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, Michael Gustavson, Tom Nevins, Lou Foritano, Lary Coppola, Jim Sommerhauser and John Hough.


Others present: Jim Avery, Tammera Beverage, Yvonne Wolff

8:59:47

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

• March 25, 2008

A motion is made by Commissioner Taylor and seconded by Commissioner Nevins to approve the minutes of March 25, 2008.

The VOTE:

Yes: 6
Abstain: 1 (Sommerhauser)

The Motion Carries
E. Public Hearing and Deliberations: Open Space Current Use Assessment
Applications – Steve Heacock, Environmental Review, DCD (Est. 35 min.)

- Keith
- Lane

Heacock: Open space program applications are transferring over to the Assessors Office. This department will still be involved in determination of qualifications related to the public benefit rating system.

(Presents Keith open space application, referencing map). Property is located in Seabeck, adjacent to Miami Beach road. A salmon stream, wetlands and special wildlife habitation to consider as well. Water shed protection gives three high priority points translate into three components for the public benefit rating system.

Applicants have requested no public access to the property. The Department recommends approval of 6.5 acres into the open space category with 1.5 acres exempted. The property qualifies for a 50% tax reduction. Typical conditions will apply to the property. No motorized vehicles, no hunting fishing or trapping, no camping, no firearms and no mining. Open space classification for this land will continue as long as it is primarily used for the protection of wildlife habitat. The tax shift for this property is $677.00 annually.

9:07:45

Sommerhauser: Vicinity map was not received, and the report that was sent did not show the 50% tax reduction.

Heacock: It was omitted in the first report you received. It was an error in the process and was corrected in the information you have in front of you.

Sommerhauser: We used to get the tax calculation in the reports; I’d like to see that again on future applications.

Heacock: Agreed

Taylor: So there will be no public access?

Heacock: Public access would be problematic. They do not have a very big driveway and it would be difficult to have traffic up and down the driveway.

9:09:50

Fortiano: It looks like a sign is required; can I assume that a contact number would be posted on it for anyone wanting access?

Heacock: That is correct.

Taylor: In previous applications public access has been granted 100% of the time, why not in this one?
Heacock: They did not express interest in allowing public access and it is not a requirement of this program.

Sommerhauser: On future maps, please outline excluded or exempted areas.

Heacock: Absolutely.

9:11:18

Depee: By the standard regulations, public access could be obtained with prior appointment and consent.

Heacock: Staff will still be allowed to go out and inspect as needed.

A motion is made by Commissioner Depee and is seconded by Commissioner Coppola to approve the Keith application, with the reinstatement of the standard terminology that the public may access the property if they get prior consent from the owner.

Heacock: Currently, Kitsap County Code does not require public access for inclusion in the Open Space program. To do so would require a code revision or amendment.

Jim Avery, Assessor: The public benefit rating system allows for several different categories of the tax exemption. 60% would have been their tax benefit had they chosen to give public access. This is outlined in the Public Benefit rating system, which is part of the County code and can be certainly amended.

Discussion continues on whether this application warrants code revision.

Vote:
No: Unanimous
Motion fails

A motion is made by Commissioner Sommerhauser and is seconded by Commissioner Foritano to approve the application as stated.

A secondary motion is made by Commissioner Coppola and seconded by Commissioner Taylor to table the application.

Gustafson: The application was submitted under existing rules, has standing and therefore grandfathered regardless of any policy or code changes we want.

Sommerhauser: I agree, this body does not have the authority to change code. Our job is to make a determination on the application before us.

The Vote: (on the secondary motion to table the application)
Yes: 1
No: 7 (Depee, Taylor, Hough, Nevins, Gustavson, Foritano, Sommerhauser)
Motion fails
The Vote: (on the primary motion to approve the application as stated)
Yes: 5
No: 2 Coppola and Taylor
Abstain: Sommerhauser

Motion carries

9:20:36

Heacock: (Presents Lane open space application, referencing map). Property is 2.93 acres located on Twin Spits Road. Owners have allowed past Land Trust access down through their property for events, overflow parking and beach access.

