



**MINUTES**

**KITSAP COUNTY  
BOARD OF COMMISSIONERS**

**September 20, 2006 PM**

*The Board of Commissioners met on the above-stated date. Present were Chair Jan Angel (Absent), Commissioner Chris Endresen, Commissioner Patty Lent, Tom Nevins, Dean Jenniges, Monty Mahan, Deborah Flynn, John Ahl, John Taylor, and Clerk of the Board Pro tem Kathy Brown and Debbie Austin (THE BOARD OF COMMISSIONERS' PUBLIC MEETINGS AND PUBLIC HEARINGS ARE AUDIO AND VIDEO TAPED).*

**ITEMS SET FOR TIME CERTAIN:**

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**6:00 PM)** Meeting Called to Order with Pledge of Allegiance.

**6:00 PM)** Continuation of the public hearing to receive oral and written testimony regarding: Kitsap County's 10-Year Update Draft Comprehensive Plan and Environmental Impact Statement and Development Regulations.

Commissioner Lent said the first public meeting was held on Monday, September 18, 2006 and a complete overview of the draft plan was given by Eric Baker, Department of Community Development. She said there would not be an additional presentation from staff. She gave the guidelines for tonight's meeting.

Eric Baker, Community Development, said the tonight's public meeting packets includes written comments received at Monday evening meeting as well as comments received on Tuesday and until 12:00 p.m. today. Relative to a previous question regarding Initiative 933, Baker read the following: "As you know, I-933 is a very controversial topic but one thing is clear to everyone, there is much disagreement even among legal scholars as to what exactly it means to local governments. If I-933 passes, it will become effective on December 7, 2006, thirty day after election, however, any litigation will effect how and when the requirements of I-933 will be imposed. As the county reads I-933, the first part would require Kitsap County to consider and document a variety of factors before enacting or adopting any ordinance, regulation or rule -- most but not all of these analyses factor are already required by the Growth Management Act. The second part of I-933 is the pay-waives provision some of those regulations that appear subject to this are: (paraphrasing) those that restrict the use, size, scope or intensity of property from what was legally allowed as of January 1, 1996. Additionally, this could include for example the zoning and subdivision regulations updated in this 10-Year update. Those that require portions of property be left in its natural state unless necessary to prevent immediate harm regardless of what

was allowed in 1996 and those that prohibit removal of vegetation regardless of what was allowed in 1996. This could include not only the critical areas regulations that were adopted last year but all the critical areas regulations that have been adopted. It is true that I-933 exempts those restrictions that apply equally to all properties but since most regulations such as zoning or the critical areas ordinance apply differently depending on the property – it is not clear what the exemption really means. According to analysis by the State Office of Financial Management, it will cost the following amounts for both the administration of the initiative (the processing of the application and deciding whether to pay or waive) and the actual compensation required by the initiative over the next six years. State agencies can cost between \$2 billion and \$2.18 billion. Cities could be between \$3.8 and \$5.3 billion and Counties could be between \$1.49 billion and \$1.51 billion. Anything that could be adopted in the 10-year update would potentially have to adhere to the provision of I-933, however there are many questions remaining that still needs to be answered by counties, cities and the state if the initiative passes.

Public Comments:

1. Art Castle said after review of the new use table, he recommends the “hobby kennel” footnote be deleted because it creates a conflict from the zoning based definition. Relative to the Rural Wooded, Castle encourages the county to continue planning and relative to transfer of development rights encourages the county to take out the requirements for site specifics. He also addresses concerns regarding sewer constraints, SEPA integration, pending land use applications in urban areas.
2. David Manny – pass
3. Nina Morse, Central Valley Road resident, said she has lived in the area since 1987 and appreciates the opportunity to participate in the public hearing process. Morse said she can not support Central Kitsap Sub-area Plan Alternative 2 or 3 due to the inclusion of the proposed rezone of approximately 140 acres to 4-9 units per acre that lies north of Hwy 303 in the Central Valley area.
4. Mary Bertrand, Chums of Barker Creek, said the Chums support Alternative 2 with the exception of the expansion of the Central Kitsap Urban Growth Area north of Waaga Way from rural residential to urban restricted zoning.
5. Bernard Jacobson said it appears to him that not a lot of discussion is going on about the largest single project facing the county which is the proposed racetrack. Jacobson said he finds it curious that a multi-million dollar corporation need the taxpayer to pay for its “profit-making toy”. He said it did not appear that the county was in a good position to profit from this proposed racetrack.
6. Jacob Metcalf, Bremerton resident, said he is disturbed that this body is considering a corporate welfare check in the form of a zoning change to a greedy, out-of-state corporation with billions in the bank. He said ISC does not share the Washingtonians environmental values or the populous value of putting the good of the people before

corporate wealth.

