

**Kitsap County Planning Commission Minutes – January 19, 2021**

**KITSAP COUNTY PLANNING COMMISSION**

**Zoom Webinar –**

<https://us02web.zoom.us/j/83608942652>

**OR Dial In: (253) 215-8782 Webinar ID: 836 0894 2652 Password: 729445**

**January 19, 2021 @ 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 (Outgoing Chair), Joe Phillips (Outgoing Vice Chair; Incoming Chair), Alan Beam, Amy Maule (Incoming Vice Chair), Kim Allen, Aaron Murphy, Kari Kaltenborn-Corey, Stacey Smith

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

**5:30 pm**

**A. Introductions**

- 2020 Chair Mike Eliason will serve as temporary Chair until elections.
- New members Stacey Smith and Kari Kaltenborn-Corey join the PC tonight.

**B. Virtual Meeting Protocol**

**C. Adoption of Agenda**

- **MOTION:** Joe Phillips moves to adopt the agenda as presented.
- **SECOND:** Kim Allen
- **VOTE: 8 in Favor; 0 Opposed – Motion Carries**

**5:39 pm**

**D. General Elections**

- **Chair Eliason reviews past election process, opens the floor to nominations for Chair.**
- **MOTION:** Aaron Murphy nominates Joe Phillips as Chair
- **SECOND:** Kim Allen
- **Chair Eliason calls twice for additional nominations; hearing none, closes the floor to nominations and calls for the VOTE.**
- **VOTES IN FAVOR OF ELECTING JOE PHILLIPS AS CHAIR: 8**

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- 1 • **Joe Phillips is elected Planning Commission Chair for the 2021 term.**
- 2 • **Chair Phillips opens the floor to nominations for Vice Chair**
- 3 • **MOTION:** Kim Allen moves to nominate Amy Maule
- 4 • **SECOND:** Mike Eliason
- 5 • **Chair Phillips calls twice for additional nominations; hearing none, closes the**
- 6 **floor to nominations and calls for the VOTE.**
- 7 • **VOTES IN FAVOR OF ELECTING AMY MAULE AS VICE CHAIR: 8**
- 8 • **Amy Maule is elected Planning Commission Vice Chair for the 2021 term.**

### 9 E. Adoption of Minutes

- 10 • **Minutes of 12/15/20**
- 11 • **MOTION:** Kim Allen moves to adopt the minutes as presented.
- 12 • **SECOND:** Aaron Murphy
  - 13 • **DISCUSSION:** Alan Beam notes parts of the Working Group
  - 14 Recommendation report were mentioned in the minutes but would
  - 15 like the full report reflected.
  - 16 • Clerk clarifies that as standard past practice, all materials or reports
  - 17 presented at the meeting are posted as meeting materials on the
  - 18 Department of Community Development (DCD) Planning Commission
  - 19 (PC) webpage, as opposed to attaching them to the minutes. The
  - 20 same will happen to this report after these minutes are approved.
  - 21 • Mr. Beam and the PC concur this is acceptable.
  - 22 • Mr. Eliason notes on Page 4 the line: ‘notification letters’ shows up
  - 23 twice and splits into next bullet; delete one and clean up paragraph.
  - 24 • **MOTION:** Aaron Murphy moves to adopt the minutes as amended.
  - 25 • **SECOND:** Mike Eliason
  - 26 • **VOTE: 6 in Favor; 0 Opposed; 2 Abstained – Motion Carries**

### 27 F. General Public Comment

- 28 • **Chair opens the floor** to speakers wishing to provide testimony to the Planning
- 29 Commission (PC).
- 30 • **SPEAKER: Bill Palmer, South Kitsap resident, President of Kitsap Alliance**
- 31 • Mr. Palmer asks how soon the Public Participation Report will be posted and
- 32 asks when meeting agendas are posted.
- 33 • Chair defers to Clerk, who notes it is not an immediate action the Clerk can
- 34 perform, but an Information Services Tech request will be submitted by end of

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1 day on 1/20/21 to post the Public Participation report; agendas are normally  
2 posted one week prior to the scheduled meeting date and updated as needed;  
3 last week, a broken link for the 1/19/21 agenda, and an updated link was  
4 posted as soon as possible after discovery.

