



MINUTES

KITSAP COUNTY BOARD OF COMMISSIONERS December 15, 2010 – 9 a.m.

The Board of Commissioners met on the above-stated date. Present were Chair Josh Brown, Commissioner Steve Bauer, Commissioner Charlotte Garrido, County Administrator Nancy Buonanno Grennan and acting Clerk of the Board Rhiannon Fernandez. *(The Board of Commissioners' public meeting is audio and video taped. By signing in or speaking at this meeting, you grant your permission to be taped. Minutes of this public meeting are posted on Kitsap County's webpage).*

9:00 AM) Meeting Called to Order with Pledge of Allegiance.

OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE BOARD

On proposed amendments to ordinance to adopt annual amendments to the 2006 Comprehensive Plan authorized by preliminary docket Resolution 223-2009.

(Please limit individual comments to **3 minutes**. Written comments may also be submitted to the Board, if this timeframe is insufficient.) Comments on items slated for public hearing will be deferred until the hearing.

- 1) Val Torrens commented on #9 that allowing pervious developments not to be subject to new landscaping conditions would be fine except for the fact that the permit holders who have not necessarily already complied with conditions that they were supposed to comply with. The language needs to reflect that if these people have not complied with the conditions that have already been set, they could be subject to these new conditions. She was very disappointed in the public process and feels that the community was purposely not sought out at the same level that the development community was. She also felt that a half mile radius would have taken in a lot more people with the postcard notifications.
- 2) Deborah Gates, Lofall resident, urged the Board to take a proactive approach to preserve water quality and quantity in rural north Kitsap County. She feels Community Development was horrendous in terms of the involvement of the community. She referenced emails from county staff that gives the impression county bent over backwards to keep the businesses and industries informed, and deliberately excluded the neighbors. Ms. Gates is also still waiting for a complete response to a public records request submitted on November 16.
- 3) Marilyn Hobin felt like she has been precluded from having any voice in the process and getting information on the process. Her concern is that Twelve Trees is uphill

from a major aquifer recharge area, and there are a number of communities with many families who could be affected by any process that ended up contaminating the water.

- 4) Teresa Osinski, Government Affairs Director for the Home Builder's Association, thanked the Board for the amount of time and effort that has been put to this process. She understands that there is concern and it always creates a worry for neighboring land owners when these processes are going on, and just think that maybe what needs to be emphasized here with the LAMIRDs is that these properties already exist. That doesn't change the fact that there may be neighborhood problems or other issues, but the creation of the LAMIRDs themselves is not going to create dramatic changes. Ms. Osinski had a couple of questions: 1) In the matrices and the discussion about site specifics, at some point, if she could get help in understanding where that specific language will appear, 2) She thought that in the event that the Planning Commission tied on a vote regarding a Site Specific, that it defaults to a procedural process to a rejection, but would prefer that the ordinance actually accurately reflect how that vote took place. 3) On number 14 on the matrix, it was unclear if this pertained specifically to the rural areas.
- 5) Jim Sommerhouser, Central Kitsap, commented the process and work done by the Planning Commission. He mentioned a process that he considered a little more innovative, that allowed the public to participate in the meeting. There was more than project developers, more than what has been referred to as project side of the people involved in those discussions. Mr. Sommerhouser is continually disappointed that very few of the public seems to show up early in the process when the Planning Commission is working on things. He does not know what more could be done to get notice out to the public and get them engaged.
- 6) Vivian Henderson, KAPO, objected to the process. She believes that there were some pretty significant changes that should have gone through the public process. The revisions have been available less than 24 hours. She feels policy RL-8 is not appropriate and feels Kitsap County is putting up a "closed to business" sign. She stated that the County has a long way to go to get people involved.

Chair Brown stated that the public comment and feedback has been received and that the Board has gone through everything. The amendments before the Board today are due to public feedback and comment, to say that we have not had it is not accurate.

