](mailto:CPoff@kitsap.gov)

Mailing Address:  
614 Division Street - MS36  
Port Orchard, WA 98366

*Kitsap County government exists to protect and promote the safety, health and welfare of our citizens in an efficient, accessible and effective manner.*

**DEPARTMENT OF COMMUNITY DEVELOPMENT**

*The mission of the Department of Community Development is to foster the development of quality, affordable, structurally safe and environmentally sound communities.*

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**From:** [John Bissell](#)  
**To:** [Colin Poff](#)  
**Subject:** Administrative Code updates  
**Date:** Tuesday, October 4, 2022 9:55:27 AM

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Colin,

I received a notice that the County is considering administrative changes to certain sections of the Kitsap County Code (KCC) and that the County is not considering substantive changes. I'm wondering if the following update would be considered administrative or substantive.

KCC 16.40 subdivisions:

There is no statement in the code that allows or prevents the County from issuing approval of an extension of time between the approval of the preliminary subdivision and application for approval of a final plat.

I recently was reading a Development Agreement (DA) which has a 15 year time period. The associated subdivision was approved by the Hearing Examiner. In the conditions of approval, the Examiner cited RCW 58.17.140 to set the time period of five years with no possibility of extension. Since KCC provides no statement regarding time periods, I believe the Hearing Examiner's condition based on 58.17.140 was correct. But as it is an implementing permit for a longer time period DA, the decision is also somewhat problematic.

However RCW 58.17.140(4) states:

*Nothing contained in this section shall act to prevent any city, town, or county from adopting by ordinance procedures which would allow extensions of time that may or may not contain additional or altered conditions and requirements.*

I would suggest at a minimum Kitsap County add a statement to allow the extension of time for the preliminary subdivision to run with the time period set by other relevant permits such as Conditional use Permits and Development Agreements.

Let me know if this is something that could be considered in this administrative review process.

Thank you.

**John Bissell, AICP** | Senior Project Manager, Land Development  
**David Evans and Associates, Inc.**

1620 W. Marine View Drive, STE 200 | Everett, WA 98201 | [www.deainc.com](http://www.deainc.com)  
c: 206.498.3610 | Cisco: 22102 | [john.bissell@deainc.com](mailto:john.bissell@deainc.com)

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# THE SUQUAMISH TRIBE

NATURAL RESOURCES DEPARTMENT  
PO Box 498 Suquamish, WA 98392-0498

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October 20, 2022

Scott Diener,  
Manager, DSE,  
Dept of Community Development  
614 Division Street, Port Orchard, WA 98366

Colin Poff, Planning Supervisor  
619 Division Street, MS-36  
Port Orchard, WA 98366

SUBJECT: Proposed 2022 Administrative Edits Code Update related to amendments to Kitsap County Code, Titles 16, 17, 18 & 21: SEPA DNS and Public Comment on Administrative Code Update Project

Dear Mr. Diener,

This letter transmits the Suquamish Tribe's (Tribe) comments concerning the DNS for the proposed 2022 Administrative Edits Code Update to Kitsap County Code (KCC) Titles 16, 17, 18 & 21. These comments will address both the SEPA Determination and the proposed Code Update.

The Tribe is concerned about two proposed changes in the Code: (1) changes to the definition of lot area (17.110.405 and 21.02.230) and (2) the clarification to minimum density (17.420.060) in urban low residential and urban cluster residential zones. The proposed definition change to "lot area" may result in long-term, adverse impacts - impacts which the SEPA review did not consider. While, even after reconsideration, a DNS might be warranted for the proposed Code Update, changes in the proposed Code Update are warranted to reduce the potential for impacts that could undermine the intent of the Code.

### **Changes to definition of lot area 17.110.405 and 21.02.230**

According to the County, the purpose of the proposed 2022 Code edits is for "housekeeping" reasons and to:

- Eliminate or reduce conflicting provisions of code;
- Add clarity to existing sections of code without changing meaning or intent of language;
- Create more predictability and certainty in development standards and the permit review process; and
- Create an efficient system to catalog and organize previous and new code edits initiated by County Staff or the public.