- 5 • **Hearing no other speakers, Chair closes the floor.**

6 **5:58 pm**

7 **G. Briefing: Buildable Lands Program Update – Liz Williams, DCD Planning Supervisor**  
8 **(est. 15 min)**

- 9 • Ms. Williams presents a project overview to date, referencing the visual  
10 presentation, noting the two main deliverables are the Development Trend  
11 Review and Land Supply Analysis.
- 12 • Since the last PC briefing, meetings have been held with local Tribes,  
13 community, and stakeholder groups to discuss project overview and process as  
14 well as impacts that may affect the groups. Meeting were also held between  
15 Staff and Kitsap Economic Development Alliance (KEDA) discussing project and  
16 potential support from KEDA regarding Market Factor and employment  
17 assumptions.
- 18 • 1:1 meetings have with individual Cities have begun, regarding collaborative  
19 efforts including categorization of under or partially (under/partial) utilized  
20 land, likelihood of redevelopment, critical areas assumptions; preparation has  
21 begun for 2/9/21 all-jurisdiction meeting focused on continued facilitation,  
22 outreach efforts, presentation and coordination throughout the process.
- 23 • DCD is working in working on preliminary analysis of data collected by the  
24 Project Consultant, BERK, in the look forward review; call for questions.

25 **6:07 pm**

- 26 • **QUESTION:** Mr. Beam asks if the stakeholder or other group briefings will  
27 continue beyond January.
  - 28 • **ANSWER:** Ms. Williams notes briefings will continue to be scheduled  
29 on request; DCD will follow the provided Public Participation Plan.
- 30 • **QUESTION:** Stacey Smith asks when census information will become available  
31 and how it may be incorporated.
  - 32 • **ANSWER:** Ms. Williams notes 2020 data will not be included in this  
33 report, as the release timeline does not align with required target  
34 dates for this update but will be included in the Comprehensive Plan  
35 (Comp Plan) Update.
  - 36 • Angie Silva, DCD Assistant Director, notes the look forward includes  
37 supply and demand as a factor in land availability, as well as Kitsap  
38 Regional Coordinating Council (KRCC) data and Countywide Planning

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1 Policies (CPPs) which house the growth targets for the 20 year  
2 planning horizon.

3 • County is required to update those targets to 2044; census data will  
4 not be released through the Office of Financial Management (OFM) in  
5 final form until 3<sup>rd</sup> or 4<sup>th</sup> quarter of 2022; it is difficult to adequately  
6 update the Comp Plan until new growth target allocations are  
7 complete and ratified; it will be a large effort to be sure 2024 will be  
8 as successful as possible.

9 • **QUESTION:** Mike Eliason notes plenty of input from local Tribes and developer  
10 groups but would like to see more input from environmental groups; asks what  
11 groups DCD has reached out to and what responses were received.

12 • **ANSWER:** Ms. Williams encourages PC to reach out to any groups they  
13 have contact with and ask for input; after DCD's initial letter,  
14 Washington State University (WSU) Extension environmental groups  
15 requested, and DCD provided, a presentation overview, and deeper  
16 dive session into the process, impacts, etc.; two individual property  
17 owners also requested/received presentations.

18 • Ms. Silva confirms County environmental agencies such as the  
19 Conservation District, were included in the information distribution, it  
20 is just a matter of how and when they choose to engage.

21 • Mr. Phillips asks if there is a current list of environmental groups in  
22 the Kitsap region; Dave Ward, DCD Planning & Environmental  
23 Programs (PEP) Manager notes the outreach list was recently  
24 expanded and will be referenced during the next agenda item.

