

MINUTES
KITSAP COUNTY PLANNING COMMISSION
Administration Building - Commissioner's Chambers
July 22, 2008, 9:00 am

These minutes are intended to provide a summary of the meeting flow and content and should not be relied upon for specific statements from individuals at the meeting.

The Kitsap County Planning Commission met on the above-stated date at the Kitsap County Administration Building – Commissioner's Chambers located at 619 Division Street, Port Orchard, WA 98366.

Members present: Chair Fred Depee, John Taylor, Tom Nevins, Lou Foritano, Jim Sommerhauser, Linda Paralez and Robert Baglio

Staff present: Scott Diener, Pete Sullivan, Katrina Knutson, Heather Adams, Angie Silva and Planning Commission Secretary Amanda Walston.

Members absent: John Hough, Mike Gustavson

9:02:49

A. Call Meeting to Order, Introductions

B. Adoption of Agenda

Depee adopts the agenda as posted.

C. Public Comments

(Depee hears none, moves to next item.)

D. Approval of Minutes

A motion is made by Commissioner Taylor and seconded by Commissioner Foritano to approve the minutes of June 24, 2008

**The VOTE:
Unanimous**

Motion Carries

A motion is made by Commissioner Taylor and seconded by Commissioner Foritano to approve the minutes of July 8, 2008

**The VOTE:
Unanimous**

Motion Carries

9:04:45

1
2
3 **Diener:** *Today represents the kick off of the 2008 docketed project adoption, beginning*
4 *with the Manchester Site Specifics and the Illahee Community Plan. Efforts will ramp up*
5 *beginning now in order for us to meet a Board issued November deadline for adoption of*
6 *the docket by omnibus ordinance.*

7
8 *The history on the Manchester site specific requests and why we are hearing them this*
9 *year instead of including them in the Community Plan which passed last year is that we*
10 *only received one related call through March of last year, so it was not deemed a high*
11 *community need and was not a docketed item. Commissioner Angel asked staff to take*
12 *in site specific applications this year in Manchester only.*

13
14 *During last year's site specific application process, some of the decisions and*
15 *recommendations made were a little confusing to staff, legal and the County*
16 *Commissioners in their relation to what the code allows or disallows. This year, staff is*
17 *asking that the Planning Commission cite or identify the specific section of the*
18 *Comprehensive Plan, County Code, Countywide Planning Policy or Community Plan*
19 *that is being applied or referenced when making recommendations.*

20
21 *Last year a site specific application was recommended simply because that zone was*
22 *allowed in the rural area. That is not a legally defensible reason and helped to probably*
23 *defeat that request before the Board of County Commissioners. We need to be very*
24 *sensitive when applications are denied or approved and we would like to include the*
25 *citations of code or other regulatory documents to help clarify why these*
26 *recommendations are made. This will place more work on the Planning Commission,*
27 *and we want to provide you with the tools and materials you will need to do this job.*

28
29 *I wanted to help set the framework for these processes so that you can keep them in*
30 *mind when you hear these applications and get a sense of what needs to be done. If*
31 *you have any questions, I am always available.*

32
33 9:09:37

34
35 **E. Briefing – Illahee Community Plan: Katrina Knutson, Associate Planner**

36
37 **Knutson:** *Reviews plan and process and global scope. A Work Study is scheduled for*
38 *August 12th. Any questions today can be taken back to the Citizens' Advisory Group for*
39 *review and to address other concerns.*

40
41 *The Community produced a draft, which staff reviewed and then took back to the*
42 *Citizens' Advisory Group and facilitated the discussion, revision and decision processes*
43 *necessary to make the draft compliant with the Growth Management Act.*

44
45 *An open house kickoff meeting went well. Citizen asked questions and brought forth*
46 *concerns, and Staff provided answers and clarifications. A meeting schedule was set*
47

48 *A revised Draft plan will go out to the CAG on August 1st. We want them to have the first*
49 *look at it and get their opinions, prior to open public release.*

50
51 *Survey will go out to all Illahee tax parcels in Illahee that lists the hot button issues.*

9:15:10

1
2
3 **Knutson:** *Illahee was drastically down zoned during the 10-Year Update to address*
4 *environmental concerns and we are not recommending any changes in zoning.*
5 *(Reviews Illahee Zoning Maps from 10 yr and from 2008) The community understands*
6 *and is comfortable with this.*

7
8 **Baglio:** *Can you point out the boundaries where they connect?*
9

10 **Knutson identifies the boundaries and clarifies that the far north boundary does**
11 **not reach all the way to University Point. Also identifies the eagle boundaries and**
12 **slopes around the preserve and around Illahee creek.**