As the proposed changes to the definition of lot area were being reviewed, the observation by the Tribe that land use plans and zoning often tend to focus on lot coverage in urban areas rather than lot coverage in rural areas arose again. KCC 17.420.052 (Rural, resource, and urban residential zones density and dimensions table) shows that rural areas do not have limits for maximum impervious surface coverage and maximum lot coverage, while urban areas do. The County relies upon KCC Title 12 Stormwater Drainage, designed to address stormwater impacts, to limit impervious surfaces in rural residential areas. This after-the-fact response to proposed increased impervious surfaces is insufficient to protect aquatic systems. Similar to provisions in place for some other developments, the County should limit both the proportional and absolute area a parcel may have for both lot and impervious surface coverage, with whichever is smaller being the maximum coverage. Without limits on lot and impervious surface coverages, the current KCC may lead to situations where the underlying zoning density is low, but the lot coverage and impervious surface area is high in rural areas. Furthermore, the inclusion of detached and attached accessory dwelling units increases lot coverage, impervious surface area, and population without an increase in underlying density.

KCC 17.420.020 (Measurement methods) states in "all zones where a minimum density is required, minimum density is

*calculated on net developable acreage.*" The County intends to continue to include wetlands in lot area, but is proposing to clarify that *"lakes, streams, and lands covered regularly or continuously by water (ordinary high water mark), except as otherwise provided in code..."* are excluded. This implies that the County considers wetlands to be buildable areas and will result in site specific and cumulative impacts. The County should reconsider and clearly distinguish what is *"buildable"* for purposes of density compliance versus what is buildable from a critical area perspective.

The Tribe does not view these concerns as merely *"housekeeping"*. Rather, the Tribe requests that the County consider how the proposed wording changes may cause on the ground impacts or set a negative precedent for future Code proposals in different zones (see comments to *"Clarification to minimum density (17.420.060)"*).

The County Code does not appear to have a definition for *"lake"*, yet the word *"lake"* is proposed for inclusion in the definition of lot area. As the definition of a lake is not well established<sup>1</sup>, a definition should be included to avoid confusion and reduce the potential for future administrative edits to the KCC.

#### **Clarification to minimum density (17.420.060)**

The County's proposed change to KCC 17.420.060 is identified as needed to clarify the intent of the section. The current County interpretation is that footnote 25<sup>2</sup> applies to any building permit application, such as a garage, while the actual County intent is that only residential dwelling unit applications should apply to this footnote. The definition found in KCC 17.110.295 for a garage is *"an accessory building or part of a main building intended primarily for the storage of motor vehicles owned or used by occupants of the main building."* This definition does not include a size limitation. In a question to the County, the Tribe inquired whether it was possible that by removing garages from the interpretation, the result could be large, oversized *"garages"* being constructed for purposes beyond that of a garage (such as a detached work out room or living space).

The County replied in an email dated 5 October 22:

*"Removing the language of building permit and applying only to dwellings should not result in the proliferation of larger garages. The reason I say this is because even with the existing language, garages are not considered as additional density, and this footnote (footnote #253) only relates to minimum density requirements. I understand there is a concern of large garages being built and converted, however, this proposed code amendment will not have an affect on that."*

Despite the County's response, there is nothing in the Code that precludes larger garages being built and used or converted for other uses. Recently, the Tribe received notice from another jurisdiction to convert a garage to an ADU. Perhaps, the difference in opinion between the County and Suquamish derives from the word *"density"* and the resultant impacts on habitat. Kitsap County Code defines density as the *"... ratio comparing the number of dwelling units with land area."* It is not only dwelling units that can create impacts, but also accessory structures that increase impervious surface area, increase infrastructure needs, increase traffic impacts, congregating residents into areas that would otherwise not attract the same number of people, etc. Whereas this clarification is restricted to *"new building permit applications on vacant lots over eighteen thousand square feet located in urban low residential (ULR) and urban cluster residential (UCR) zones"*, critical portions of salmon habitat can lie in such zones. Additionally, this could set a precedent for areas subject to different zoning. Furthermore, the presence of garages in urban areas – by themselves on

