

MINUTES
KITSAP COUNTY PLANNING COMMISSION
Administration Building - Commissioner's Chambers
May 27, 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, Michael Gustavson, Tom Nevins, Linda Paralez, Lary Coppola, Jim Sommerhauser and John Hough.

Staff present: Eric Baker, Angie Silva, Scott Diener, Heather Adams and Planning Commission Secretary Amanda Walston.

9:08:07

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

- May 13, 2008

A motion is made by Commissioner Taylor and seconded by Commissioner Sommerhauser to approve the minutes of May 13, 2008 with a correction to the numerical ferry riders to reflect that the number referenced is per year not per day

The VOTE:

Yes: 6

No:

Abstain: 1

The Motion

E. For the Good of the Order

Gustavson: I would like each of the Planning Commissioners to have three minutes to speak on the issue of Code Development at the Public Hearing

Paralez: Why would you need to speak at the public hearing?

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1 **Gustavson:** *This is a very complex code and my 35 comments can't be covered*
2 *in three minutes. I know we can submit these in writing, but the public won't be*
3 *there for that.*

4
5 **Depee:** *The goal of the public hearing is not to state our opinions or discuss*
6 *their testimony, but to hear the public. We also have an extended work study*
7 *and deliberations where we can discuss it. The three minutes is for the speaking*
8 *public and the length is predicated by the number of speakers in attendance.*
9

10 **Baker:** *The Planning Commission can determine at the hearing the amount of time to*
11 *allot to each speaker based on the number in attendance. We don't expect this topic to*
12 *be as involved as the critical areas ordinance, where people were allowed to speak with*
13 *no limit. You can ask questions, if you have them, on the testimony given; but it is not a*
14 *time for deliberation or debate on the actual testimony.*

15
16 **Foritano:** *Any questions should be for clarification purposes only. There should*
17 *be no debate on any of the comments.*
18

19 **Depee will determine the amount of speaking time based on the number of**
20 **speakers signed up to testify at the public hearing.**

21
22 **9:15:54**
23

24 **F. Work Study: Code Development – Eric Baker, Special Projects (Est. 3-6 hrs)**
25

26 **Baker:** *We are dealing with Phase II of Code Development. Phase I was part of the 10-*
27 *Year update and the Department of Community Development will handle Phase III. This*
28 *issue is very time sensitive, especially once the moratorium is lifted.*
29

30 *You have received electronic and hard copies of the code in its entirety to allow the*
31 *Planning Commission, the public and staff to see the context in which the revisions fall.*
32

33 *First table is very familiar and goes through each change all the way through. I suggest*
34 *we start by reviewing this doc first and then come back to any other changes of concern.*
35

36 **Paralez agrees, it will help the Planning Commission stay on topic.**
37

38 **Gustavson and Baker confirm that a review of the text will follow the review of the**
39 **table in order to address and discuss other issues or questions the Planning**
40 **Commission has.**

41
42 **Sommerhauser clarifies that the time constraints related to the moratorium mainly**
43 **pertain to mixed use development and asks if there are other constraints.**
44

45 **Baker confirms that the time sensitivity related to the moratorium and Phase II is**
46 **not specifically linked to a ticking clock or date, but that the code needs to be**
47 **reviewed expeditiously and not deferred for later consideration or with plans to**
48 **address it sometime before year's end.**
49
50
51

9:21:20

Baker reviews the portion of the table of proposed code changes relating to:

Single-Family Subdivision/Platting Standards, which include:

Density Calculations - Establishes definitions for minimum and maximum density and net developable acreage. (*Sections 17.110.212; 17.110.213; 17.110.506*)

Minimum Lot Sizes – Reduces required lot sizes in the Urban Low (UL), Urban Cluster (UCR) and Urban Medium (UM) zones for single-family subdivision/development to encourage higher densities. (*Section 17.382.060*)

Minimum Lot Dimension – Reduces required lot dimensions in the Urban Low (UL), Urban Cluster (UCR) and Urban Medium (UM) zones for single-family subdivision/development to encourage higher densities.

Building Setbacks – Reduces required lot dimensions in the Urban Low (UL), Urban Cluster (UCR) and Urban Medium (UM) zones for single-family subdivision/development to encourage higher densities.

Active/Passive Recreation Requirements – Establishes active recreation requirements for all single-family subdivision/development more than 30 lots/units. Also, established standards for the size, number and location of these amenities within the subdivision/development.