13
14 **Reviews Department of Fish and Wildlife habitat maps, notes the wildlife corridor**
15 **areas and points of interest. This info was taken into consideration when down**
16 **zoning occurred**

17
18 **Reviews the Citizens' Advisory Group's Draft Greenbelt overlay district. The**
19 **group also suggests and supports additional Low Impact Development standards**
20 **in this area to aid in stormwater mitigation. This proposed district has mixed use**
21 **potential, a transportation corridor, is already partially paved and the Citizens'**
22 **Advisory Group hopes it will become a mixed use center for seniors.**

23
24 9:21:40
25

26 **Paralez asks and Knutson confirms that the maps currently posted on the website**
27 **have not been updated but they will be shortly.**

28
29 **Knutson:** *The community is proposing one to four zoning in the Greenbelt Overlay*
30 *District instead of the one to five currently zoned. This is a question that will be posed*
31 *during the Work Study presented with pros and cons, and we will be asking for your*
32 *recommendation.*

33
34 **Baglio:** *Is the notched area that extends to Highway 303 zoned commercial?*
35

36 **Knutson:** *The area includes the Illahee nature preserve owned by the Citizens of Illahee*
37 *and a park and ride owned by the Department of Transportation and the golf course,*
38 *which was down zoned to 10 dwelling units per acre during the 10year update. The*
39 *majority of the Greenbelt Overlay district is already open space requirements and this*
40 *measure is just an additional step to protect the environment and to align with the*
41 *Growth Management Act goals.*

42
43 **Depee:** *This is not a Limited Area of More Intensive Rural Development, but they*
44 *are requesting to zone at four dwelling units per acre?*
45

46 **Knutson:** *Yes. There is a planning rule that we are utilizing called the Litowitz Test*
47 *which allows for down zoning for the protection or benefit of critical areas or other*
48 *mitigating factors. You will receive more information on that for the Work Study.*
49

50 **Taylor asks for timing of the information packet and Knutson clarifies that it**
51 **should come at least one week prior.**

9:25:20

1
2
3 **Sommerhauser asks and Knutson clarifies that the Staff Report will address with**
4 **road vacations, rights of way and Tax title strips.**

5
6 **Depee would like to see setback requirements in the Staff Report.**

7
8 **Taylor would like a map showing this area in relation to the City of Bremerton's**
9 **boundary lines. Knutson identifies the area on the 2008 Illahee Zoning Map.**

10
11 **Sommerhauser:** *Is Bremerton involved or have they had any discussion with the*
12 *Illahee community on this pending South Kitsap Industrial Area annexation?*

13
14 **Knutson:** *Updates and draft copies have been sent to the City of Bremerton. We can*
15 *request information from Angie Silva and Special Projects about the SKIA annexation.*

16
17 **Silva:** *Currently staff is discussing the concept of Urban Growth Area Management*
18 *agreements with the City of Bremerton, but it doesn't necessarily provide a time table for*
19 *annexation, but rather the transfer of services that should take place in a logical manner.*

20
21 *Our current Comprehensive Plan includes a schedule for discussion over 2008 and*
22 *2009. Bremerton is examining Gorst first and will re-focus on the Central Kitsap area at*
23 *a later date. Current Revised Code of Washington allows Bremerton to annex through*
24 *various mechanisms and does not prohibit them from moving forward. They are*
25 *primarily focused on the South Kitsap Industrial Area due to property owner interest, and*
26 *Gorst due to the potential sewer infrastructure.*

27
28 9:30:15

29
30 **Sommerhauser:** *There have been at least two contentious hearings on two*
31 *developments in this area; can you give us a map of at least those two? If there*
32 *are any other areas, I hope your staff report discusses any other projects or*
33 *proposed projects of interest or concern.*

34
35 **Knutson:** *We can provide a map showing those projects. As they are already vested,*
36 *we cannot make any accommodations or changes in our plan for them, but we can*
37 *provide visual representation.*

38
39 **Depee:** *As a matter of public disclosure, I was approached by the Port of Illahee not too*
40 *long ago and worked with them on the acquisition of a piece of property on a volunteer*
41 *basis. I'm not sure if they have completed that acquisition or not, but wanted to disclose*
42 *it on the record.*

43
44 **F. Work Study – Highland Woods Rezone Application: Katrina Knutson,**
45 **Associate Planner**

46
47 9:32:55

48
49 **Knutson reviews presentation on requested size (42.84 acres) and zone (from**
50 **Urban Cluster Residential to Urban Restricted) and shows site location on map.**

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1 **Knutson:** *The land is currently vacant with abundant trees and wildlife and is*
2 *undeveloped with no building structures or wells on the property.*