There is a significant estuary, pocketed wetlands, a freshwater stream, special animals and plants on the property giving the three high priority resources necessary through the public benefit rating system to afford them the 50% tax reduction. By continuing to allow public access, they will receive a 60% reduction. Their compensating tax will be $176.00.

Upon approval, public access will be allowed on the beach but the applicants has asked for the consideration to limit access during certain times of the year for wildlife protection as seals and their pups regularly use the beach during feeding times. The normal conditions would apply. No motorized vehicles, no camping, no smoking, no dumping of chemicals.

Sommerhauser: Does Community Development provide the signs?

Heacock: No, we only provide the language. Kitsap County Parks has been approached about having their signs department handle this. In the past, we have provided the language and the homeowner just has it laminated and posts it.

Sommerhauser: In the future, I would encourage the County to dictate the size and appearance. Can you please point out the trail on the map?

(Heacock shows the trail on the map.)

Sommerhauser: We should clearly mark the trails in the future, especially if the trail crosses into the exempt areas.

9:29:53

Gustavson: Where is the vehicle access to the exempted acre?

Heacock: (Points to the aerial map.) The road exists but is heavily forested and is not visible on the aerial map.

Gustavson: We should allow for road maintenance
A motion is made by Commission Gustafson and seconded by Commissioner Sommerhauser to allow road maintenance through the open space.

The VOTE:
Yes: Unanimous

The motion carries

A motion is made by Commissioner Sommerhauser and seconded by Commissioner Gustavson to approve the Lane application.

The VOTE:
Yes: Unanimous

Motion Carries

9:33:15

(Heacock introduces Tammera Beverage from the Assessors office.)

Beverage: All applications originally went through the Assessors office and then the Current Use Timber land applications and the Current Use Open Space applications were processed by the Planning Department. Going forward, they will be processed, inspected and presented to the Planning Commission by the Assessors office.

Depee: You will be the Assessor for Commercial Properties?

Beverage: I am a Commercial Appraiser and in addition to that I am the Current Use Administrator.

Depee: Timber applications also?

Beverage: Yes.

Foritano: What is the percentage of County land now in open space and what are the implications with those pieces moving off the tax rolls?

Beverage: Currently we have 20% of Kitsap County in the program. There is no tax deficit to the County as the entire tax shifts to all the surrounding property owners sharing that levy district.

9:36:40

Taylor: Is notice given to the adjacent residences of the tax district?

Beverage: Yes, this is all done through public hearing.

Foritano: North Kitsap is an area with major potential development. Are there plans to allow them to more densely develop pockets of those 300 hundred acres, therefore allowing greater open spaces and trails? If that process goes forward and is approved, would it be tax neutral?
Beverage: No, if the property is sold, it will come out of the program and compensated taxes will be paid. If it is a development that has cluster dwellings and then an extra 100 acres, taxes would have to be paid on the whole property and it has to come out of the program. That is specified in Kitsap County code.

Avery: For clarification, the only applications you will be seeing is the open space applications. DCD will still be involved with the determinations for open space.

Depee: If the open space program is revised, is that state or county code?

Avery: County.

Depee: When you submit the open space applications and there is no access for maintenance stated, could you please make sure that it is added?

Heacock: Yes.

Gustavson: This reduces by one layer the amount of opportunity the public has to look at these.

Avery: No, I don’t think that is the case. Going back to the tax shift, we do put that on our annual assessment page. In each of the exemption programs you can identify the amount of tax shifts.

Gustavson: With Forestry permits there is no public involvement at all?

Avery: No

Taylor: I would like to see the signs coordinated, made and maintained by the county but paid for by the applicant.

Sommerhauser: I believe there was a misstatement regarding no public hearing on some of these. They all still go before the Board of County Commissioners and there is opportunity for public comment.

