

**Kitsap County Planning Commission – January 22, 2008**

**MINUTES**

**KITSAP COUNTY PLANNING COMMISSION  
Administration Building - Commissioner's Chambers  
January 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.

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**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 John Taylor, Fred Depee, Linda Paralez, Michael Gustavson, Tom Nevins, Lou Foritano, Jim Sommerhauser and Vice Chair Lary Coppola. Staff present: Scott Diener, Pete Sullivan, Katrina Knutson, James Weaver, Eric Baker, Angie Silva and Steve Heacock.

**9:10:35**

**A. Call Meeting to Order, Introductions:**

**B. Approval of Minutes:**

**9:11:45**

**A motion is made by Commissioner Sommerhauser and seconded by Commissioner Gustavson to approve the minutes of November 27, 2007 with the corrections submitted.**

**The VOTE:**

**Yes: Unanimous (7)**

**Motion Carries**

**A motion is made by Commissioner Paralez and seconded by Commissioner Sommerhauser to approve the minutes of December 4, 2008 with the corrections submitted.**

**The VOTE:**

**Yes: Unanimous (7)**

**Motion Carries**

***(Commissioner Coppola arrives at 9:14 am)***

**9:15:10**

***Scott Diener introduces Pete Sullivan, new Associate Planner with Long Range Planning and announces James Weaver's last day will be January 28, 2008.***

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1 **Weaver confirms he will become the Planning Director for the City of Port**  
2 **Orchard.**

3  
4 **Gustavson and Depee comment that Weaver will be an asset to the South Kitsap**  
5 **area and a loss for the County and a gain for the City of Port Orchard.**

6  
7 **9:22:45**

8  
9 **C. Election of Officers:**

10  
11 **Taylor opens the floor to nominations for Chairperson**

12  
13 **Commissioner Coppola nominates Commissioner Depee for the position of Chair.**  
14 **Commissioner Gustavson seconds the nomination.**

15  
16 *(Blank ballots are distributed)*

17  
18 **Commissioner Sommerhauser nominates Commissioner Paralez for the position**  
19 **of Chair. Commissioner Foritano seconds the nomination.**

20  
21 **Taylor, Sommerhauser, Depee discuss that there is no consistent rotation cycle,**  
22 **but if tradition were followed, it would fall to South Kitsap next. Sommerhauser**  
23 **points out that tradition has not been consistently followed.**

24  
25 **Gustavson:** *The benefit of rotating districts is that one area is not repeatedly*  
26 *driving the County.*

27  
28 **Taylor:** *There are no clear procedures in our bylaws; it only states we must hold*  
29 *elections. But in light of tradition, I thought it best to note that the rotation would*  
30 *be to South Kitsap.*

31  
32 *(Diener collects the ballots.)*

33  
34 **Taylor:** *This vote will require a majority of five.*

35  
36 **Sommerhauser:** *This is a vote that requires a majority of the quorum.*

37  
38 *The ballot instructions were misunderstood, new ballots are distributed and instructions*  
39 *are re-stated.*

40  
41 *(Diener collects the new ballots.)*

42  
43 **9:32:21**

44  
45 **Diener:** *We have four votes for Fred Depee and four votes for Linda Paralez.*

46  
47 **Discussion continues on how to break the tie. A coin toss is the chosen option.**  
48 **Election is deferred until Diener can verify that this process is in accordance with**  
49 **the bylaws and procedures.**

50

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9:35:13

**D. Finding of Fact, Review and Approval: Delilah Rene Current Use Assessment, Open Space Application**

*Commissioner Depee recuses himself and leaves the room, as per Commissioner Nevins' request, made with reference to Planning Association guidelines.*

**A motion is made by Commissioner Paralez and seconded by Commissioner Sommerhauser to accept the Findings of Fact as presented by Staff.**

**The VOTE:**

**Yes: 6 (Sommerhauser, Foritano, Nevins, Gustavson, Paralez, Taylor)**

**No: 1 (Coppola)**

**Abstain: 1 (Depee)**

*Commissioner Depee returns to the dais*

9:38:48

**E. Work Study: Code Amendments**

*Baker: We will be discussing Accessory Dwelling Units in relation to the preliminary Code Development draft we have prepared. Documents you have are a summary on Accessory Dwelling Unit regulations among Central Puget Sound Jurisdictions and associated Hearings Board case law.*

