1		KITSAP COUNTY PLANNING COMMISSION
2	I	Dial In: 253-215-8782 Webinar ID: 840 7319 7358 Passcode: 689081
3		April 02, 2024 @ 5:30 pm
4 5 6 7 8	motic meeti Coun	e minutes are intended to provide a summary of meeting decisions and, except for ons made, should not be relied upon for specific statements from individuals at the ng. If the reader would like to hear specific discussion, they should visit Kitsap ty's Website at <a href="http://www.kitsapgov.com/dcd/pc/default.htm">http://www.kitsapgov.com/dcd/pc/default.htm</a> and listen to the file (to assist in locating information, timestamps are provided below).
9	Dlann	ing Commission (DC) Mombors prosent; log Phillips (Chair), Agran Murphy, Alan Boam
10 11		ing Commission (PC) Members present: Joe Phillips (Chair), Aaron Murphy, Alan Beam, y Smith, Joey Soller, Steven Boe, Jonathan Tudan, Kari Kaltenborn, Richard Shattuck
12 13		tment of Community Development (DCD) Staff present: Kathlene Barnhart, Scott Diener, Poff, Clara Jewell, Amanda Walston (Clerk)
14		F:20
15	_	5:30 pm
16	Α.	Introductions
17	В.	Virtual Meeting Protocol
18	C.	Adoption of Agenda
19		Agenda adopted by Unanimous Consent
20	D.	Adoption of Minutes
21		<ul> <li>Minutes of 3/5/24 &amp; 3/26/24 – deferred to next regular meeting.</li> </ul>
22	E.	General Public Comment
23		<ul> <li>Chair Phillips opens the floor to speakers wishing to provide testimony.</li> </ul>
24 25		<ul> <li>SPEAKER: Bill Palmer, South Kitsap Resident, President Kitsap Alliance of Property Owners (KAPO)</li> </ul>
26 27 28		<ul> <li>Comments regarding Critical Area Ordinance (CAO), environmental impacts, property owner rights; submitted separate written letter with additional questions.</li> </ul>
29		SPEAKER: Michael Gustavson, Southworth Resident
30 31		<ul> <li>Comments regarding Growth Management Act (GMA) goals, affordable housing, property owner rights, streams and buffers.</li> </ul>
32		SPEAKER: Richard Brown, Kitsap Resident, Realtor
33 34		<ul> <li>Comments regarding problems being resolved, setbacks, homelessness, price of commercial property, housing costs.</li> </ul>

1		SPEAKER: Joe Lubischer, Indianola Resident
2 3 4		<ul> <li>Comments regarding CAO work group, clarity as metric, buffer protection, adverse impacts, no net loss of ecological functions, definition and methodology.</li> </ul>
5		SPEAKER: Beth Nichols, North Kitsap Resident
6 7 8		<ul> <li>Comments regarding critical area and environmental function protections, development regulations, no net loss, permit and monitoring process, CAO work group, Best Available Science (BAS).</li> </ul>
9 10		<ul> <li>Chair Phillips calls again for speakers; as there are no other speakers; closes the floor to general speakers.</li> </ul>
11 12	F.	Work Study: 2024 Critical Areas Ordinance Update – Kathlene Barnhart, DCD Senior Planner (est. 2 hrs)
13 14 15 16 17 18		<ul> <li>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.</li> </ul>
19 20 21 22 23		<ul> <li>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.</li> </ul>
24 25 26 27 28 29		<ul> <li>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.</li> </ul>
30 31 32 33		<ul> <li>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.</li> </ul>
34 35 36 37		<ul> <li>QUESTION/COMMENT: PC has heard comments and concerns about the CAO being both overreaching and that is 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.</li> </ul>
38		5:59 pm

1 2 3 4 5 6 7	<ul> <li>Ms. Barnhart reviews wetland identification including hydric soil mapping, wetland delineation and ratings, small wetland exemptions, wetland review procedures, including wetland certification option, new Department of Ecology (DOE) recommendations on enhanced vegetation or wetland buffers, buffer width requirements, administrative buffer reduction process, buffer breaks, existing habitat corridors, bog wetland protections, wetland mitigation requirements and compliance, special report clarification and definitions.</li> </ul>
8	6:15 pm
9 10 11 12	<ul> <li>Ms. Barnhart reviews Fish and Wildlife Habitat Conservation Areas section, including focus on increased buffer widths for some stream types, riparian management guidance using a predictive model, watershed system protections; reviews development standards, fill and yard waste debris in buffers.</li> </ul>
14 15 16 17 18	<ul> <li>Ms. Barnhart introduces DCG Watershed Consultant, Alexandra Plumb, who discusses background and factors going into stream buffer recommendations, including BAS, Washington Department of Fish and Wildlife (WDFW) publications and policy recommendations regarding riparian ecosystem guidance and management, potential tree height model, water quality protections as well as non-substantive changes such as layout, graphics.</li> </ul>
20	6:26 pm
21 22 23 24 25	<ul> <li>Ms. Barnhart continues to review buffer widths as applicable to multifamily redevelopment and restoration, habitat restoration and the urban growth areas, developments standards including new and existing impervious surfaces, buffer measurements; reviews identification and protection of significant trees, criteria for increased buffers, channel mitigation, piped water course requirements, bank stabilization, local habitat reports.</li> </ul>
27	Ms. Barnhart reviews next steps in the process and calls for questions.
28	6:34 pm
29 30 31 32 33	<ul> <li>QUESTION/DISCUSSION: Regarding an example of a Type 'O' stream, which runs underground, but are not ditches, Ms. Barnhart notes some site visits have identified examples; typically, these are smaller, unnamed streams found up near headwater systems; would not expect to see these further downstream, but rather higher up in the elevations where you'll find more infiltration and changes in elevation.</li> </ul>