F. Director’s update: Larry Keeton

Keeton: Just have several quick updates for you. We are working on the quarterly report update. The Board of County Commissioners has directed us to develop performance measures. We have targeted 12-15 Commercial Tenant Improvements to Preliminary Plats as a focal point. The Land Information System is a wealth of information but we have concerns on the accuracy of using it as a processing time tracking tool.
Keeton: For example, we show the preliminary application date as the first registered event in the process, but the applicant might have taken two to five years after the preliminary application meeting before they submitted an application to move forward. So showing that a project has been in the process for five years could be completely misleading.

Our budget is down by 20% in revenue. Single Family Residence is down, while Preliminary Plats and Large Lots are up. In Personnel matters, we only have four active openings and Development Engineering is now fully staffed with the exception of one.

The Advisory Committee group has been meeting the last Friday each month. Paladin has completed their review of our department processes. Heavy training is taking place in the department with three new systems being deployed.

We have started a system called Staff Consultation meetings, which allow citizens to schedule time with staff for a fee. They are scheduled within two weeks of the request and we have had 25 in the past two months. We updated the Rural Wooded Incentive Program Ordinance and we also passed a resolution on the Buildable Lands Report.

Hough: Is the LIS training for the same system that is available to the public?

Keeton: Yes.

Hough: Can you assess the level of decrease in the total number of applications this year compared to past years?

Keeton: We have seen a decline in Single Family Residence but there seems to be an increase in remodels. I will provide a better report to the Planning Commission.

Gustavson: Is there a policy for the expiration times on applications?

Keeton: Code specifies this and depending on the application itself, when a permit is issued you have an expiration date. If we send out a request for comment letter and do not receive a response, we will send a 30-day notice to cancel the permit or project.

Sommerhauser: One of the concerns about fees was the number of Director’s interpretations being used by staff and tracking those. What system do you have in place to quantify it in writing what the code says and how Community Development interprets the code? How is that available to the public?

Keeton: The code specifies Director’s interpretation because the Director speaks for the department. Director’s interpretation involves a series of protocols during process reviews and demonstration of reasonable efforts.

Sommerhauser: You should keep records of each time staff makes an interpretation on your behalf.
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Keeton: We have done that but the analysis is not ready.

Gustavson: With so many recent past directors the confusion is understandable.

Keeton: We are taking our time because we want to release good information.

Taylor: How often does the Permit Process Advisory Committee meet?

Keeton: Once a month at 7:30 AM at the Silverdale Community Center.

Depee: At the last meeting I suggested including a planner’s name in the public LIS permit status screens, and also notification when permit status changes. You have accountability to the public to do so and your current system is not working.

Keeton: Every time a planner is interrupted it adds to the total permit processing time.

10:25:37

G. Status Update: 2008 Long Range Planning Projects – Policy & Planning (Long Range) Staff, DCD (Est. 35 min)

Diener: In response to Commissioner Gustavson’s email requesting status on our 2008 docketed items, most of these items will not have actionable results for the Planning Commission until the end of the year. In July and August the meeting will begin to ramp up. (Reviews 2008 docket).

Depee asks that time frames be estimated and sent to the Planning Commission.

Scott: Will email time estimates to the Planning Commission. We are hoping to have the 2009 docket adopted by October, which will help alleviate the amount of down time at the beginning of next year.

10:28:46

Knutson: Illahee community plan is still going strong. Staff reviewed and issued comment on the Community’s Draft Plan. We are holding citizen advisory group meetings and have adopted Vision and Boundaries. We have consensus on zoning and still have work to do on Environmental and Low Impact Development standards. We held a well attended open house and have a wrap up meeting scheduled for June 2nd. We plan to come before the Planning Commission in late July and go before the County Commissioners in August or September.

10:31:40

Knutson: The Buildable Lands Report was adopted and a grant was received from the Department of Community Trade and Economic Development to develop and run our Reasonable Measures Program.

Gustavson: Will we have a work study on Reasonable Measures?