7. Jeff Miller, Port Orchard resident, addresses the Board with concerns about the areas of densely platted historic lots that fall outside the urban growth areas. He did not believe they are on the radars of many of the people involved in the planning process. He also addresses the Board with concerns about the Manchester Heights Development.
8. Thomas Brown – not present to speak.
9. Kent Berryman – pass
10. Jon Rose said relative to the Rural Wooded Plan, Pope Resources would use the new program however, they would use it less than they would have under the original program adopted sometime ago. He said the portion excluding the waterfront should be revisited in the future.
11. Emily Fink said she cares about the environment and her community and asks that the entire Central Valley area remain rural.
12. Holly Manke White, Manke Lumber Company, said the company owns approximately four miles of waterfront on Hood Canal that is presently in the Rural Wooded Designation. She said if the Board desired in the final analysis to include a waterfront provision in the Rural Wooded Incentive Plan, there would still be an opportunity to re-insert language regarding the shoreline preservation program.
13. Rick Cadwell requests that his property on Mickleberry Road in Silverdale be included in the new mixed use zone which is similar to urban high. He said it would serve as a buffer between the existing more intense commercial development along Bucklin Hill Road and the existing single family residential area to the south.
14. Trevor Evans said he has been a resident and property owner in Hansville since 1974 and commends the Department of Community Development for doing a great job on this plan. Evans said he is willing to share the burden of constructing the infrastructure to keep the quality of life we all share. He said while he is willing to pay his share of taxes, he is not willing to see what appears to be a single purpose development such as NASCAR avoid paying its share.
15. Joe Mentor Jr. said he supports Alternative 2 in the Silverdale Sub-Area Plan. He said the Environmental Impact Statement ignores the growth impacts outside the UGA but growth should be assumed even if it is unmet within the UGA designations. He said the impacts will occur outside of that area and will occur around it. He believes the impacts have not been adequately addressed.
16. Bill Matchett said as he understands, the Board of Commissioners would take no action on NASCAR until all the facts were in. He said the facts are not in, yet it is

being proposed that action be taken to reclassify land for NASCAR. He believes the county will lose on this project and asks that the county not rezone until all the facts are in.

17. Valerie Grahn requests that the Board consider notifying the property owners on Central Valley Road of any investigations before staff goes out and observe any of the properties as it relates to zone violations. As a parent, Grahn said she is concerned about her children if strangers are lurking about.
18. Nick Penovich supports Port Orchard Comprehensive Plan Alternative 3.
19. Donald Lawrence said the county appears to be behind in handling the highway infrastructure for the amount traffic in the Central Valley Road area. He enjoys the rural character of the area and believes a high density home development would not be conducive to the rest of the people that live in the area.
20. Ron Cain said his parcel is located in McCormick Woods ULID #6 UGA and is one of fourteen in the Hudson Road community of parcels that are surrounded on three sides by business-park, urban medium and urban cluster zoning. He said he submitted a site specific rezone request (#66) on August 4, 2006 and his intent is to title eliminate a second home on his property which would increase his property value. Cain said he is unable to do this in the Urban Reserve zoning designation. He asks the Board to approve his rezone request based on being consistent with the immediate adjacent zoning and the 10-Year Comprehensive Plan goals.
21. Kris Danielson said she supports families and family land. Relative to sub-dividing properties to give to families members, she said she noticed on Volume 3, pages 3-12, that staff has addressed this issue. She commends adding the language that states the intent of the short sub-division is to keep the property in the ownership of the immediate family members. She believes the following paragraph should be deleted.
22. Jerry Mischel, said the Berry Lake Road area should be considered for Urban Low zoning due to its good access to Hwy #16, that the traffic flow is much better on the west side of Hwy #16 than the east side, close proximity to the Port Orchard Industrial Park, close proximity to the new proposed middle school off Feigley Road and sewer and water availability on both Feigley and Clifton Roads.
23. Judith Krigsman addresses the Board with concerns regarding a site specific rezone requested by Kitsap Transit for Highway Tourist Commercial, the McWilliams Road Park and Ride that is adjacent to the Illahee Preserve. She said this application should be withdrawn.
24. Sue Fink, Concerned Citizens for Central Valley, believes they have been ignored by the county process when establishing the urban growth boundary in their neighborhood. She said they have participated in several public meetings, written