3
4 **Reviews zoning map and surrounding areas and designations, including Urban**
5 **Reserve, which is the requested zoning.**

6
7 **Reviews Building Limitations map. The area is highly encumbered with critical**
8 **areas including a fish bearing stream, high hazard areas and very steep slopes**
9 **and streams.**

10
11 **Reviews State Environmental Policy Act Determination of Non-Significance.**

12
13 **Reviews Findings, which are consistent with the current Comprehensive Plan,**
14 **Countywide Planning Policies and the Growth Management Act.**

15
16 **Taylor questions who the owner of record is and Knutson states she has been in**
17 **contact with the property owner's representative Greg Bauer of from ESA, who**
18 **will be at the public hearing.**

19
20 **9:38:45**

21
22 **Knutson:** *By down zoning the property, it is Staff's opinion that the Countywide Planning*
23 *Policies will be accomplished and offer greater environmental protection with the location*
24 *of two streams on the property and to protect through high impact surrounding areas.*

25
26 *This rezone is allowed through Title 17; no public comment has been received and Staff*
27 *recommends approval*

28
29 **9:42:05**

30
31 **Sommerhauser:** *At the Monday Board of County Commissioners' briefing last*
32 *week, this application was slated to go to Work Study and Public Hearing with*
33 *the Board and not through Planning Commission. Why has this changed?*

34
35 **Knutson:** *After that hearing, Legal advised us that our code has a dual-interpretation, so*
36 *the more restrictive Title 21 prevails over Title 17. We are covering all bases.*

37
38 **Nevins clarifies that this will require a Planning Commission Recommendation**
39 **following the public hearing.**

40
41 **Knutson confirms that a vote will be required following the Public Hearing, which**
42 **is scheduled for August 12th. The Planning Commission may choose to conduct**
43 **their Deliberation and Recommendation phase on the same night once the Public**
44 **Hearing portion is closed.**

45
46 **Depee discloses that he sold this specific property to the developer.**

47
48 **Taylor questions and Knutson clarifies that the property is served by public water.**
49

1 **G. Work Study – Perry Site Specific Application: Pete Sullivan, Associate**
2 **Planner**

3
4 **9:46:10**
5

6 *Sullivan reviews materials included in the packet, including the application, pre-*
7 *application follow up and letter of Complete application, State Environmental*
8 *Policy Act Letter, Maps, Public Comments and Executive Summary.*
9

10 *Depee discloses for the record that he resides in very close proximity to one of*
11 *the parcels referenced in this application.*
12

13 *Baglio discloses that he constructed a house for Bruce Qualm, an interested party*
14 *who requested information about this project. The structure was completed some*
15 *time ago and he has no financial or other ties to the project.*
16

17 **9:52:35**
18

19 *Sullivan reviews vicinity maps, location of site and timeline for the process which*
20 *began March 12th with a pre-application meeting. The end of the State*
21 *Environmental Policy Act appeals period was July 17th.*
22

23 *Sommerhauser questions whether a Work Study today would be productive given*
24 *the amount of material received today.*
25

26 *Sullivan proposes to review the proposal and materials today in a summary*
27 *format and then the Planning Commission members may ask questions here and*
28 *also in follow-up via email or phone.*
29

30 *Depee clarifies that if necessary, an abbreviated Work Study can be held on*
31 *August 12th immediately prior to the Public Hearing scheduled for August 12th.*
32

33 *Taylor is pleasantly surprised with the presentation so far and wants to continue.*
34

35 *Sullivan identifies adjoining parcels, landmarks and project site boundaries.*
36

37 *Baglio asks for and Sullivan clarifies the parcels involved.*
38

39 *Sullivan reviews the seven parcels asking for rezone from Manchester Village Low*
40 *Residential or two dwelling units per acre to Manchester Village Residential or*
41 *four dwelling units per acre, which brings the total from 42.34 to 84.68 dwelling*
42 *units on 21.17 acres of land.*
43

44 *Sullivan reviews maps, including the ridge that provides very favorable views*
45 *along Beach Drive. Identifies critical areas running down the project site.*
46

47 *Depee: The critical area goes straight south and into the existing development.*
48 *There is another project located on the same level of slope, so it has already*
49 *been similarly developed.*
50

1 **Sullivan:** *Yes, the development is there, but we are reviewing the environmental*
2 *impacts and we also have a Category Two aquifer recharge area. It is important to note*
3 *that bald eagle nests are in the area and have been noted and recorded by residents.*
4 *The eagle protection buffer is located offsite, but it does extend onto the project site.*