*Some assumptions that can be made from these decisions are that the Hearings Board is sensitive to the subject of detached Accessory Units in rural areas. Size, Land Use, Access Points are all mentioned, but the main intention of the Hearings Board is to maintain rural character. Accessory Dwelling Units on properties that are less than double the minimum density for the zone may be viewed poorly by the Hearings Board.*

*We report to the Central Hearings Board, some of these are from the Western and the two are not always consistent in their decisions.*

9:43:07

*Gustavson: These do not go before the Hearings Board unless they are appealed, otherwise the County Rule stands. Several other large Central jurisdictions are more relaxed.*

*Baker: Some members of this and other Planning Commissions have expressed concern that the County should make decisions in a manner that is mindful of appealability. There are some contradictions between these decisions, but appellants only come before the Hearings Board orders when an appeal is validated.*

*If we know that appeals are likely on an issue, we try to give close attention. We have already received comments to this effect from the Suquamish area and the issue of Accessory Dwelling Units will not go unnoticed.*

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1 **Baker:** *In the decisions you have, Housing Policy is mentioned, as well as Kitsap*  
2 *County Planning Policy and Affordable Housing. Accessory Dwelling units are*  
3 *encouraged as a reasonable measure in urban areas and to provide housing for the*  
4 *young and old regardless of the rural or urban designations.*

5  
6 *2000 - 2005 Accessory Dwelling Unit permit activity shows that only 15 applications*  
7 *were received in six years. Does that mean they aren't a major issue or do our current*  
8 *restrictions make it difficult to apply for and receive these permits? That's what we need*  
9 *to look at.*

10  
11 **9:46:47**

12  
13 **Gustavson asks for clarification that references a bullet (4<sup>th</sup>) in the Hearings Board**  
14 **statement that says one Accessory Dwelling Unit per 1,000 Single Family**  
15 **Residences is de minimus.**

16  
17 **Baker:** *This was a methodological determination made in the Updated Land Capacity*  
18 *Analysis based on an estimated number of homes constructed and the amount of*  
19 *population and number of Accessory Dwelling Units. So, if the scenario allows for one*  
20 *Accessory Dwelling Unit per 1,000 Single Family Residences the impact will be de*  
21 *minimus.*

22  
23 *The other issue asks if our regulations, such as a 900 square foot minimum, are keeping*  
24 *us at a de minimus nature and if any proposed changes to said regulations would affect*  
25 *that nature.*

26  
27 **9:49:50**

28  
29 **Baker:** *At the end of the memo, as Commissioner Gustavson mentioned, you will see*  
30 *that several of the other Central jurisdictions have more lenient regulations than existing*  
31 *Kitsap County Code. Pierce and King Counties allow them as permitted uses; the*  
32 *maximum sizes in some areas are larger and distances from primary structures in some*  
33 *cases are less than Kitsap County requires.*

34  
35 *Unless appealed, what you have in your code is what is valid, unless your seven year*  
36 *Growth Management Act Update comes up, in which case everything can be re-*  
37 *adjudicated.*

38  
39 **Gustavson:** *We did look at this last time, so it should all be up for change.*

40  
41 **Baker:** *No, because we did not make any of these changes in the 10-year update to the*  
42 *Comprehensive Plan. Our seven-year Growth Management Act update is due in 2011.*  
43 *So the question now is when our current code could be construed as out of compliance*  
44 *with Growth Management.*

45  
46 *This group needs to look at if we do want to make Accessory Dwelling Unit changes at*  
47 *this time or wait until 2011. If we do make changes, should we move toward Central*  
48 *regulations which are more lenient, or should we look at the Western rulings which have*  
49 *been more restrictive.*

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**9:52:32**

**Sommerhauser:** *In these other Counties, do we know how when in the cycle the decisions were made? Did these come at the beginning of the cycle or were they on the tail end of the update? I see a trend here for detached Dwelling Units.*