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<sup>1</sup> Email dated 5 Oct 22 from Colin Poff, Planning Supervisor, Kitsap County

<sup>2</sup> KCC 17.420.060 25. For new building permit applications on vacant lots over eighteen thousand square feet located in urban low residential (ULR) and urban cluster residential (UCR) zones, the maximum lot size shall not exceed nine thousand square feet. This restriction shall not apply if:

- a. The net developable area of the existing parcel is less than eighteen thousand square feet; or
- b. The project application will meet minimum density requirements as established by this chapter.

a lot in the absence of a residence - could undermine the minimum density requirement and thwart planning targets.

In regard to the particular proposed changes to the wording for ULR and UCR zones, the County should also add language to footnote 25 that excluding any application for a structure that meets one or more of the following criteria: exceed a minimum size such as 400 square feet, has plumbing, has heating, that can be used as inhabitable space, or converted to inhabitable space without the need for additional County approvals. This will reduce the potential for increases in impervious surface area and use of these structures for purposes beyond that of a garage.

**Critical Areas Ordinance 19.100.135 and 22.500.100**

The Tribe supports the proposed language revisions to KCC 19.100.135 and KCC 22.500.100 that are designed to ensure that variances to dimensional standards shall be considered and exhausted prior to consideration of approving a Critical Area Variance.

Thank you for the opportunity to comment on the proposed Code Updates and SEPA DNS. The Tribe looks forward to working with the County on these issues.

If you have any questions, please contact me directly at 360-394-8449.

Sincerely,

A handwritten signature in blue ink, appearing to read "Rod Malcom", with a long horizontal flourish extending to the right.

Rod Malcom  
Biologist  
Suquamish Tribe

**From:** [Meredith Green](#)  
**To:** [Colin Poff](#)  
**Cc:** [Robert Gelder](#); [Peter Boissonneau](#); [Charlotte Garrido](#); [Edward E. Wolfe](#)  
**Subject:** FW: 2022 Administrative Code Edits  
**Date:** Monday, October 17, 2022 2:20:51 PM

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Colin,

I see that the Administrative Code is being edited this year. Section 17.455.100 C (Right to farm and notifications) created a notification requirement "C. *Notification. All landowners in Kitsap County shall receive a notice in the annual tax statement newsletter that unincorporated parcels in Kitsap County may be within or near agricultural lands on which a variety of commercial activities may occur.*"

This section was created without notifying me or seeking my permission. **I request that this section be deleted, or that DCD take on the notification.** The treasurer has enough state requirements without unnecessarily being burdened with this requirement.

Thanks,  
Meredith

**Meredith R. Green, CPA | Kitsap County Treasurer**  
**614 Division Street, MS-32 | Port Orchard, WA 98366-4692**  
**Phone: 360-337-7136 | Fax: 360-337-4635**  
**Email: [mgreen@kitsap.gov](mailto:mgreen@kitsap.gov) | Web: [www.kitsap.gov/treasurer](http://www.kitsap.gov/treasurer)**

**Our office is open to the public from 9 AM to 4 PM Monday – Thursday and 9 AM to Noon Friday. You may still contact us via email, our website, phone or mail.**

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**From:** Kitsap County <[kitsapcounty@public.govdelivery.com](mailto:kitsapcounty@public.govdelivery.com)>  
**Sent:** Tuesday, October 4, 2022 7:31 AM  
**To:** Meredith Green <[mgreen@kitsap.gov](mailto:mgreen@kitsap.gov)>  
**Subject:** 2022 Administrative Code Edits



## Kitsap County Department of Community Development

*Your partner in building safe, resilient, and sustainable Kitsap County communities!*

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### ADMINISTRATIVE CODE EDITS - 2022

The Kitsap County Community Development Department proposes to make administrative revisions to the Kitsap County Code. The purpose of this project is to make minor, administrative edits and will not address substantive changes to the code.

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