5
6 **Sommerhauser questions and Sullivan confirms that the data from the**
7 **presentation will be provided to the Planning Commission.**

8
9 **Sullivan:** *a wetland is located, although it is not a mapped wetland area, but*
10 *Environmental Review staff has noted that a wetland is located on this property and*
11 *while it is not included in the mapped wetland areas, if or when an app comes in it will be*
12 *noted and evaluated at that time. A culvert or channel ditch is located as a stormwater*
13 *device that had ponded on this property, so it may not be a regulated wetland.*

14
15 **Sommerhauser:** *Will your complete report contain more detail on that?*

16
17 **Sullivan:** *It is noted already on the State Environmental Policy Act Mitigated*
18 *Determination of Non-Significance. We are looking at this at a programmatic level, not*
19 *specific to the project, so no wetland delineation will occur as a part of this proposal.*

20
21 **Sullivan reviews current and proposed zoning boundaries and map of sewer lines.**

22
23 **Depee asks and Sullivan confirms that sewer and water capacity are there,**
24 **applicant provided letters for both on thorough analysis of water systems and that**
25 **they can handle Manchester densities at current and full build out levels, with**
26 **some to spare.**

27
28 **Sullivan:** *I want to review procedural considerations used to make a recommendation,*
29 *including that all standards of approval must be met in order to recommend approval.*

30
31 *Decision can be split among parcels meaning approval can be granted for all or*
32 *individual parcels even though they are part of a whole project. Rezone does not*
33 *guarantee that 84 homes will be built, because applicant must still meet all other*
34 *requirements for permits and land use. This would only approve the zoning.*

35
36 **10:12:55**

37
38 **Sullivan reviews Decision Criteria including:**

39
40 **#1, Staff disagrees and does not believe related circumstances have changed**
41 **since the Comprehensive Plan was passed.**

42
43 **Reviews Site Specific Standards of Approval including:**

44
45 **#2, the proposal is not consistent with goals, policies and objectives of the**
46 **Comprehensive Plan, as the Manchester Limited Area of More Intensive Rural**
47 **Development is not an Urban Growth Area and is not designed to accommodate**
48 **urban growth.**

49
50 **#3 Staff cannot provide a firm finding as the site is suitable for access,**
51 **transportation Levels of Service, density, utilities and services are available.**

1 *However, the site is not suitable for supporting valued community character and*
2 *the transition between Manchester Village Core and lower densities toward the*
3 *northern boundary of the Limited Area of More Intensive Rural Development.*

4
5 *#4, this proposal could create pressure to change land use and zoning*
6 *designations for neighboring properties. At north there is a development at full*
7 *build out at two dwelling units per acre, if this proposal were allowed, it could*
8 *cause similar applications.*

9
10 *#5, this proposal would materially affect the Comprehensive Plan growth*
11 *projections.*

12
13 *#6, this proposal would not materially affect adequate availability of urban*
14 *facilities and services to the Limited Area of More Intensive Rural Development.*

15
16 *#7, this proposal is not consistent with Growth Management Act, Countywide*
17 *Planning Policies or Local Laws, but it is consistent with the Docket and Work*
18 *Programs.*

19
20 *Taylor questions and Sullivan confirms that Manchester Village Low Residential*
21 *allows two dwelling units per acre and Manchester Village Residential allows four.*

22
23 *Taylor: Will you expand on how this proposal does not meet Growth*
24 *Management Act? This land is inside a Limited Area of More Intensive Rural*
25 *Development and inside a rural zone.*

26
27 **10:21:50**

28
29 *Sullivan: A Limited Area of More Intensive Rural Development, or what it aims to be, is*
30 *a village somewhere between an urban and rural area. State law says it is a rural*
31 *community that has the urban services that will allow for provision of these services, but*
32 *it is not intended to grow into an urban area. The designation is meant to freeze the*
33 *area as is and to allow changes to accommodate projected growth for the area.*

34
35 *Sullivan reviews approval criteria for the Manchester Limited Area of More*
36 *Intensive Rural Development, including:*

37
38 *#1, this proposal is consistent with Comprehensive Plan density and minimum lot*
39 *size requirements. (Reviews the history and intent of lot sizes and acreage and its*
40 *relation and the view of such through Growth Management Act standards.)*

41
42 *#2, this proposal would result in a Comprehensive Plan Designation that is*
43 *different than adjacent parcels and would be compatible with existing land uses in*
44 *the area.*

45
46 *#3, increased Intensity would not be desirable because it is inconsistent with*
47 *planning goals and the Manchester Limited Area of More Intensive Rural*
48 *Development.*

49
50 *Sullivan: The applicant stated parcels would be more affordable at a ¼ acre lot than a*
51 *½ lot price.*

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1 **Sullivan:** Staff feels that while sweeping views at ¼ lot size would be less expensive, it
2 still does not meet the definition for affordable housing as it will be significantly higher
3 than the median house price as driven by market and other factors.