**Baker:** *Reasonable measures require us to look at how to make sure our Comprehensive Plan is realistic. Our urban/rural split was 76% urban/24% rural in some areas, but closer to 55% urban/45% rural in others. These other jurisdictions do not generally have that issue and their lands tend to be urban and resource lands as opposed to our land use patterns.*

**9:55:12**

**Nevins:** *The Central Hearings Board decision Commissioner Gustavson referenced earlier clearly says that a detached Accessory Dwelling Unit on a parcel less than 10 acres is generally not allowed. The piece about calculated land and residential capacity really doesn't have much to do with actual changes we are dealing with.*

*The Accessory Dwelling Units were put into rural areas 87% of the time during that six year period, and the average lot size they were placed on is less than one acre. These are pieces of land that are 10 times less than intended and in a rural area. It is hard to preserve rural character when you have a high number of legal non-conforming lots.*

*Our situation is less than ideal because of the small lot sizes in the rural areas. Many of these lots were created just before the Growth Management Act went into effect, while it was still legal. There are 57,000 septic tanks in Kitsap County and I believe the vast majority of them are outside the Urban Growth Area. By allowing the Accessory Dwelling Units in this area, we are making the problem even worse. I propose the Planning Commission advise staff to prohibit Accessory Dwelling Units in rural areas and only permitted in urban areas.*

**10:00:17**

**Gustavson:** *Restricting Accessory Dwelling Units to urban only would reduce permit activity to 1/3 of a permit per year. Talking about housing affordability in Kitsap County, our median home price is close to five times our median income, as opposed to other Counties' average home prices of two or three times the median income. These restrictions don't help make it affordable for anyone. I don't think we should restrict any of it until it becomes a specific, measurable problem.*

**Baker:** *We are generally talking about rental properties only, which would not necessarily affect housing affordability unless you count them as part of the commodity prices, in which case the statistics you provided would be skewed. In general our regulations are more restrictive than other Counties. When we consider making changes, such as raising the size limits to allow larger than 900 square feet, it opens up allowing manufactured or mobile homes as Accessory Dwelling Units.*

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1 **Baker:** *There is a large number of these located in existing rural areas, which creates*  
2 *new opportunities that were not previously allowed and could potentially change the*  
3 *statistics we have by increase the number of Accessory Dwelling Units.*

4  
5 **Gustavson:** *Just make sure they match the appearance of the existing*  
6 *residence and there wouldn't be much of a problem.*

7  
8 **10:02:54**

9  
10 **Coppola:** *A big issue we discuss on this commission is the quality of life. The*  
11 *baby boomer generation has a real possibility of caring for aging parents and*  
12 *while I'm not an advocate of increasing the square footage of Accessory Dwelling*  
13 *Units, I believe people should be able to have them to help with this very real*  
14 *issue. I think we need to be very cognizant of the quality of life for these older*  
15 *folks as well as the quality of life for their children who will have to find a way to*  
16 *care for them.*

17  
18 **Depee:** *I do not want to focus on creating restrictions because of the people*  
19 *abusing the system, as in the rental factor. Many young people turn to their*  
20 *parents for financial assistance when buying a home and then the parents live in*  
21 *a portion of the home later, which is technically a rental situation, but they are*  
22 *also caring for family instead of a nursing home. It is unfortunate that some*  
23 *people will try to capitalize on it, but social structure needs to be the major focus.*  
24 *In some cases, it is the younger generation that lives in the unit. Parents might*  
25 *purchase a home and the children and their families will live in the daylight*  
26 *basement, or other such arrangements.*

27  
28 **10:06:52**

29  
30 **Taylor:** *I'm very concerned with property rights. We have two sisters with five*  
31 *acres of land inside the Urban Growth area, and with our restrictions now, they*  
32 *can't build a second house the way they want to build it. I think there needs to be*  
33 *some flexibility in our system, because I don't feel it is right that they can't build*  
34 *two houses on five acres of land because of the locations and setbacks.*