Knutson: If you request one.
Taylor: Are the regulations for Accessory Dwelling Units the same inside the Urban Growth Area as in the Rural Area?

Knutson defers to Eric Baker, who will speak to this in the next Agenda item.

10:33:52

Knutson: One of our Reasonable Measures is to allow Accessory Dwelling Units within Urban Growth Areas and Cities.

Knutson reviews Waaga Way extension map and project.

Gustavson: Is this part of the Silverdale Design Standards?

Knutson: Yes, we will be presenting with Special Projects in mid August.

10:37:09

Sullivan: The Greater Hansville Area Advisory Council is working on folding the Hansville Futures project into a Community plan compliant with the Growth Management Act. Two council meeting and two sub committee meetings have been held so far and we are slated for mid October adoption.

Foritano: Advises that communication with the Hansville Community be kept very open and very visible.

10:40:16

Gustavson questions whether Limited Areas of More Intensive Rural Development will be allowed to develop further considering the County’s participation in the Puget Sound Regional Council.

Nevins discusses his interpretation of what we are required to do under participation with the Puget Sound Regional Council.

Taylor: Great job, Sullivan.

Sullivan: Working with the Kingston Citizen Advisory Council, we have looked at the 2005 Kingston Sub-area plan. We are working with other Sub-committee groups to look at goals and policies. The focus is on the Downtown area and how to make it more than just a ferry community.

Gustavson asks for a timeframe, Depee reiterates Diener will provide estimates.

10:44:45

Sommerhauser questions which community group is working on this plan as so many different groups that have been mentioned.
Sullivan: The Kingston Citizen Advisory Council is leading the effort for the plan creation. The County is now helping them to proceed with the implementation and how to direct their focus to the downtown area.

Foritano: The planning committees seem to need help in taking action. I recommend that the Kingston group view the tribal lands, Greater Hansville and Kingston all as one area and make sure that services are provided and planning is addressed comprehensively as a region instead of piecemeal.

10:48:58

Adams: Will be working on the upcoming Code revision on Title 16, 17 and some of 18 with heavy input on 21. Also will be handling re-zones in Manchester, two applications have been received.

Depee: We have a full docket and then we feel rushed to get it done, this is why we are questioning the timeframes on this.

Sommerhauser asks about Planning Commission Training.

Diener: We are targeting a two or three day event and other agencies have expressed interest in shared participation. Any further questions can be deferred to Amanda.

Discussion continues and it is preferable to the Planning Commission to delay training until the early part of next year when we have down time and also when new members may be appointed. Diener concurs.

Sommerhauser: Based on experience and the way our docket is adopted at the very end of each year, it leaves the first third of the year as dead time.

Scott: I disagree; our staff is very busy right now on docketed projects as well as other workload items. We are trying to target docket adoption for the next year in October, so we can prepare and start work earlier. Again, the docket is not the only workload staff has, and not all the projects are visible to the Planning Commission.

11:01:23

Sommerhauser: I am not criticizing you or staff in any way. If your staff starts working on docketed projects in January, the staff is very busy, but the Planning Commission is underutilized.

For efficiency and effectiveness, I would like to see the docket changed to include some items that are scheduled for work and preparation during the year and with completion pushed out to the start of the following year.

Coppola: None of us wants to get into what we experienced with the Critical Areas Ordinance.
H. Work Study: Code Development – Eric Baker, Special Projects (Est. 35 min)

Baker: (Distributes Phase II Code Development.) Phase II Code Development is scheduled to go before Planning Commission in May. (References report given at the end of last year.) The first draft was released in August 2007. Changes we are looking at are mainly in Title 17. The second draft that we have been soliciting comments for will be out by Friday, April 26, 2008 and will look largely similar to the first draft released in August.

We have a Work Study scheduled for May 13th with a follow up Planning Commission Public Hearing two weeks later. If needed, the June 11th Planning Commission deliberations could be elongated if needed.

Taylor: Wouldn’t the Work Session be the long meeting?