- A) **FOR DECISION ONLY:** Public hearing to consider an **Ordinance** to adopt annual amendments to the **2006 Comprehensive Plan authorized by preliminary 2010 docket Resolution 223-2009**. In 2010, amendments to the Comprehensive Plan include revision of Comprehensive Plan Chapter 3 'Rural and Resource Lands', proposed Rural Commercial and Rural Industrial Comprehensive Land Use designations and associated development code; proposed areas of Type III Limited Areas of More Intensive Rural Developments and associated development code, rural site specific amendments, Kitsap County Capital Facilities Plan elements and

the Kitsap County Zoning and Comprehensive Plan Maps. **Staff Contact:** Scott Diener, 337-5777.

Commissioner Bauer asked for clarification from staff on: 1) the public process and 2) what enforcement complaints have been expressed regarding 12 Trees.

Scott Diener, Community Development, stated that they are not aware of any complaints or code compliance issues with 12 Trees; however, if there are complaints or concerns about conditions of approval not being met, he would like to know those. If there are concerns about buffers, then that is in synch with what they have heard about LAMIRDs in general, and as they have expressed to the Board, they would like to take a look at the required buffers for development in all of the candidate LAMIRD areas and make sure that they are living up to the requirements of the conditions of their approval.

With regards to public processes and how this was born, Scott would argue that the first "Year of the Rural" discussions became public in September of last year when DCD began looking at some deficiencies in the code in the simple elimination of rural land use policy 8. It was argued that not enough public vetting had been done for what DCD was proposing and that there was general unawareness of the implications that DCD was proposing. DCD began discussions with their Advisory Committee where it was determined that the department really needed to look at more of a year of the rural effort and understand what it is that people expect and do not expect out of rural Kitsap. That discussion translated into a proposed work plan docket discussion for 2010, which began in November and concluded in the first part of December with the Board's authorization to begin a year of the rural effort.

Meetings in each of the Commissioner's districts occurred in March and they had substantial involvement. There was an online survey available, which received over 100 responses. There were at least three articles that were prepared, that identified the work program for DCD and how these efforts were proceeding. The website identified all of these elements as well as the the Planning Commission materials. DCD had a rural stake holder group formed that was comprised of three members of the department advisory group, three members of the HBA, and three members of the West Sound Conservation Council. They met nine times, and often those meetings lasted three hours or longer, and they worked through many of the issues presented today. With respect to mail outs, they were sent out 500' from the perimeter of the boundary, and it was done by a contracted third party.

Commissioner Bauer agreed with comments that this felt rushed due to the schedule. He feels there is a need to sit down and take a look at the legislature and whether the calendar year makes the most sense for this.

Chair Brown stated that the budget process is dictated by the State, but Community Development could move up their adoption calendar to have comprehensive plan final adoptions occurring in late summer.

Commissioner Garrido welcomes having the calendar moved up; this is really frustrating for her too. She felt staff has done a nice job of putting together a good public process, yet she has heard over the last two days from people who are unhappy with it. She thinks it is really essential that the Board hear the people who are saying that the process still needs attention. She is fairly satisfied with the document that the Board has deliberated over after hearing a great deal of public input. There will still be opportunities in the future to make it more our own. Commissioner Garrido invited the public to attend a meeting with her on December 23 at 9:30am to discuss how to improve the public participation process.

Chair Brown reflected that these new LAMIRDs are for areas that are already built out. If this was a circumstance where new LAMIRDs were being created, he would be very uncomfortable moving forward with that after hearing a lot of concerns from neighbors, but because this is about areas that are already built out, that is a different issue. The concerns about past conditions of approval and making sure that the property owner is living up to what they agreed to is a fair critique, and the County needs to make sure we are doing this right, because it is in everybody's best interest that they have neighbors that are being good neighbors with each. In terms of public outreach, the County needs to really look at how effective this process has been in terms of outreach to the neighbors.