35  
36 *I also disagree with Commissioner Nevins' comment about the septic issue;*  
37 *because I think many of those existing houses are inside the Urban Growth Area*  
38 *and do have septic. If you look at Silverdale, it's almost entirely septic and it's a*  
39 *quasi-city.*

40  
41 **Foritano:** *What I'm hearing here is a combination of issues, and some tensions*  
42 *that may have environmental impact. I think you are talking about an Urban*  
43 *Growth Area issue, with rules and regulations that might pertain to the existence*  
44 *or possibility of an infrastructure. I hear Tom talking about a situation in a rural*  
45 *environment where there is virtually no possibility of infrastructure and having*  
46 *small lots to boot, which could create potentially serious environmental issues*  
47 *that can be made worse by increasing the use. I am very much in support of*  
48 *family caring for each other, but also very concerned with the environmental*  
49 *impact it could unintentionally cause. We may need to pull some of these issues*  
50 *apart to deal with them effectively.*

**Kitsap County Planning Commission – January 22, 2008**

**10:10:20**

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**Sommerhauser:** *At previous meetings, we have tried not to swim against the tide of legal precedent. I have great sympathy for the family caring for family issues as well. We have provisions for accessible use for trailers for a handicapping condition, and when the condition goes away, the allowance also goes away? Could we condition for a legal relationship?*

**Baker:** *Enforceability would be the major problem. We had some issues with that during the 10-year update. You are referring to an accessory conditional manufactured home on the property that is allowed temporarily for the care of an infirmed family member, but it must be removed after the condition is gone. The key difference is that these regulations only apply to Accessory Dwelling Units, not Accessory Living Quarters. These Hearings Board orders seem to give Living Quarters, which are attached, a free pass even though they still generate the same number of trips. The only clear difference seems to be that the appearance is not of two residences. So the Living Quarters are still allowable and do not carry all these legal questions and baggage.*

**Sommerhauser:** *Questions whether the word accessory implies something that is an extension of the primary residence, or if it just means in addition to the primary. Building a house on your property and renting it out for money shouldn't be the goal.*

**10:14:35**

**Baker is asked to and will provide the full Hearings Board decisions to all Planning Commission members. States that this is only an initial work study and the issue will definitely be re-visited.**

**Nevins:** *If we open the code now and make the change to allow Accessory Dwelling Units with less restriction, I believe it will result in a decision to go back to allowable in the urban area only. If we go to the middle ground and leave it unchanged, we won't have to deal with it or the appeals it may or may not generate until 2011.*

**10:16:33**

**Baker is asked to clarify when an appeal period is valid for a violation of the Growth Management Act.**

**Baker:** *Once a code is created, this one was created in 1998, an appeal period runs based on its adoption. When that period ends and if the language stays static or unchanged, the appeal period expires. To have it heard again prior to the update, there would have to be a greater issue creating a no-action claim, which states that something bad is happening and the county is ignoring it. Based on our activity numbers, it would be hard to make such a claim, but every seven years you must review your plan, thus opening up everything that was appealed or reviewed prior.*

**Baker clarifies that the next seven-year review would take place in 2011.**

**Taylor:** *We will go back to Item C, the elections and then take a break.*

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1 10:18:27

2  
3 ***Legal Counsel has advised that a game of chance is an acceptable method of***  
4 ***breaking a tie.***

5  
6 **(Continuation of Agenda Item C: Election of Officers)**

7  
8 ***Diener: A coin toss is an acceptable option, deferring the election and splitting the term***  
9 ***between the two are also options.***

10  
11 10:20:21

12  
13 ***There is no opposition to flipping a coin, so Diener flips. Commissioner Paralez***  
14 ***chose HEADS, Commissioner Depee chose TAILS.***

15  
16 ***Coin lands on TAILS and Commissioner Depee is elected Chair.***

17  
18 ***Nominations are opened for vice chair.***

19  
20 10:21:47

21  
22 **Commissioner Nevins nominates Commissioner Paralez for the position of Vice**  
23 **Chair. Commissioner Foritano seconds the nomination.**

24  
25 **Commissioner Coppola nominates Commissioner Gustavson for the position of**  
26 **Vice Chair. Commissioner Depee seconds the nomination.**