25 **6:17 pm**

### 26 **H. Briefing: Shoreline Master Program (SMP) Update – Kirvie Mesebeluu-Yobech, DCD** 27 **Planning & Environmental Programs (PEP) Planner (est. 1 hr)**

28 • Ms. Mesebeluu-Yobech presents an overview of the project to date,  
29 referencing the Executive Summary and visual presentation, which will  
30 highlight numerous public engagement opportunities in January and going  
31 forward, project status, several preliminary approaches to several sections of  
32 the code, timeline and upcoming phases.

33 • Ms. Mesebeluu-Yobech notes in addition to briefings with the PC and Board of  
34 County Commissioners (BoCC), presentations were made in January meetings  
35 with local Tribal Councils, Citizen Advisory Councils and Builder/Development  
36 Council groups; the schedule Monthly Project Update meeting via Zoom will  
37 continue through June; Phases 2 & 3 include more public engagement  
38 opportunities as the public comment period will be open.

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- 1 • Ms. Mesebeluu-Yobech notes the first Monthly Project Update meeting on  
2 12/17/21 had a good turnout; 22 members of the public joined, in addition to  
3 DCD and County staff and consultants, for the presentation and stayed for an  
4 hour after asking questions; many attendees participated in the previous  
5 update and taskforce; several Washington State Department of Fish and  
6 Wildlife (WDFW) and Tribal Representatives also attended. Staff anticipates  
7 and is preparing for more attendees and questions at future meetings.
- 8 • Ms. Mesebeluu-Yobech reviews public comment opportunities in the coming  
9 phases, including review/analysis, Joint Department of Ecology (DOE)/PC Public  
10 Hearing, and DCD response to comments received; Phase 4 includes a new  
11 public comment period and public hearing before the BoCC.
- 12 • Ms. Mesebeluu-Yobech notes 3 sections in the Consistency Analysis which  
13 addresses all the updates; first section includes required updates from DOE  
14 checklist for external consistency; second section includes required updates to  
15 the Critical Areas Ordinance (CAO), Comp Plan and Development Regulations  
16 for internal consistency; third section includes other issues for discretionary  
17 consideration to improve clarity, functionality and reduce burden on applicants  
18 and reviewers based on feedback and data from the past 6-7 years since the  
19 original process was implemented; this third section includes a scoping matrix  
20 from the BoCC with a list of all the topics that should be addressed at this time.
- 21 • Ms. Mesebeluu-Yobech notes this meeting will focus specifically on TOPIC 3,  
22 Consistency with DOE Wetland Guidance – to align with 2018 DOE calibration  
23 habitat scoring for wetland functionality; TOPIC 4, Definitions – clarify View  
24 Blockage and Building Line; TOPIC 6, Existing Development – increase re-  
25 building timeline from 6 months to 12 months after accidental destruction or  
26 damage; TOPIC 7: Vegetation Conservation Buffers –establish beach trams as a  
27 use in buffers with consistent no-net-loss regulations, standards for chair  
28 platforms and deck landings, revise viewing decks and platform regulations.

29 **6:34 pm**

- 30 • **QUESTION:** Mr. Eliason asks for clarification on the rebuilding period, and the  
31 time the permit is issued to the time the work must be complete.
  - 32 • **ANSWER:** Ms. Silva notes consistency with Title 17 building code and  
33 follows timelines for a demolition project, which allows customers  
34 applying for a replacement permit 12 months to complete work  
35 adhering to the standards at the time of the original structural build.
  - 36 • Mr. Ward notes this is reconstruction in the event of fire or other  
37 damage, so the assumption is there is no change to land use, etc.
  - 38 • Ms. Allen notes there are many confusing terms in the building  
39 process, and this proposal states ‘from the time the application is  
40 made,’ does that mean initial submittal, or complete application?