4
5 **Depee:** Only lots in the western portion will have views. The southern parcels do
6 not have views on all.

7
8 **Sommerhauser requests contour maps.**

9
10 **Foritano:** Staff's reason for denial is that all conditions have not been met, which
11 is a requirement for approval. So some of these goals are gray areas, but at
12 least two or three have clearly not been met.

13
14 **Taylor and Depee compliment Sullivan for an excellent presentation simple format**

15
16 **Taylor asks if the numbered list showing each Standard of Approval will be**
17 **provided. Sommerhauser and Depee clarify that the information is in today's**
18 **packet, but not as laid out in the presentation. Taylor would like a copy as**
19 **presented, Sullivan agrees to provide.**

20
21 **Sullivan reviews Public Comment and restates that staff recommends denial.**

22
23
24 **F. For the Good of the Order: Chair Depee**

25
26 **Taylor asks why the meeting agenda and time was changed.**

27
28 **Diener:** We were unable to meet the critical deadline for legal noticing to hold a Public
29 Hearing at the same meeting as the Work Study. We shifted back to the morning
30 meeting to hold a limited Work Study and will hold the Public Hearing on August 12th.

31
32 **Sommerhauser asks when Larry Keeton will give his Director's Update next.**
33 **Diener confirms he is scheduled for the next day meeting, which is August 26th.**

34
35 **10:37:25**

36
37 **Foritano:** Stormwater Advisory Committee spent all day discussing Low Impact
38 Development standards, including impervious and pervious materials, and we
39 were able to meet with many different purveyors and go on several site visits.
40 After seeing these standards put to use, I became an absolute advocate for
41 them. Any time a field visit can be implemented into our briefings, I feel it would
42 be greatly beneficial.

43
44 *I'd also like to table the discussion for the content and editing of the minutes on
45 the issue and the emails that were sent and volleyed back and forth.*

46 **Foritano:** I thought minutes were well done and accurate, I am concerned about
47 the communications and issues being discussed and references that are being
48 made. I have no interest in being any part of these email exchanges. I would
49 like the item to be included on the agenda with Larry and Staff.

50
51 **Taylor would like Shelley Kneip to be there to give input from the legal aspect.**

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1 **Sommerhauser:** *I second everything Lou said and think continued distribution of*
2 *mass email including the comments about staff is inappropriate.*

3
4 **Paralez:** *I think we need to remind ourselves that people, including the Board*
5 *read about this kind of behavior and it is a matter of public record. We have an*
6 *agreement to go to Mr. Keeton or Staff when we have issues, let's follow that.*

7
8 **Depee:** *I would also like to note the significance of the meeting minutes. I'm not*
9 *sure on the exact level of detail and spelling and grammar that needs to be*
10 *included and how much of it matters. Let's add this to our August 26th meeting.*

11
12 **10:43:30**

13
14 **Diener:** *If there are questions about staff, I am the first line of contact and would*
15 *encourage direct emails as opposed to mass emails.*

16
17 **Depee:** *Along the same lines are the disparaging remarks, and I've thought*
18 *about whether a policy can be written in. Maybe we can discuss that as well.*

19
20 **Sommerhauser requests a projection for the upcoming Planning Commission**
21 **meetings and what the content and timeframes are. Diener will provide.**

22
23 **A motion is made by Commissioner Taylor and seconded by Commissioner**
24 **Paralez to adjourn the meeting.**

25
26 **The VOTE:**
27 **Unanimous**

28
29 **Motion Carries**

30
31 **Time of Adjournment:**

32
33 **EXHIBITS**

- 34 A. Highland Woods Rezone Staff Report
35 B. Highland Woods Maps
36 a. Building Limitations
37 b. Zoning
38 c. Proposed Zoning
39 d. Aerial Photography (2006)
40 C. Perry Site Specific Comprehensive Plan Amendment Application
41 D. Perry Site Specific Pre-Application Letter
42 E. Perry Site Specific Letter of Completeness
43 F. Perry Site Specific SEPA Determination Letter
44 G. Perry Site Specific Public Comment
45 H. Perry Site Specific Executive Summary

46
47 **MINUTES approved this _____ day of _____ 2008.**

48
49
50 _____
51 **Fred Depee, Planning Commission Chair**

52 _____
53 **Amanda Walston, Planning Commission Secretary**