27  
28 10:23:53

29  
30 ***Commissioners vote by ballot. Diener collects and counts the votes. The vote is***  
31 ***five for Paralez and three for Gustavson.***

32  
33 **Commissioner Paralez is elected Vice-Chair.**

34  
35 10:24:21

36  
37 **BREAK**

38  
39 10:37:34

40  
41 **RECONVENE**

42  
43 ***Commissioner Paralez left the meeting during the break.***

44  
45 **F. Work Study: CFP (Capital Facilities Plan) Amendments**

46  
47 ***Baker: To be consistent with the Growth Management Hearings Board appeals to the***  
48 ***sewer component for our invalid Urban Growth Area expansions, Kitsap County is***  
49 ***coalescing Capital Facilities Plan materials from Karcher Creek, Cities of Port Orchard***  
50 ***and Bremerton for the Central Kitsap, Silverdale, West Bremerton, Gorst and South***  
51 ***Kitsap Urban Growth areas.***

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1 **Baker:** *Our previous date for adoption was February 11, 2008 but we will need to*  
2 *request a 30-day extension because the City of Bremerton is not quite ready and all the*  
3 *Growth Area changes must go in at one time since this is a 10-year update to the overall*  
4 *County Plan, which cannot be broken into pieces. We are now looking at end of March*  
5 *or early April approval of those documents to lift the invalidity 60 days after adoption.*

6  
7 **10:39:30**

8  
9 **Depee asks for and Baker clarifies that after the updated Plan is submitted, the**  
10 **Hearings Board has 60 days to respond by either approving, rejecting or asking**  
11 **for additional revisions to the Plan. Generally a hearing is held 30 days after we**  
12 **submit and then a decision is issued 30 days after the hearing. The invalidity is**  
13 **lifted at the same time the Hearings Board issues their decision of approval.**

14  
15 **Baker:** *The information being prepared follows that of Kingston, which was already*  
16 *approved by the Hearings Board. This will not end discussion on "Footnote 48" which*  
17 *says you must sub-divide and provide urban levels of sewer service. Just showing*  
18 *where the sewer lines will go does not address how we will pay for them and once we*  
19 *determine the cost, we need to determine whether they truly belong in an Urban Growth*  
20 *Area based on the number of people that will be served.*

21  
22 **Depee:** *What is planned for the Public Participation aspect?*

23  
24 **10:41:28**

25  
26 **Baker:** *The County has created a Wastewater Taskforce made up of service providers,*  
27 *members of the development community and others to take an accurate look at where*  
28 *sewer is today and where we will need it in the future. They will also discuss*  
29 *effectiveness of current public funding strategies and how the County uses them and will*  
30 *work with other jurisdictions on a legislative agenda to see what else might be available*  
31 *to us. Lastly, they will look at a phasing strategy and how to get the most return on our*  
32 *investment and the best results from our plan.*

33  
34 **Baker and Depee discuss that a list of Regional List Stations will be available once**  
35 **the Capital Facilities information being compiled by the jurisdictions.**

36  
37 **10:44:53**

38  
39 **Foritano:** *Is there linkage between Wastewater and Stormwater management?*

40  
41 **Baker:** *Not currently, except for within the Buildable Lands Program.*

42 **Foritano:** *I am currently on the Stormwater Management Board and was*  
43 *surprised at the absence of linkage to Ordinances that might help improve the*  
44 *situation. Could I suggest the Wastewater Taskforce effort be linked to the*  
45 *Stormwater Management efforts into an integrated item?*

46  
47 **Baker:** *At one point they were together, but the issues of funding proved to create bigger*  
48 *problems and the County Commissioners decided to break it into manageable sections.*  
49

**Kitsap County Planning Commission – January 22, 2008**

1 **10:46:50**

2  
3 **Sommerhauser:** *Once we get approval on our Plan from the Hearings Board,*  
4 *are the participants bound to these Plans? Will it be enforceable?*

