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KITSAP COUNTY PLANNING COMMISSION

Dial In: 253-215-8782 Webinar ID: 840 7319 7358 Passcode: 689081

April 02, 2024 @ 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, timestamps are provided below).

Planning Commission (PC) Members present: Joe Phillips (Chair), Aaron Murphy, Alan Beam, Stacey Smith, Joey Soller, Steven Boe, Jonathan Tudan, Kari Kaltenborn, Richard Shattuck

Department of Community Development (DCD) Staff present: Kathlene Barnhart, Scott Diener, Colin Poff, Clara Jewell, Amanda Walston (Clerk)

5:30 pm

- A. Introductions**
- B. Virtual Meeting Protocol**
- C. Adoption of Agenda**
 - **Agenda adopted by Unanimous Consent**
- D. Adoption of Minutes**
 - Minutes of 3/5/24 & 3/26/24 – deferred to next regular meeting.
- E. General Public Comment**
 - **Chair Phillips opens the floor to speakers wishing to provide testimony.**
 - **SPEAKER: Bill Palmer, South Kitsap Resident, President Kitsap Alliance of Property Owners (KAPO)**
 - Comments regarding Critical Area Ordinance (CAO), environmental impacts, property owner rights; submitted separate written letter with additional questions.
 - **SPEAKER: Michael Gustavson, Southworth Resident**
 - Comments regarding Growth Management Act (GMA) goals, affordable housing, property owner rights, streams and buffers.
 - **SPEAKER: Richard Brown, Kitsap Resident, Realtor**
 - Comments regarding problems being resolved, setbacks, homelessness, price of commercial property, housing costs.

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- **SPEAKER: Joe Lubischer, Indianola Resident**
 - Comments regarding CAO work group, clarity as metric, buffer protection, adverse impacts, no net loss of ecological functions, definition and methodology.
- **SPEAKER: Beth Nichols, North Kitsap Resident**
 - Comments regarding critical area and environmental function protections, development regulations, no net loss, permit and monitoring process, CAO work group, Best Available Science (BAS).
- **Chair Phillips calls again for speakers; as there are no other speakers; closes the floor to general speakers.**

F. Work Study: 2024 Critical Areas Ordinance Update – Kathlene Barnhart, DCD Senior Planner (est. 2 hrs)

- Ms. Barnhart provides a brief overview, referencing a visual presentation; focus on proposed changes to 19.200 and 19.300 Wetlands and Fish and Wildlife Habitat chapters; Definitions in 19.150 to be addressed as they come up in each chapter; consultant DCG Watershed Company available to assist as needed; next meeting also available to address information or questions not answered tonight.
- Ms. Barnhart reviews scope and purpose; references best available science (BAS) and consistency and gap analysis reports; previous work group and public input; GMA requirements; notes departing from BAS without science-based justification opens County up to appeal and non-compliance with GMA, resulting in loss of funding for capital and transportation projects.
- Ms. Barnhart reviews no net loss definition, application, determination for site and project specific assessments; mitigation sequencing and permit processes such as administrative buffer reduction variances, reasonable use exceptions, open space and transfer of development rights programs; reviews policy goals section including watershed process cumulative impacts, climate change impacts such as sea level rise and flooding, emergency exemptions.
- Ms. Barnhart reviews standards for existing development including legal non-conforming structures, existing legal structures suffering damages, danger trees and tree removal; habitat management reporting, critical area variance process; reviews general application requirement, mitigation.
- **QUESTION/COMMENT:** PC has heard comments and concerns about the CAO being both overreaching and that it does not go far enough; questions whether definitions are clear enough; Ms. Barnhart notes intent is for the adopted CAO to meet BAS, which meets the no net loss requirements.

5:59 pm

- 1 • **QUESTION/DISCUSSION:** Regarding boundaries for an underground setback
2 buffer for an underground stream; there is usually an indication of a wetland
3 stream or identified flow path you can do to test pits to identify where water is
4 flowing to; in most cases a habitat biologist or wetland specialist will need to
5 be hired.

- 6 • **QUESTION/DISCUSSION:** Regarding Urban Growth Area (UGA) exemptions, no
7 net loss ecological functions; criteria and requirements to balance and meet
8 GMA requirements and how to incentivize development in urban areas, and
9 not in rural zones which could result in sprawl; also, discussion on riparian
10 management zone guidance from DOE and how that may look when applied in
11 Kitsap County.

- 12 • **QUESTION/DISCUSSION:** Regarding property rights, GMA requirements and
13 how to address both; some good discussion took place in the work groups,
14 trying to gather and take input from local builder and developer groups and
15 find ways to incorporate those and still meet goals and policy requirements
16 from WDFW, DOE, and other agencies; this is a larger discussion happening
17 everywhere; impacts of proposed changes on property and business owners;
18 how to balance that with BAS and guidance for environmental protections.

- 19 • **QUESTION/DISCUSSION:** Regarding consulting or advice from County legal on
20 whether meeting these requirements or not adopting some of these
21 recommendations could result in legal challenges or appeals; Prosecutors'
22 Office has reviewed and confirmed adoption of proposed draft changes would
23 not result in legal 'taking' of property or violation of due process.

- 24 • **QUESTION/DISCUSSION:** Regarding impact on available buildable land if
25 proposed changes are adopted; staff notes this will be included and analyzed
26 as part of the Environmental Impact Study (EIS) through this and the
27 Comprehensive Plan Update process, as referenced by Eric Baker; also
28 encouraging outreach to community and affected property owners.

29 **G. General Public Comment**

- 30 • **Chair Phillips opens the floor** to speakers wishing to provide testimony.
- 31 • **SPEAKER: Bill Palmer, South Kitsap Resident, President KAPO**
 - 32 • Comments regarding stream classification, roadside ditches, staff
33 turnover and interpretations, cost and burden to property owners,
34 fair and efficient permitting process.

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- **SPEAKER: Richard Brown, Kitsap Resident, Realtor**
 - Comments regarding taking of private property for government use, lack of attention to locals and the public, studies used in first Comprehensive Plan and GMA, potential lawsuits.

- **SPEAKER: Mike Garrett, North Kitsap Resident, Property Owner**
 - Comments regarding whether proposed changes have been approved by State Agencies and if the process is consistent; tax valuation based on stream slope.

- **SPEAKER: Doug Hayman, North Kitsap Resident**
 - Comments regarding goals of CAO, no net loss of ecological functions, buffer protections, BAS, DOE and WDFW guidance.

- **SPEAKER: Beth Nichols, North Kitsap Resident**
 - Comments regarding historical Tribal Treaty rights, protection of streams and shorelines are fundamental.

- **Chair Phillips** calls again for speakers; as there are no other speakers; **closes the floor to general speakers**

H. For the Good of the Order/Commissioner Comments

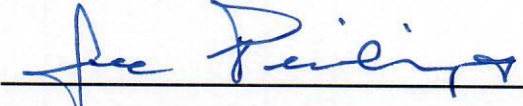
- Stacey Smith thanks staff, PC and the public for a great presentation and in-depth meetings with good discussion and learning opportunities.

- Reminder of 5/6/24 joint Board and PC meeting.


Meeting adjourned by unanimous consent.

Time of Adjournment: 7:11 pm

Minutes approved this 17th **day of** September **2024.**



Joe Phillips, Planning Commission Chair



Amanda Walston, Planning Commission Clerk