Scott Diener stated that Title 21 is the County's "processes" title, and that is scheduled for review next year. Staff will be looking at that and they will look at lessons learned from this process and apply that to next year.

Scott Diener introduced *Amendment No. 1*, a change to Section 3 of the ordinance. Section 3 speaks to the rural and resource lands chapter of the comprehensive plan Chapter 3. The Board asked that some prefacing language for the chapter that talked about rural economies be included. But also, what was discussed at length with the Board was that by virtue of adopting the program in front of us, we are acknowledging that we have sufficient commercial and industrial capacity in the rural areas of Kitsap County at this time. It is not to say that it would not require further examination in the future, but at this time we believe our needs are met. That was the intent of these changes.

A **motion** is made by Commissioner Bauer and seconded by Commissioner Garrido to amend the main motion to amend Ordinance Section 3.6, adding new Subsection d, changing the title of 3.1.9 from Rural Commercial and Rural Industrial to Rural Economies and immediately editing the Chapter by inserting the introductory paragraphs with the amendment of deleting type 3 in the first paragraph as shown on the matrix. Motion carries unanimously.

Scott Diener introduced *Amendment No. 2*, which is the revised rural land use policy number 8. The old policy stipulated that there could be no further expansion, i.e. zoning of rural commercial/rural industrial in the rural Kitsap without subsequent land actions. The policy as proposed last year was just to be simply eliminated; however there was must discussion about what an appropriate policy ought to look like and this policy reflects that in association

with to be developed criteria for site specific amendment review in Title 21.

Discussion is held and a **motion** is made by Commissioner Bauer and seconded by Commissioner Garrido to amend the main motion to amend Ordinance Section 3.6, adding new Subsection e, adding the following policy RL-8 language as shown on the matrix. Motion carries unanimously.

Scott Diener introduced *Amendment No. 3* which shows some intent language for working on the food and farm policies in 2011.

Discussion is held and a **motion** is made by Commissioner Garrido and seconded by Commissioner Bauer to amend the main motion to amend Ordinance Section 3.6, adding new Subsection f, adding the following language just prior to Goal 7 as shown on the matrix. Motion carries unanimously.

Scott Diener introduced *Amendment No. 4* which deletes certain agriculture policies for further refinement by the Food & Farm Policy Council.

A **motion** is made by Commissioner Garrido and seconded by Commissioner Bauer to amend the main motion to amend Ordinance Section 3.6, adding new Subsection g, deleting policies RL-36 to RL-45. Motion carries unanimously.

Scott Diener introduced *Amendment No. 5*, which changes the Rural Commercial and Rural Industrial maximum impervious limitation to 85%. The discussion was that the proposed 50% impervious requirement was too limiting for site development and that it ought to be more reflective of what other counties and what some of our own codes suggest. Further discussion was that there was enough additional regulation on development regarding stormwater infiltration. It is addressed in many other sets of regulations.

Discussion is held and a **motion** is made by Commissioner Bauer and seconded by Commissioner Garrido to amend Ordinance Section 4.4, adding new Subsection b, changing the maximum impervious surface requirement for Rural Commercial and Rural industrial from 50% to 85% as shown in the matrix. Motion carries unanimously.

Scott Diener introduced *Amendment No. 6*, which deletes Keyport as a proposed LAMIRD and allows for Site Specific Amendments for part of the area.

Discussion is held and a **motion** is made by Commissioner Bauer and seconded by Commissioner Garrido to amend the main motion to amend Ordinance Section 5.6, adding new Subsection d, which will not designate Keyport Junction as a LAMIRD and will approve certain zone changes in the area as shown on the matrix. Motion carries unanimously.

Scott Diener introduced *Amendment No. 7*, which adds an industrially-zoned parcel to the LAMIRD. It reflects to a parcel southerly adjacent to the Bond-Gunderson LAMIRD. That parcel is zoned industrial, so the Board felt it was

worth inclusion in the boundary.