5  
6 **Baker:** *These Plans are adopted by Resolution to the Comprehensive Plan, so there is*  
7 *still some room for each jurisdiction to make changes when implementing; so, they are*  
8 *not absolutely bound to the Plans, but we are trying to get them locked in to the best of*  
9 *our ability. If they wanted to make a significant change, they would have to pass it by a*  
10 *Comprehensive Plan Amendment.*

11  
12 **10:48:28**

13  
14 **Taylor asks how to join the taskforce. Baker clarifies that Commissioner Brown**  
15 **would be the point of contact and also that the Taskforce is not only advisory in**  
16 **capacity, but will actually do the work and create the plans. There will be a**  
17 **facilitator for the process, but will be a significant investment of time and effort.**

18  
19 *(Taylor references a map of the extension of Waaga Way construction that will be*  
20 *taking place next year and asks Baker to indicate where the sewer line is slated to*  
21 *go in.)*

22  
23 **Taylor:** *Why does the sewer line going in end here instead of extending all the*  
24 *way West to Old Frontier Road? The engineer stated that the sewer line ends at*  
25 *the rise of the fall and since the project leads East, they do not plan to put in a*  
26 *line to the West. Why not plan for it now, and put the line in even though it would*  
27 *not be connected to anything at this point?*

28  
29 **Baker:** *Here is an example of disconnect between the Comprehensive Plan and actual*  
30 *implementation. The funding for this project is through a local improvement district that*  
31 *will receive the service, so people on the other side of the project are not part of this*  
32 *local improvement district and are not asked for input.*

33  
34 **Discussion continues on the County Planning efforts on re-zoning and the**  
35 **implementation of Capital Facilities and how to handle these challenges, funding**  
36 **issues and the difficulties of coordination between local jurisdictions and the**  
37 **Department of Transportation.**

38  
39 **10:55:42**

40  
41 **Baker:** *An update to the Capital Facilities Parks and Recreation Plan is due in the next*  
42 *few months. We need to keep it current with what is actually planned. In 2006 we*  
43 *discovered an inconsistency from 1998 that while we change our Capital Improvement*  
44 *Plans annually, we did not change our Capital Facilities Plan, and our Level of Service*  
45 *standards were never married to the Plan itself. At a minimum, and possibly isolated to,*  
46 *changes to the Parks and Recreation section will be covered.*

47  
48 **Baker:** *Changes to proposed projects and monies being moved from one project to*  
49 *another needs to be memorialized in the Capital Facilities Plan in order to utilize some*  
50 *Capital Funding Strategies.*

## Kitsap County Planning Commission – January 22, 2008

1 **Baker:** *These kinds of updates will mainly be in spreadsheet form. All are amendments*  
2 *to the Comprehensive Plan and will be coming before you at least once a year.*

3  
4 **10:57:06**

5  
6 **Baker:** *We are proceeding with amendments to the Rural Wooded Incentive Program*  
7 *and Transfer of Development Rights, which were both invalidated by the Growth*  
8 *Management Hearings Board with specific ideas as to what needed changes to make it*  
9 *compliant. These changes will not be coming back before the Planning Commission but*  
10 *will go directly to the Board of County Commissioners.*

11  
12 *Previously there were four options that would allow you to go from one dwelling unit per*  
13 *20 acres down to one dwelling unit per five acres. They were a combination of wooded*  
14 *reserve and open space designation. The wooded reserve designation had a time limit*  
15 *on it, and could be re-examined after 40 years. The Hearings Board took issue with that*  
16 *and County Commissioners directed Staff to remove all but the fourth of these options.*  
17 *(References diagram #4 in the bottom right corner of the materials provided)*

18  
19 *To achieve one dwelling unit for five acres, or four-fold density increase, 75% of the land*  
20 *must be designated as permanent open space. Additionally, this open space must be*  
21 *dedicated to a public entity, such as a land conservancy or other agency of that nature.*  
22 *To address the issue of taking land from owners, this is a voluntary program and you are*  
23 *not required to use it. You can develop your land using the one per twenty acre zoning*  
24 *without any requirements or restrictions. If you want to achieve the four-fold density*  
25 *bonus, you do have to show a nexus between the open space requirement and the*  
26 *density bonus.*