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- 1 • Ms. Silva agrees the suggestion to change this sentence to clarify  
2 ‘application submittal date’ is a good item to note for discussion  
3 during the upcoming comment period.
- 4 • Mr. Phillips asks, and Ms. Silva confirms, if a permitted legal existing  
5 structure is damaged or destroyed, and the application is submitted  
6 with the year to replace it as it was, the reconstruction will not be  
7 subject to new zoning or Shoreline requirements that are now in  
8 place at the time of destruction. If the project is not completed within  
9 the year, the project would be subject to the new, current zoning and  
10 shoreline code requirements in place now.
- 11 • Mr. Eliason notes finding which permits are needed may be difficult.

12 **6:43 pm**

- 13 • Ms. Mesebeluu-Yobech reviews TOPIC 3, Consistency with DOE Wetland  
14 Guidance, referencing the presentation materials and illustrations that show  
15 the magnitude of changes now required from DOE’s 2018 updated guidance  
16 for recalibration of wetland functionality scoring.
- 17 • Proposed changes appear in blue underline-strikeout text; for example,  
18 moderate level was shown as 5 – 7 , now proposed as 6 – 7 and low  
19 functioning score was shown as 3 – 4, now proposed as 3 – 5.
- 20 • Mr. Ward notes certain low functioning wetlands now have smaller buffers,  
21 because of DOE guidance; may be a relief to some landowners.
- 22 • **QUESTION/ANSWER:** Mr. Eliason asks, and Mr. Ward confirms, the DOE  
23 website posts Best Available Science for adjusting the classifications; staff will  
24 find and include this link of the Project Website.
- 25 • **QUESTION/ANSWER:** Mr. Beam asks, and Mr. Ward confirms, an area’s rating  
26 depends on its wetland delineation.
  - 27 • Mr. Beam asks if an area is designated a wetland, does it receive an  
28 automatic rating of 10 and whether a citizen could look at it and  
29 decide.
  - 30 • Mr. Ward notes there is no automatic rating, it depends on wetland  
31 vegetation, hydrology and wetland or hydric soils as well as location,  
32 type and how well it is functioning; a layperson could not likely figure  
33 out what the rating would be.
- 34 • **QUESTION:** Mr. Murphy asks if Geographic Information Systems (GIS) identifies  
35 a wetland, is there an assumption that the County’s classification data is  
36 included and correct, or would there be a need to hire an outside source to  
37 confirm the County’s finding.

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- **ANSWER:** Mr. Ward notes once a wetland is identified, it needs to be evaluated and mapped, acknowledging that sometimes they appear over time where they weren't before; a mapped wetland still needs evaluation to determine whether buffer requirements are needed.
- 5
- Mr. Murphy asks what triggers a request for delineation for buffer or stream setbacks.
- 6
- 7
- Ms. Silva notes to clarify GIS mapping of hydric soils or other topography concerns, there are often two onsite review conducted before requiring a wetland review; one option is to request a Site Evaluation with DCD Environmental Review staff who look at plant species, presence of other factors; people may also choose to expedite the process by hiring a biologist to do an assessment, and possibly additional review later; DCD encourages these two lower level steps first before getting additional technical and higher cost reports. Permits must confirm to Title 19 and mitigate against potential environmental impacts, including wetlands.
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- **QUESTION/ANSWER:** Mr. Beam asks, and Mr. Ward confirms, a rain garden is considered a Stormwater Facility Best Management Practice, not a wetland.
- 17
- 18
- **QUESTION:** Ms. Smith asks about volume of wetlands impacted by this change.
- 19
- **ANSWER:** Mr. Ward notes acreage can't be determined for unmapped wetlands and it would be a difficult prediction as it could include isolated pockets scattered across the County, often lower parts of ground left behind from glacial retreat and lots of ridges and impressions.
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- Ms. Silva also notes it is important to know the geography to be crossed; GIS is helpful but cannot replace boots on ground review and assessment and getting consent to do so can be difficult.
- 25
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- 27