Baker defers to the Planning Commission’s preference and decision.

Depee suggests the Public Hearing on May 27th be a night meeting.

Gustavson recommends reserving May 14th if necessary for an extended session.

Taylor recommends the May 13th Planning Commission be an extended meeting, discussion continues.

It is agreed that on May 13th, the regular Planning Commission meeting will be held from 9:00 am to 12:00 pm and then an extended Work Study on Code Development will take place from 1:00 pm to 3:00 pm.

Baker reviews Title 16 Subdivision Regulations including: Lot area and dimension, building setbacks, sidewalks and parking.

Baker: Changes are proposed to the off street parking requirements, going from 2 to 2.5 spots per dwelling unit.

Depee: You should include something about time limits for example 24 hours parking at a time.

Baker reviews historic and new lot sizes, building setbacks and sidewalks.

Depee: Does a Traffic Impact Analysis address this?

Baker: Road Classifications would help dictate requirements.
Sommerhauser: What classifications would require double sidewalks?

Baker: General examples would be Old Military Road or Tracyton Boulevard, which would require sidewalks on both sides. Your standard cul-de-sac would require one sidewalk. I will provide a copy of these.

11:33:05

Gustavson: Are we moving towards sidewalks as opposed to white strips on the side of the road?

Depee: Sidewalks are required by Growth Management Act.

Baker: In Urban areas, as re-development occurs, there will be a push to include sidewalks.

Depee: They are also requiring money placed in a fund for future development.

Baker: There is another additional public component and they need to find the money also to fund the development

Baker reviews rolled curbs and cost savings as opposed to usefulness.

Baker: Parking is being increased from 2 to 2.5 spaces per unit, but there will be some changes to allow flexibility in spaces that can be angled, back-out and set aside.

Gustavson: How do you calculate half a parking space?

Baker: Calculate out to the max development and always round up.

11:40:40

Gustavson: These problems seem to center around small lots. This leads to entry-level homes that are abandoned as quickly as possible and become rentals or slums.

Baker: It is a delicate balance to increase housing and encourage growth and also increases the need to create livable, attractive features in these communities.

Sommerhauser: Buildable Land Report and Urban Growth Capacities that we just recently passed. How does this compare?

Baker: This is consistent with the 2006 Comprehensive Plan, the updated Lands Capacity Analysis and the Buildable Lands Analysis.

Sommerhauser: We have already bet that this is going to go through based on our Buildable Lands and our Urban Growth Area capacity.

Baker: Our Urban Growth Areas are sized at their minimums. These regulations will make the density reality valid.
Baker reviews active and passive recreation areas.

Depee suggests having these items spelled out and standardized.

Baker discusses McCormick North as an example of where you can see a number of these components.

Baker discusses Open Space requirements which are required for Performance Based Developments but are not required on straight Plats.

Baker: Other issues the code is going to address will be the Accessory Dwelling Unit.

Sommerhauser: I thought the Board of County Commissioners did not want to look at this?

Baker: Correct, but the Planning Commission may want to discuss it as it will almost definitely come up as a topic of interest and discussion for the public.

Taylor: Is it possible to have two sets of rules for Accessory Dwelling Units in urban areas as opposed to rural areas.

Baker: I will check, but revising one sub-section of the code opens it up in its entirety for appeal.

Baker discusses Mixed Use Zoning, the Master Sign District and Surface Mining requirements.

Taylor asks Baker to look into the development of an Accessory Dwelling Unit policy in the Urban Growth Area.

Depee: I agree but don’t know if the timing is right with the current work load.

I. Discussion and Recommendation: Planning Commission Night Meetings – Scott Diener, Policy & Planning Manager, DCD (Est. 35 min)

A motion is made by Commissioner Taylor and seconded by Commission Gustavson to continue regular day meetings, but move to night meeting for all Public Hearings.