27  
28 *That is the proposal right now, and when the initial public testimony for this program was*  
29 *taken, the restrictions back then were not well received by the development community,*  
30 *real estate community and land rights advocates and will probably be intensified with*  
31 *these changes. It further erodes some of the property owners' expectations when this*  
32 *program was initially started by a previous Board. The Hearings Board has invalidated a*  
33 *majority of those expectations and the current County Commissioners plan to move*  
34 *forward with this plan.*

35  
36 **11:00:36**

37  
38 ***Baker clarifies that this is the only option for utilizing the four-fold density bonus.***  
39 ***The String of Pearls development proposed in North Kitsap will be directly***  
40 ***affected by this proposal and they are expected to appear at the upcoming,***  
41 ***February 11<sup>th</sup> County Commissioners' meeting.***

42  
43 ***Gustavson comments that the market drives these programs. There are possible***  
44 ***allowances through the Transferable Development Rights Program too if you own***  
45 ***lots that are side by side and eligible for medium density upgrades.***

46  
47 **11:02:15**

48  
49 **Baker:** *The Rural Wooded Incentive Program and the Transferable Development Rights*  
50 *Program are often grouped together though they are not directly connected, except by*  
51 *the market.*

## Kitsap County Planning Commission – January 22, 2008

1 **Baker:** *Technically you could sell development rights on your property to a neighboring*  
2 *property owner, which would allow that property owner to develop those properties*  
3 *together as one within an Urban Low zone. There is still a question about the attitudes*  
4 *and public feeling in the urban designations.*

5  
6 *The only change being proposed in the Transferable Development Rights Program is the*  
7 *caveat that all development rights return to the property owner after 40 years, which the*  
8 *Hearings Board invalidated. The County Commissioners have directed us to remove the*  
9 *40 year caveat. So now, when you sell a development credit, it is gone forever unless*  
10 *the Urban Growth Area has expanded considerably beyond the property. The idea*  
11 *behind that is not to impede Urban Growth by having a large 20 acre parcel right in the*  
12 *middle of it.*

13  
14 **11:07:16**

### 15 16 **G. For the Good of the Order:**

17  
18 **Sommerhauser:** *Has the 2008 docket for DCD work been approved?*

19  
20 **Diener:** *No. It is expected to be approved on January 28, 2008. The docket is basically*  
21 *the Board sanctioned projects that will be part of our workload. There have been only a*  
22 *few minor additions. There will be some discussion of the Mixed Use district in*  
23 *Silverdale, with some possible north by northwest expansion of that district.*

24  
25 **Taylor:** *Will we receive any feedback from the January 8<sup>th</sup> joint meeting?*

26  
27 **Diener:** *Yes, in the Director's Update at our next scheduled meeting.*

28  
29 **11:09:09**

30  
31 **Sommerhauser:** *Can we be notified of the staff assignments and meeting*  
32 *schedules for those docketed items?*

33  
34 **Diener:** *Yes. Once the docket is approved we will put together a meeting schedule for*  
35 *the Planning Commission and what staff will appear.*

36  
37 **Sommerhauser would also like notice of the community meetings Staff attends as**  
38 **part of the docketed projects. Diener concurs.**

39  
40 **Taylor:** *What happened to the proposal for an all-day meeting to get through the*  
41 *Code Amendment process with Eric Baker?*

42  
43 **Diener:** *He has indicated willingness to do so, but would prefer it be a weekday meeting.*

44  
45 **11:11:10**

46  
47 **Diener:** *At the joint meeting there was a consensus that if we need more time, we*  
48 *should take it. To that extent, we should anticipate having some meetings that go longer*  
49 *than three hours.*

50

**Kitsap County Planning Commission – January 22, 2008**

1 **Diener clarifies that maps provided to the Planning Commissioners include are**  
2 **existing Comprehensive Land Use maps, existing Zoning maps of the entire**  
3 **county and each individual commissioner's district.**

4  
5 **Gustavson:** *A major review of county code is scheduled for this year. I'm*  
6 *concerned about getting behind, especially with the large amount of detailed*  
7 *information and material to be read and understood.*