28 **6:58 pm**

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- Ms. Mesebeluu-Yobech notes wetland determination is based on category, intensity of proposed land use impact and special wetland characteristics.
- 30
- Ms. Mesebeluu-Yobech reviews TOPIC 4, noting strikeout and blue underline proposed language in Kitsap County Code (KCC) section 22.150.100 Accessory Structure View Blockage; section 22.150.495 Principal Building; section 22.400.135 View Blockage and (B) Accessory Structure, noting this section was generating a lot of confusion.
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- Ms. Silva notes these are often vague, leaving room for interpretations, which differ for the property owner wanting to build their dream home on the water, or a property owner trying to protect their view line.
- 36
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- 38
- **QUESTION:** Mr. Beam asks how far seaward a 6-foot fence can be built.
- 39

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- 1                           • **ANSWER:** Ms. Mesebeluu-Yobech notes all other provisions of the  
2                           SMP would still have to be met.
- 3                           • Mr. Beam asks, and Ms. Mesebeluu-Yobech confirms, if the fence is  
4                           less than 6 feet, view blockage cannot be cited as reason to prohibit.
- 5                   • Ms. Allen notes there is a right to obstruct view from primary structure, but  
6                   not from other structures, as it is the primary structure you are trying to  
7                   protect; suggests clarification in B.2 change to note it is a replacement  
8                   structure in view of the primary structure.
- 9                   • **QUESTION:** Ms. Allen asks what might be considered a water-oriented storage  
10                   structure that meets the code requirements.
- 11                           • **ANSWER:** Ms. Silva notes a kayak storage facility as one example.
- 12                   • **QUESTION/ANSWER:** Ms. Maule asks, and Mr. Ward confirms, there is no  
13                   protection for view blockage for the general public or for any one not owning  
14                   waterfront property; Mr. Beam notes there is a 35-foot height limit for  
15                   shoreline structures.
- 16                   • Mr. Phillips notes this assumes the shoreline properties of the same level, but  
17                   when going from low level up to a high shoreline level, a 6-foot structure could  
18                   block the view from the lower side.
- 19                   • Mr. Ward acknowledges this is part of the struggle to include protections for  
20                   different configurations; this tries to refine what we have to improve it, but not  
21                   intended to solve every blockage issue or shoreline complaint.
- 22   **7:14 pm**
- 23                   • **QUESTION:** Mr. Eliason asks if other jurisdictions use 6-feet as well; also, what  
24                   generates most complaints – fences, boat houses, etc.
- 25                           • **ANSWER:** Mr. Ward and Ms. Mesebeluu-Yobech notes other  
26                           jurisdictions have differences between 6 – 8 feet; complaints were  
27                           directly reported by Development Services & Engineering, Inspectors  
28                           and homeowners citing view blockage from accessory structures
- 29                           • Ms. Silva notes other jurisdictions are also updating their SMP now;  
30                           staff will consult with them; in terms of complaints, they range across  
31                           the board, not leaning toward one issue.
- 32                   • Ms. Allen notes the 6-foot fencing provision applies to all fences, may consider  
33                   distinction between view obscuring or solid fences or ones that do not have  
34                   the same effect; may want to keep your dog in the yard but not block the view.
- 35                   • Ms. Silva shares images from City of Bremerton website, noting Bremerton has  
36                   a deeper discussion and code on fences in their jurisdiction; reads section with  
37                   more detailed proposed changes to address variances or proposed mitigation.



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- 1 • **QUESTION:** Mr. Eliason asks if KCC addresses protection of wildlife corridor  
2 passage and fencing.

- 3 • **ANSWER:** Mr. Ward notes requirements would likely follow the CAO,  
4 but there is no specific provision for fencing wildlife.