Discussion is held and a **motion** is made by Commissioner Bauer and seconded by Commissioner Garrido to amend Ordinance Section 5.6, adding new Subsection e, which will add a southern industrially-zoned parcel to the proposed Bond-Gunderson LAMIRD. Motion carries unanimously.

Scott Diener introduced *Amendment No. 8*, which amends the Use Table for the Rural Employment Center zone and 12 Trees Center zones. This allows kennels and pet daycares within the Rural Employment Zone and the Twelve Trees Center zone.

A **motion** is made by Commissioner Bauer and seconded by Commissioner Garrido to amend the main motion to amend Ordinance Section 5.6, adding new Subsection f, which amends the Use Table for the Rural Employment Center Zone and 12 Trees Center zones to allow kennels and pet daycares. Motion carries unanimously.

Scott Diener introduced *Amendment No. 9*, which amends the Use Table for the Rural Employment Center zone and 12 Trees Center zones. This allows for boat yards in both of the LAMIRD designations.

Discussion is held and a **motion** is made by Commissioner Bauer and seconded by Commissioner Garrido to amend the main motion to amend Ordinance Section 5.6, adding new Subsection g, which amends the Use Table for the Rural Employment Center Zone and 12 Trees Center zones to boat yards. Motion carries unanimously.

Scott Diener introduced *Amendment No. 10*, which amends the Use Table for the 12 Trees Center zone. There are three levels of office that are allowed in our use table, or conditionally allowed as the case may be. The lower and the higher of 10,000 sq. ft. to 25,000 sq. ft. were permitted, and to have this as an administrative conditional use permit in the middle of those two did not make sense. The logical conclusion was that this also ought to be permitted outright.

A **motion** is made by Commissioner Bauer and seconded by Commissioner Garrido to amend the main motion to amend Ordinance Section 5.6, adding new Subsection h, which amends the Use Table for the 12 Trees Center zone to include general office and management services 4,000-9,999 sq ft to be permitted in the 12 Trees Employment Center Zone. Motion carries unanimously.

Scott Diener introduced *Amendment No. 11*, which modifies the buffer requirements for LAMIRDS. This is a subject of a lot of testimony from the public, rural stake holders, Planning Commission, Board and staff. It was felt that we need to take a look at how we are doing buffering county-wide, but for purposes of this effort, the general theme was that we were trying to be consistent with existing required buffers on developed properties. The Director by virtue of the

proposed language has the authority or the discretion to raise buffers from 25-50 feet depending on site characteristics or provisions and where there are not existing buffers.

Discussion is held and a **motion** is made by Commissioner Bauer and seconded by Commissioner Garrido to amend the main motion to amend Ordinance Section 5.6, adding new Subsection I, which amends the landscape buffer code for the Rural Employment Center zone and the 12 Trees Center zones as shown in the matrix. Motion carries unanimously.

Scott Diener introduced *Amendment No. 12*, which corrects mistaken language in Ordinance Section 7.

A **motion** is made by Commissioner Garrido and seconded by Commissioner Bauer to amend the main motion to amend Ordinance Section 7, striking Sections 7.1 and 7.2 and replacing with the language shown in the matrix. Motion carries unanimously.

Scott Diener introduced *Amendment No. 13*, which notes a mapping error from 2006 and providing a mapping correction.

A **motion** is made by Commissioner Garrido and seconded by Commissioner Bauer to amend the main motion to amend Ordinance Section 8, adding Subsection 9, adding the language shown in the matrix. Motion carries unanimously.

Scott Diener introduced *Amendment No. 14*, which adds guidance for development of Site Specific Amendment policy and criteria in 2011. The Board, staff, and the public have spent a lot of time about what approval criteria ought to look for site specific amendments, not just urban, but also rural residential ought to have a different look and feel with its criteria as would rural commercial and rural industrial, or even LAMIRDs. This is the guidance that Community Development is taking in 2011 and will be reflecting it in their docket. This shows that the criteria in Title 21 needs to be reviewed and this allows for this to occur.

