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KITSAP COUNTY PLANNING COMMISSION

Dial In: 253-215-8782 Webinar ID: 867 2877 0416 Passcode: 188021

May 21, 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, Jonathan Tudan, Stacey Smith, Kari Kaltenborn, Richard Shattuck

Planning Commission Members absent: Joey Soller, Steven Boe,

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**
 - Item E combined with Item G to create one general public comment period; minutes of 3/26/24, 4/2/24 & 4/16/24 deferred to next meeting.
 - **Agenda adopted by Unanimous Consent**
- D. Adoption of Minutes**
 - **Minutes of 3/5/2024**
 - **MOTION: Stacey Smith moves to approve minutes of 3/5/24 as presented**
 - **SECOND**
 - **VOTE: Unanimous in Favor – Motion Carries**
- E. General Public Comment – Combined with Item G**
- F. Public Hearing: 2024 Critical Areas Ordinance (CAO) Update – Kathlene Barnhart DCD Senior Planner (approx. 90 min) Project Website: www.kcowa.us/cao**
 - Ms. Barnhart presents brief overview, timeline for project to date, next steps.
 - **Chair Phillips opens the floor to speakers wishing to provide testimony.**
 - **SPEAKER: Ian Harkins, on behalf of Kitsap Builders Association (KBA)**

- 1 • CAO regulations, amendments drastically affect many people and
2 businesses with harsh measures, negligible gain; KBA a huge
3 proponent of clean building, environmental protection but also face
4 affordable housing crisis; many can't afford to live here as is, CAO adds
5 to problem by reducing amount of buildable land for buffer increases.
- 6 • Urges keeping current buffers, shown to effectively clean pollutants;
7 recommend reductions to Type 'O' stream buffers; to provide enough
8 housing, every regulation must be intentionally considered.
- 9 • Housing important as ever now with new aircraft carrier coming to
10 Kitsap with people who need to be housed; we cannot build enough
11 with doubling the existing buffers.
- 12 • **SPEAKER: Francis Naglich, Wetland Consultant & Biologist, Ecological Land**
13 **Services in Bremerton**
 - 14 • 30-year career as a biologist; firm's staff performs critical area studies
15 for single family home projects; working with KBA on issues they
16 believe will be too restrictive, punitive to landowners or developers;
17 lot of ordinances stress avoidance of impacts to critical areas; we
18 agree and see roughly 50% can be avoided, others cannot; avoidance
19 must be kept in context with the project.
 - 20 • Notes proposed provision regarding new projects for expansions, etc.
21 could be deemed insufficient due to native plants, wetlands and could
22 require larger buffer, other changes even if the house is already built;
23 notes another example of family farm with an apple orchard within a
24 wetland; any changes or improvements to the home or land could
25 require native planting in the orchard area; asks to give people space
26 and respect to manage their own land, unless damaged.
 - 27 • Another concern is proposed 100-foot buffers for perennial and
28 seasonal streams; seems high for streams that are dry most of the
29 year; request reduction.
- 30 • **SPEAKER: John Taylor, Central Kitsap resident**
 - 31 • Opposed Growth Management Act (GMA) adopted in 1990, sees
32 results of it now; believes answer to housing problem is
33 reconsideration, removal of some regulations in favor of property
34 owner and taxpayer rather than the government; read article that
35 state of Washington spending 8 billion dollars to try and solve the
36 problem created in 1990; go back to root cause, stop using band aids.
- 37 • **SPEAKER: Eric Nemeth – North Kitsap resident, 50 years**
 - 38 • Doesn't have faith in giving leeway for property owners who think
39 they know what is best for environment but don't really know, except