Sommerhauser: I understand this request came from the Board of County Commissioners, but it is the reverse of our discussion and decision in January
Gustavson: My logic on this is the public does not have any input at work study or deliberation, they have input at Public Hearings.

Nevins: The benefit to evening meetings on a regular basis is that it opens up the pool of individuals available to be on the Planning Commission.

Taylor: I won’t change my family priorities to come back for night meetings.

Sommerhauser: It is most important is to serve the people in a way that encourages participation. I think the reason we don’t have a turn out at Work Study is because of the time it is held.

Foritano: People will find the time to come to the meetings they are interested in.

Coppola: I sit on approximately 15 boards and what I find is the same people come to the meetings whether they are day meeting or night meetings.

Sommerhauser: In our January discussion on this subject, there seemed to be a strong opinion that going to night meetings impacts staff, costs, times and schedules.

Taylor: Agreed

Diener: The direction of the board to review this was in an effort to inspire public input and also the availability of potential candidates. This is not about staff. If it is the will of the Planning Commission or the Board to go to night meetings, the staff will accommodate.

12:10:15

A motion is on the floor to remain exactly the same.

The VOTE: (on the motion to continue regular day meetings, but move to night meeting for all Public Hearings.)

Yes: 6
No: 2 (Nevins and Sommerhauser)

The Motion Carries

Taylor: We appreciate the Board of County Commissioners request.

Diener: I will provide a memo.

12:11:47

J. Discussion: Planning Commission Attendance Policy – Scott Diener, Policy & Planning Manager, DCD (Est. 15 min)

Diener: Reviews RCW governing the attendance of Planning Commission. Staff recommends that we table the issue until September or October.
Hough: Why are we dealing with this at all? We don’t seem to have a problem, why waste time? We can deal with it in the future.

A motion is made by Commissioner Hough and seconded by Commissioner Taylor to table this issue.

Sommerhauser asks if there is any differentiation between consecutive or cumulative absences.

(Call for the question)

The VOTE:
Yes: 4
No: 2 (Gustavson and Foritano)
Abstain: 1, Sommerhauser

The Motion Carries

K. For the Good of the Order: Chair Depee

Depee thanks Coppola and the City of Port Orchard for providing parking passes for advisory groups and councils.

Coppola wants to discuss the public access aspect of Open Space applications.

Sommerhauser: There was a statement today on open space that seemed to be in conflict with a statement in a previous discussion Open Space discussion. Is this Open Space per County Code? I agree it is. However, that County Code is in compliance and has been put in place because of a State Law.

Diener will add Open Space Applications to agenda, also the Buildable Land Report and Reasonable Measures.

Depee expresses appreciation for procedural help as Chair.

Sommerhauser suggests discussion with legal on discussing substantive business in the good of the order without posting proper public notice.

12:21:56

Diener: The individual or specific items in a Work Study do not necessarily have to be noticed, although we try to, as long as the Work Study itself is noticed.

Foritano will not be in attendance for the May 13th meeting.

A motion is made by Commissioner Hough and seconded by Commissioner Taylor to adjourn the meeting.

The VOTE:
Yes: Unanimous
Kitsap County Planning Commission – April 22, 2008

Time of Adjournment: 12:22:52

EXHIBITS
A. Keith – Application for Current Use Assessment – Open Space Land
B. James J. and Susanna M. Lane – Application for Current Use Assessment – Open Space Land
C. Permit Advisory Group Member List
D. Downtown Silverdale Current Design Districts Zoning Map
E. Downtown Silverdale Proposed Design Districts Zoning Map
F. Reasonable Measures Update Memo from Katrina Knutson (dated April 22, 2008)
G. Reasonable Measures Excerpt
H. Phase II Code Development Schedule
I. Sample Attendance Policies Memo from Scott Diener (dated April 17, 2008)
J. Kitsap County Planning Commission Night Meeting Availability Matrix

MINUTES approved this _______ day of _______2008.

________________________________________
Fred Depee, Planning Commission Chair

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Karla Castillo, Acting Planning Commission Secretary