letters and continually maintained opposition to being included in any UGA, yet her neighborhood has been included in the Central Kitsap UGA. She said this is in complete opposition to RCW 36.70A.

25. Cliff Brandt compliments the staff for its work on the comprehensive plan. He believes International Speedway should build the racetrack with its own monies and not with taxpayer's money. He also addresses the Board with concerns about the rural areas in Kitsap County.
26. Ron Perkerewicz said he is an active farmer and supports Alternative 2 for Central Kitsap and Alternative 2 for South Kitsap.
27. Paul Pazooki addresses the Board with concerns about mixed use zoning and mixed use development. He requested that his two remaining parcels adjacent to a sub-station be designated as Highway Tourist Commercial.
28. Tom Donnelly, Kitsap Citizens for Rural Preservation, said they are amazed by the amount and high quality of work staff has accomplished on this update. He also comments on urban growth area expansions.
29. Mike Eliason – Not present to speak.
30. Ron Ross comments on a report from the Buck & Gordon Law Firm hired by Kitsap County to analyze land use regulations. He asks the county to amend the areas in the plan as recommended by the law firm. He also comments on expanding the urban growth areas.
31. Bob Bergum said he has requested that his property not be included in the Urban Growth Area nor annexed into the City of Poulsbo. Bergum said he did not like Alternatives 1, 2, or 3 for the City of Poulsbo but if he had to vote, he would go with Alternative 1 because it is the least intrusive. He said there is plenty of property inside the City of Poulsbo that can be developed and the plan does not need to go out of the critical areas. He said it is time to bring back the eagles and other critters.
32. Julie Bergum said she is a member of the Johnson Creek Association and of the three choices before the Board, urges adoption of Alternative 1 for the City of Poulsbo. She said Poulsbo already has enough land zoned to meet the housing requirements for all of its projected population. She said Poulsbo has done a good job in annexing land and did not need any more.
33. David Overton commends staff, the Planning Commission and the Commissioners for their work on the South Kitsap Alternative 2. He said relative to projects that are proposed and are met with opposition, then all of a sudden reasons are found why planning or economic opportunities shouldn't be engaged. He said Kitsap County has wonderful, thorough and exhaustive process for reviewing all sides of a project.

34. Jim Sommerhauser states he believes the staff has done an excellent job and he believes in this process. He suggests when the community is involved, the county should review and rate their proposals the highest whenever possible. He said relative to the racetrack, he is still confused as to how one developer in the entire county with 10 UGA's gets a placeholder for their project.
35. Nadean Ross – pass
36. Roger Zabinski said he is interested in science, education, jobs and bringing new economic development to Kitsap County. He said he is interested in Alternative 2 – maintaining an opportunity for building an industrial park. He said he is interested in preserving the South Kitsap Industrial Area or industrial areas to allow for construction of biologic manufacturing facilities.
37. Jim Helm requests a site-specific re-zone for property located on Mile Hill in order to be consistent with other properties in the area zoned commercial. He requests an urban low designation for his property which is currently zoned residential.
38. Richard Shattuck addresses the Board concerning a site-specific request for the Lindstrom family in the Central Kitsap UGA. He said the property is currently zoned Rural Protection but upon review of the site found there are no serious environmental constraints. He said these constraints do not exist and the family is requesting that the property be re-zoned to Rural Residential.
39. Grant Lynch, Great Western Sports, thanked the Board for its continued consideration of Alternative 2 in the South Kitsap Industrial Area. He said they have identified a Capital Facilities Planning Firm and once the agreement is finalized would send information to the county in order to move forward with the county's process.
40. Bill Chapman, representing Great Western Sports, believes the county has set forth a road map that defines the rules of the game and Great Western intends to work within the system that the county has set forth.
41. Lisetta Lindstrom said she has owned property on Newberry Hill for 44 years and believes this would be a safety net for them in their older years. She said the family need to have the property sub-divided into 5-acre lots and it needed to be done now and not in the future.
42. Ruthie Wrothwell states her property is in the Old Clifton Road area of South Kitsap and is prime land for Urban Low Residential. She said it is more accessible to Hwy 16, the city water main is close by and the McCormick sewer line stops in front of her developed property. She said Alternative 3 is best for her in that it includes her property as Urban Low Residential and she believes the development of her property would be an asset to the overall county vision.