8  
9 **Diener:** *For Titles 16, 17 and 21 that Community Planning is handling, we will be*  
10 *prioritizing the most critical changes regardless of which Title they fall under and moving*  
11 *through those first, and then taking the next most critical the next quarter and so forth.*  
12 *That way the Planning Commission won't have to look at all the proposed changes at*  
13 *once. Stakeholders will be involved.*

14  
15 **11:13:20**

16  
17 **Gustavson:** *Once you bring a title up for review, the entire title is up for review,*  
18 *not just pieces of it.*

19  
20 **Nevins:** *In this vein, I would appreciate it if any Planning Commissioners bring*  
21 *up their items and questions in advance, instead of bringing them all up at each*  
22 *meeting.*

23  
24 **Depee:** *As new chair, I agree and also ask that if Planning Commissioners*  
25 *distribute articles or informational handouts, to please put their name on it for*  
26 *clarification.*

27  
28 **Diener:** *Please also include the parent article, or media source and date published for*  
29 *reference.*

30  
31 **Sommerhauser:** *As I understand it, our by-laws have now been passed onto*  
32 *the County Commissioners for approval and they will return it to us once*  
33 *complete.*

34  
35 **11:15:29**

36  
37 **Diener:** *Staff will be looking at a draft codification of the Planning Commission and its*  
38 *roles, responsibilities, bylaws, rules and procedures as discussed in the joint meeting.*  
39 *We will then present it to the County Commissioners and the Planning Commission for*  
40 *review.*

41  
42 **Depee:** *I would like to review portions of Title 16 about opening up County-*  
43 *dedicated rights of way. I have talked to Eric Baker previously, but would like to*  
44 *see it.*

45  
46 **Diener:** *Noted.*

47 **Coppola:** *Are there any standard set of bylaws for Planning Commissions in*  
48 *Growth Management Act?*

49  
50 **Diener:** *No.*

51

**Kitsap County Planning Commission – January 22, 2008**

1 **Discussion continues on how each Planning Commission in each County around**  
2 **the state sets its own rules and procedures, though there are certain aspects**  
3 **governed by RCW.**

4  
5 **11:17:40**

6  
7 **Depee:** *I appreciate the work Commissioner Sommerhauser did on bylaws and*  
8 *agree that this Commission has matured and grown to a point where we do need*  
9 *a written set of bylaws and procedures instead of just doing it as we always have.*

10  
11 **Sommerhauser:** *It is up to each County to decide how they want to set up their*  
12 *Planning Commission, some go beyond that and actually spell out rules and*  
13 *process. Our Commissioners have taken that role from us and said they will*  
14 *make those final decisions. All the other boards operate that way, so we will be*  
15 *consistent. I believe it is appropriate as we are an appointed Board. I believe we*  
16 *should have input, but they should decide.*

17  
18 **Coppola:** *Why should we get anything to say about it? None of the other Boards*  
19 *they oversee.*

20  
21 **Sommerhauser:** *Yes they do, they all develop their own draft and then the*  
22 *Board approves it.*

23  
24 **Taylor:** *Takes issue with minutes today having the wrong date, the microphone*  
25 *at the podium not working correctly, and the room was not set up correctly at the*  
26 *last meeting.*

27  
28 **Gustavson asks when we will hear back on the questions asked of the County**  
29 **Commissioners at the joint meeting.**

30  
31 **Sommerhauser:** *At the Admin brief last week, they stated that they are working*  
32 *on answers to those questions. They are coming.*

33  
34 **A motion is made by Commissioner Depee and seconded by Commissioner**  
35 **Nevins to adjourn.**

36  
37 **The VOTE:**  
38 **Yes: Unanimous**

39  
40 **Time of Adjournment: 11:24:04**

41  
42 **EXHIBITS**

43 **A. Legal Documents on Growth Management Hearings Board Decisions**

44  
45 **MINUTES approved this \_\_\_\_\_ day of \_\_\_\_\_ 2008.**

46  
47  
48 \_\_\_\_\_  
49 **John Taylor, Planning Commission Chair**

50 \_\_\_\_\_  
51 **Amanda Walston, Planning Commission Secretary**