5 **7:25 pm**

- 6 • Ms. Mesebeluu-Yobech reviews TOPIC 7: Vegetation Conservation Buffers and  
7 3 sub-sections, under KCC sections 22.150.625, 22.400.120 and a new  
8 paragraph which would be: 22.400.120 (D)(1)(d).
- 9 • Ms. Silva notes, for context, DCD has seen proposals for mechanized tram  
10 systems to move people, goods or materials to the beach area; no-net-loss  
11 levels must be achieved in review and KCC is silent on this; aim is to balance  
12 fairness and still meet no-net-loss. Very few jurisdictions have code examples,  
13 with regulations ranging from extensive in Bainbridge Island, to minimalist in  
14 the City of Medina, while Island County lies in the middle.
- 15 • Mr. Phillips asks if it is necessary to include shoreline the definition of tram, it  
16 may become a more general term outside of shoreline areas; Ms. Mesebeluu-  
17 Yobech will make note.
- 18 • Mr. Eliason notes high-angle rescue may be an issue too, especially for low  
19 access areas like Jefferson Beach; likes proposal language here that tries to  
20 minimize the impacts, etc.

21 **7:37 PM**

- 22 • **QUESTION:** Mr. Eliason asks why clarification on platforms is needed.
- 23 • **ANSWER:** Mr. Ward notes while called a landing, it functions like a  
24 deck; some instances see stairway landings in excess of 200 square  
25 feet; this tries to dial them back and keep them as stairs.
- 26 • Ms. Silva notes aim to ensure predictability in the review process;  
27 instead of having to coordinate and make determinations with  
28 different agencies that may have different interpretations.
- 29 • Ms. Mesebeluu-Yobech notes the allotted presentation time is exceeded, asks  
30 if the PC would like to continue or defer to next meeting; Chair Phillips asks,  
31 and PC consensus is to wait until next meeting.
- 32 • Chair Phillips asks, and Mr. Ward confirms, the Scoping Matrix reviewed was  
33 included in the November meeting materials, available by link on the Project  
34 Website and is hyperlinked in the Executive Summary in tonight's materials.
- 35 • Mr. Beam requests a report on a no-net-loss monitoring program.
- 36 • Ms. Mesebeluu-Yobech notes the 2/2/21 PC meeting coincides with the  
37 release of the draft code amendment, and opening of the public comment

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1 period; at future upcoming Monthly Project Update and Virtual Open House,  
2 staff hopes to expand the format to allow for breakout rooms and discussions;  
3 individual presentations and consultations are still being offered to individuals,  
4 groups or interested parties, PC encouraged to share invitations.

- 5 • Mr. Phillips asks, and Mr. Ward confirms, newest PC members were briefed.


6 **7:51 pm**

7 **I. For the Good of the Order/Commissioner Comments**

- 8 • Mr. Eliason asks for an updated tentative schedule for 2021; asks if the briefing  
9 to the BoCC includes items generated by DCD or from applicants.
- 10 • Mr. Ward notes state law requires annual consideration of a Comp Plan  
11 Update; DCD recommend no new additions, keep focus on SMP and BLP.
- 12 • Mr. Beam asks if the number of meeting attendees can be tracked; Clerk notes  
13 attendees come and go freely at any time; would require constant monitoring.
- 14 • Chair Phillips asks, and the PC and Staff confirm, for meetings extending  
15 beyond an hour, a short break would be appreciated.
- 16 • The PC welcomes its new members and extends thanks to past Chair.
- 17 • **MOTION: Alan Beam moves to adjourn the meeting.**
- 18 • **SECOND: Amy Maule**
- 19 • **VOTE: 7 in Favor; 0 Opposed – Motion Carries**

20  
21 **Time of Adjournment: 8:00 pm**

22  
23 **Minutes approved this 2nd day of February **2021.****

24  
25  
26 **Joe Phillips, Planning Commission Chair**  
27   
28 **Amanda Walston, Planning Commission Clerk**  
29