1 2 3 4 5		<ul> <li>QUESTION/DISCUSSION: Regarding boundaries for an underground setback buffer for an underground stream; there is usually an indication of a wetland stream or identified flow path you can do to test pits to identify where water is flowing to; in most cases a habitat biologist or wetland specialist will need to be hired.</li> </ul>
6 7 8 9 10		<ul> <li>QUESTION/DISCUSSION: Regarding Urban Growth Area (UGA) exemptions, no net loss ecological functions; criteria and requirements to balance and meet GMA requirements and how to incentivize development in urban areas, and not in rural zones which could result in sprawl; also, discussion on riparian management zone guidance from DOE and how that may look when applied in Kitsap County.</li> </ul>
12 13 14 15 16 17		• QUESTION/DISCUSSION: Regarding property rights, GMA requirements and how to address both; some good discussion took place in the work groups, trying to gather and take input from local builder and developer groups and find ways to incorporate those and still meet goals and policy requirements from WDFW, DOE, and other agencies; this is a larger discussion happening everywhere; impacts of proposed changes on property and business owners; how to balance that with BAS and guidance for environmental protections.
19 20 21 22 23		<ul> <li>QUESTION/DISCUSSION: Regarding consulting or advice from County legal on whether meeting these requirements or not adopting some of these recommendations could result in legal challenges or appeals; Prosecutors' Office has reviewed and confirmed adoption of proposed draft changes would not result in legal 'taking' of property or violation of due process.</li> </ul>
24 25 26 27 28		<ul> <li>QUESTION/DISCUSSION: Regarding impact on available buildable land if proposed changes are adopted; staff notes this will be included and analyzed as part of the Environmental Impact Study (EIS) through this and the Comprehensive Plan Update process, as referenced by Eric Baker; also encouraging outreach to community and affected property owners.</li> </ul>
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 33 34		<ul> <li>Comments regarding stream classification, roadside ditches, staff turnover and interpretations, cost and burden to property owners, fair and efficient permitting process.</li> </ul>

## Kitsap County Planning Commission Minutes – APRIL 2, 2023

1		<ul> <li>SPEAKER: Richard Brown, Kitsap Resident, Realtor</li> </ul>
2		<ul> <li>Comments regarding taking of private property for government use,</li> </ul>
3		lack of attention to locals and the public, studies used in first
4		Comprehensive Plan and GMA, potential lawsuits.
5		SPEAKER: Mike Garrett, North Kitsap Resident, Property Owner
6 7 8		<ul> <li>Comments regarding whether proposed changes have been approved by State Agencies and if the process is consistent; tax valuation based on stream slope.</li> </ul>
9		SPEAKER: Doug Hayman, North Kitsap Resident
10 11		<ul> <li>Comments regarding goals of CAO, no net loss of ecological functions, buffer protections, BAS, DOE and WDFW guidance.</li> </ul>
12		SPEAKER: Beth Nichols, North Kitsap Resident
13 14		<ul> <li>Comments regarding historical Tribal Treaty rights, protection of streams and shorelines are fundamental.</li> </ul>
15 16		<ul> <li>Chair Phillips calls again for speakers; as there are no other speakers; closes the floor to general speakers</li> </ul>
17	н.	For the Good of the Order/Commissioner Comments
18 19		<ul> <li>Stacey Smith thanks staff, PC and the public for a great presentation and in- depth meetings with good discussion and learning opportunities.</li> </ul>
20		<ul> <li>Reminder of 5/6/24 joint Board and PC meeting.</li> </ul>
21		
22	Meet	ting adjourned by unanimous consent.
23	Time	of Adjournment: 7:11 pm
24	Minu	tes approved this 17th day of September 2024.
25		
26		lee telly
27		Joe Phillips, Planning Commission Chair
28		Man Raid
29		William I
30		Amanda Walston, Planning Commission Clerk