- 1 they have gone through the hassle and work to build an Accessory
2 Dwelling Unit (ADU) for example; not a biologist and has been
3 ignorant about ecosystems but can ask questions and learn.
- 4 • Believes crux of the problem stems from 1998 when DCD funding
5 moved from general to special revenue fund; longer times spent on
6 permits mean more fees; believes it is outdated International Building
7 Code (IBC); look globally, outside the US for answers.
- 8 • **SPEAKER: Anthony Angello, South Kitsap resident**
- 9 • Has lived in Kitsap, watched Port Orchard and Kitsap deteriorate,
10 slowly be destroyed; apartments mushrooming up, cookie cutter
11 projects will destroy creative and entrepreneurial vision, which is all
12 about natural beauty, old growth, wildlife; once resources are gone,
13 you're left with a mess like Seattle.
 - 14 • Previous owner of development company, not anti-development, but
15 against popping out lots of units for a quick buck; use common sense,
16 be mindful of seasonal flow and do things right.
- 17 • **SPEAKER: Marla Powers, Port Gamble S'Klallam Tribe staff member**
- 18 • Submitted related comments under Comp Plan; eliminate
19 administrative Critical Variances (CVARs) to buffer reductions and to
20 maximize a buffer reduction of no more than 25% to protect Critical
21 Areas; ensure Tribes are part of the variance process and continue
22 protection of Tribal treaty rights, fish habitat.
 - 23 • Keep looking for answer to legal lot of record issue; large number are
24 or will be fully encumbered; find a way to balance protecting the
25 environment and helping homeowners.
 - 26 • Will forward additional comments on adding species of local
27 importance and their associated habitats to the critical areas so that
28 we can protect mature cedar groves, further protect very important
29 salmon habitats and other habitats of local importance.
- 30 • **SPEAKER: Kathie Lustig, North Kitsap resident, President of Save Enetai**
- 31 • Closely reviewed buffers at Enetai creek; field verified where it joins
32 Illahee creek south of beaver ponds between North Perry and
33 Trenton; huge wetlands; Rozewood Estates resident; has seen lot of
34 trash, collapsed culvert at Trenton, which residents were notified of
35 during huge salmon restoration project near south end of Enetai
36 Beach Road; stormwater dumping into the creek with no filtration.
 - 37 • Spoke to resident about fish that used to be present and flow that is
38 1/3 what it was 40 years ago; some in North End are calling it a
39 drainage ditch and filling it in.

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- Part of Save Enetai and several small groups gathering to fight results of unenforced CAO and variances whittled down to nothing; there is another side of enforcing and protecting the environment; understands where property owners are coming from but they aren't always good stewards of the land; doesn't believe old Fisher Plat and Cheney estate project is reasonable or good stewardship of that land; encourages strengthening and enforcing code we have and be reasonable for everyone.
- **SPEAKER: Michael Gustavson, Southworth resident**
 - Celebrating the environment and the people who enjoy it and live out there all year long due to no affordable housing; only top 20% can afford a house; 50 years ago had plentiful housing for 2 ½ times median income, virtually no homeless, now more than doubled statewide; difference is costly zoning and regulations; also had plenty of salmon, no buffers, now is opposite; real threat is toxic road runoff.
 - Since 2013 Washington homeless funding increased 5 times; construction and state housing rate doubled at same time but building apartments, where home equity and ownership is not realized; rents and inflation rise every year and strip housing from people on retirement or fixed incomes.
 - Recent Supreme Court case, Sheetz v. El Dorado County, California on road access fees levied on the builder said other fees need to be addressed by true impact, funded globally not by the permit; follows Nolan v. California Coastal Commission, all property owners must enjoy equal treatment and setbacks and Dolan v. City of Tigard, zoning cannot be used to pay for other public improvements; Koons v. St. John's River personal property cannot be taken to help fund a public improvement.
 - Only criteria for a millennium for construction on a lot was availability of water, power, septic or sewer and road access; this is the only road to affordable single-family housing; there are no threatened or endangered species in Kitsap; unlock land so people can afford to be here and allow construction to create local jobs. Many outdoor people simply lack opportunity and drug dependency, and depression often follows; government is not solution it is the problem and not helping create opportunity for housing development; solve the problem and take a stand.
- **SPEAKER: Rob Baglio, Owner of local BJC Construction Company for 25 years**
 - Response to comments regarding untreated runoff; want to make very clear anything developed since 1990 has full water quality