43. Jacob Metcalf addresses the Board with concerns about the proposed NASCAR track in South Kitsap stating the State Auditor refers to their financial plan as “hokey” and feels this is not something that the county needs to invest in.
44. Tom Donnelly said the county has promised an open process for consideration of the NASCAR project with full public participation but that has not occurred. He said the county has repeatedly assured citizens that it would not make major decisions regarding the track proposal until it had all the information. He said this is a major decision and the capital facilities needs and plans are not available. He questions the rush on this project stating it could be addressed in 2007 as part of the annual amendment process when all facts are in.
45. Ruthie Wrothwell commends the Board for its time, energy and thought put into the vision plans for Kitsap County. She said her purchase of land in Port Orchard was also for long term investment and it’s time for that investment to pay off. She felt whether she kept the land and worked with a developer or whether she sold a portion or all of her land if it was classified Urban Low Residential, would not only benefit her but the developer, Kitsap County and all those involved would reap the benefits of its development.
46. Richard Shattuck addresses the Board regarding site specific request #31 stating that the cul-de-sac at the north end of the property was reserved for an easement for the Lindstrom property after Chaffey Homes finished developing the property.
47. Jim Sommerhauser asks staff to explain the difference between a Category III and a Category IV decision and whether there was any way the proposal for Alternative 2 –SKIA could still be required to have a Category IV Board of Commissioners decision?

Eric Baker, Community Development staff, said the way that the Draft Plan is currently written all decisions regarding the development agreement master plan would all be decisions made by the Board of County Commissioners. He said there is no Hearing Examiner’s component proposed in Volume 3 of the Development Regulations for the NASCAR track. He said each component would require a public hearing before the Board and approval by the Board after the adoption of Comprehensive Plan 10-Year update.

Discussion is held between the Board and staff regarding the guidelines for the Board of Commissioner’s decision, development regulations, what is the burden of proof relative to whether it is a beneficial use or beneficial economic use and whether the Board could ask for additional information prior to approving a development agreement.

48. Ron Perkerewicz said planning projects are not “placeholders”, they are some individual’s dreams or wishes that have been placed in the plan. He said these individuals are going through the process and their projects cannot just be pulled out

of the plan. He supports Alternative 2 for Central Kitsap and Alternative 2 for South Kitsap and move forward.

- 49. Tom Donnelly addresses the Board with concerns about the Rural Wooded Incentive program and the Transfer of Development Rights program.
- 50. Ron Ross addresses the Board with concerns about the Transfer of Development Rights program.

Commissioner Lent states the public hearing is continued to Thursday, September 21, 2006 at the hour of 6:00 p.m. for additional and final public comments on this matter.

Public meeting adjourns at 8:45 PM.

**BOARD OF COUNTY COMMISSIONERS  
KITSAP COUNTY WASHINGTON**

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JAN ANGEL, CHAIR

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CHRIS ENDRESEN, COMMISSIONER

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PATTY LENT, COMMISSIONER

**ATTEST:**

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OPAL ROBERTSON  
Clerk of the Board

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DATE APPROVED

\* See Resolution Journal Volume No. 61

\*\* See Ordinance Journal Volume No. 15

***NEXT REGULAR BOARD OF COMMISSIONERS MEETING WILL BE  
OCTOBER 9, 2006.***

**Visit the County’s website at [www.kitsapgov.com](http://www.kitsapgov.com)**

***NOTE: Kitsap County does not discriminate on the basis of disability. Individuals who require accommodations should contact the Commissioners Office at (360) 337-4428 or TDD (360) 337-7275 or 1-800-816-2782. (Please provide five business days notice for interpreter services).***