Discussion is held and a **motion** is made by Commissioner Bauer and seconded by Commissioner Garrido to amend the main motion to add new Section 9, providing direction on Site Specific Amendment policy and code criteria development in 2011, and renumber subsequent Ordinance sections as shown in the matrix.

Discussion is held regarding adding the word rural in the first sentence after proposals and before residential for clarity's sake. Shelley Kneip from the Prosecutor's Office felt it was lost in some of the editing, and the word rural was supposed to be in the language.

A **motion** is made by Commissioner Bauer and seconded by Commissioner Garrido to amend the motion to include the word rural before residential. The

motion carries unanimously to approve amendment 14 per the matrix, adding rural to the start of the parenthetical where it says currently, "residential, commercial and industrial."

A **motion** is made by Commissioner Garrido and seconded by Commissioner Bauer to amend Section 1, paragraph 4, in the second sentence by striking "is intended to," and put an "s" at the end of "provide". Motion carries unanimously.

Chair Brown requested that future staff recommendations come back as either an approval or denial, not as inconclusive. This will make it easier for the Planning Commission. Chair Brown clarified that the site specifics approved were for the City of Port Orchard, Seabeck Developers, and Stokes/Mullenix per this Ordinance, and denying the McCormick, Sunnyslope, Yamimoto and Stokes/Campbell applications.

Commissioner Garrido stated that Chapter 3 would benefit from having a professional editor review and edit it, not for substance, but just for clarity.

Commissioner Bauer felt enough consistent information was raised about whether or not 12 Trees has complied with the original conditions, and would like staff to sit down with interested parties, neighbors, and 12 Trees to talk about whether or not there are issues, if they have complied, and if there are remedial steps that we need to take to make certain we have given the original guaranteed protection to the neighbors.

The Board of County Commissioners thanked members of the advisory committee and staff for all of their time and hard work with this ordinance.

A motion is made by Commissioner Bauer by and seconded by Commissioner Garrido that the Board adopt **Ordinance 467-2010**** to adopt annual amendments to the 2006 Comprehensive Plan authorized by preliminary 2010 docket Resolution 223-2009.

Meeting adjourned at 10:26 am.


**BOARD OF COUNTY COMMISSIONERS
KITSAP COUNTY WASHINGTON**



JOSH BROWN, CHAIR



CHARLOTTE GARRIDO, COMMISSIONER



STEVE BAUER, COMMISSIONER

ATTEST:

Opal Robertson
OPAL ROBERTSON, Clerk of the Board

1-24-11
DATE APPROVED

- * See Resolution Journal Volume No. 65
- ** See Ordinance Journal Volume No. 19

OTHER MEETINGS ATTENDED BY THE BOARD:

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| 12/15/10 | 8:30 AM | Board Work Study Session – Port Blakely Conf. RM |
| | 12:00 PM | Staff Holiday Potluck – Commissioners Office |
| | 4:00 PM | Swearing in Ceremony for all Elected Officials - Chambers |
| 12/16/10 | 6:00 PM | KRCC Fall Legislative Dinner – Amy’s on the Bay |
| 12/20/10 | 10:00 AM | Board Discussion – Port Blakely Conf. RM |
| | 2:00 PM | Board PM Briefing – Port Blakely Conf. RM |
| 12/22/10 | 8:30 AM | Board Work Study Session – Port Blakely Conf. RM |

(The Board of County Commissioners public meetings are televised on public access television BKAT (ComCast Ch.12 and Wave Broadband Ch. 3) Mondays at 7:00 PM and Tuesdays at 1:00 AM and at 11:00 AM).

Next regular Board of Commissioners public meeting will be held **January 10, 2011 at 7:00 p.m.** in the Board of Commissioners Chambers 619 Division Street Port Orchard, WA 98366.

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