- 1 treatment facilities as part of the project development; anything
2 going untreated, unabated into drainage channels probably
3 developed prior to 1980 or even 1970; now it all has retention and
4 treatment of stormwater runoff is probably the costliest part of
5 development because of this.
- 6 • DCD is truly doing their job in reviewing permits; if you have or
7 recently applied for or received one, it takes quite some time because
8 a thorough review is being done; eliminate the misstatement because
9 DCD is truly doing their job.
 - 10 • Regarding Comp Plan, there may be some lack of education; Kitsap
11 County identified areas, for growth and areas to keep rural, by the
12 Comp Plan. What's happening right now with some of the apartments
13 in those areas identified for growth is growth; in Port Orchard, almost
14 all of those are happening within the City limits and that's where the
15 Comp Plan actually wants to put that growth; rural areas are not
16 going to change they will stay rural; any large rural changes take
17 modification of the Comp Plan and we're not looking to that area for
18 development.
 - 19 • Some of the items regarding CAO with buffer averaging and
20 administrative variances are useful tools for development of property
21 in areas that have been identified for growth; also supports speaker
22 for KBA and Ecological Land Services who speaks from many years of
23 experience and knowledge.
- 24 • **SPEAKER (virtual): Doug Hayman**
- 25 • Supports Suquamish and Port Gamble S'Klallam Tribe comments;
26 especially no buffer reductions beyond 25%; project not long ago saw
27 an almost 89% reduction on a North Kitsap development property
28 that was almost entirely wetland, which has to stop.
 - 29 • There is finite land in Kitsap, even with our current buffers there will
30 be a pinch point and development cannot continue because we've
31 run out of space, which is why they're looking to build up.
 - 32 • The docs that are on the CAO webpage and the documents with the
33 list of comments is 500+ pages and too unwieldy; please break up the
34 document into smaller manageable sizes; some of the documents
35 include the full March 8th draft within, it bogs down the computer
36 even when trying to move through; things like that would make it
37 much easier for citizens and the PC to review and make sense of
38 them;
 - 39 • Wrote to Colin Poff (Planning Supervisor) regarding March 8th draft
40 and comments submitted through the April 26th comment period;

1 appears to be nothing in these documents showing how those
2 comments are being digested or acted on; requests response to
3 comments regardless of being pro-development or pro-environment
4 be shared with the public.

5 **6:10 pm**

6 • **SPEAKER (v): Ron Perkerewicz, Central Valley resident, KBA member, past**
7 **DCD Director**

8 • Some of the buffers have doubled or increased; Buildable Lands
9 report completed a few years ago does not consider the doubling of
10 critical areas, which could take out large chunks of buildable
11 inventory; would like to see an analysis of the buildable lands no
12 longer available for development within the urban growth areas,
13 especially with the new CAO.

14 • **SPEAKER (v): Beverly Parsons, Kitsap Resident**

15 • Ensure public comments are considered seriously; wants to see
16 something showing connection between comments and changes
17 made in the CAO; agrees long list of comments right now is very hard
18 to review; important that comments are analyzed and with stated
19 criteria in objective way and made available to the public.

20 • With many different perspectives expressed, encourage any changes
21 in code tie to specific criteria and show relation to public comment;
22 the KEC (Kitsap Environmental Coalition) Workgroup had several
23 criteria to consider; be clear about which criteria goes into which
24 decisions made.

25 • **Chair Phillips calls again for speakers; as there are no other speakers; closes**
26 **the public hearing for this item.**

27 **G. General Public Comment**

28 • **Chair Phillips opens the floor to speakers wishing to provide testimony.**

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

31 • **SPEAKER: Anthony Angello, South Kitsap Port Orchard resident**

32 • Regarding affordable housing, apartments are going up but doesn't
33 believe young people in 900 – 1200 square feet apartments is really
34 considered housing or a dream home; doesn't help economy in the
35 end; can't even fill County jobs that have been open for a while;
36 believes the demand for all the people coming here is borderline
37 fictitious and exaggerated at best.

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- There is housing here for sale and supply and demand is here and operating; be careful putting in apartments instead of at least condominiums.

H. For the Good of the Order/Commissioner Comments

- Stacey Smith appreciates public participation, the diverse ideas and comments shared and those who came without intending to speak but did. Sharing ideas and building off one another's expertise makes a strong community, and we need to intentionally plan together.

Meeting adjourned by unanimous consent.

Time of Adjournment: 6:16 pm

Minutes approved this 17th day of September 2024.



Alan Beam, Acting Planning Commission Chair



Amanda Walston, Planning Commission Clerk