Parking – Increases required parking for single-family and multi-family residential development by .5 spaces each to meet the existing and future needs of their residents. Clarifies garage parking not included in calculations.

Sidewalk Requirements – Establishes sidewalk requirements for single-family subdivision/development. Sidewalk standards are based on the roadway classification as determined by the newly-adopted KC Road Standards.

Landscaping – Establishes landscaping requirements for subdivision/development entrances and regulations for street trees.

9:25:55

Sommerhauser: *Definition 110.506 excludes community drain fields, what about non-community?*

Baker: Site specific drain fields are not dropped out, but any kind of community or area-wide sanitary or sewer facilities, which is where we are talking about the membrane bio-filtration reactor systems. Individual, on-site septic systems are not dropped out. Also, the production of new ones is prohibited in Urban Growth Areas.

Gustavson: *You still can't park or build over a drain field.*

9:28:09

Depee and Baker clarify that the 40 feet would be the minimum, but larger lots would still be allowed and that this would apply for straight plats.

9:30:06

Baker: *Garages still need a 20 foot setback, but non-garage, carport parking is allowed.*

1 **Depee and Baker clarify that the setback requirement is 10 feet per habitable area.**

2
3 **9:33:40**

4
5 **Sommerhauser:** *The reference shows a sidewalk and a yard, where does the 10*
6 *feet start?*

7
8 **Baker:** *10 feet starts from the side of the roadway. Generally it is from the sidewalk, but*
9 *there is also usually a utility easement as well.*

10
11 **Sommerhauser asks and Baker agrees to add this clarification to the table.**

12
13 **9:35:40**

14
15 **Depee:** *I didn't notice anything in here on the grade or slope of the area*
16 *designated as an active recreational area, will that be covered?*

17
18 **Baker:** *The required grade is 5% or less. These have not worked well in the past*
19 *because of location, slopes, and other issues.*

20
21 **Sommerhauser believes five percent seems very steep.**

22
23 **Baker:** *The determination was based on other jurisdictions.*

24
25 **Depee:** *You are still listing these things as optional or as encouraged, requiring*
26 *something is totally different.*

27
28 **Sommerhauser:** *Why are 30 units the trigger for active recreation areas instead*
29 *of 20 units?*

30
31 **Baker:** *Much smaller lot sizes.*

32
33 **9:44:25**

34
35 **Gustavson:** *Is Public Works in agreement with the prohibition of rolled curbs?*

36
37 **Baker:** *Yes. They didn't like them to start with. Actual curbs are needed to prevent*
38 *parking in landscaping and rights of way.*

39
40 **Gustavson and Baker clarify that actual sidewalks are required, as opposed to**
41 **white stripes in large developments.**

42
43 **Gustavson:** *Can Local Improve Districts decide to pave over part of a utility*
44 *easement?*

45
46 **Baker:** *Yes, you would need to amend the plat and the utility easement, but it would*
47 *probably not happen, by the time you reach final plat, movement or amendment is not*
48 *easy.*

49
50 **Gustavson:** *A developer could plan it and keep the utilities easement outside of*
51 *where the sidewalk would go in someday.*

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1 **Baker:** *This amendment will prevent the piecemeal construction that leaves indefinite*
2 *plans in limbo. These projects will have specific requirements that are spelled out and to*
3 *avoid later-day changes or fixes for rights of way. Ridgetop Boulevard is a good*
4 *example.*

5
6 **9:50:50**

7
8 **Depee and Baker clarify that there will be curb and gutter standards that spell out**
9 **what is required and what is not allowed.**

10
11 **Baker:** *Low Impact Development standards are an exception to the curb and gutter*
12 *standards. If you wanted to put in bio-swales, that would be fine.*

13
14 **Sommerhauser:** *In a multi-phase development, if the original phase did not*
15 *require sidewalks, but the next phase does, how will those be coordinated?*

16
17 **Baker:** *This will help new development, it will not retroactively fix any of the previous or*
18 *current projects as a development is subject to the code that was in effect at the time of*
19 *its approval.*

20
21 **9:55:30**

22
23 **Nevins:** *Does this plat (references example) show the 2.5 parking spaces?*

24
25 **Baker:** *Yes we've increased the single family residence parking requirements from 2 to*
26 *2.5 parking spaces and for multi-family residences from 1.5 to 2 each and will allowing it*
27 *in both on-street and set aside forms. These proposals do not allow for more than 10*
28 *spaces per set aside lot.*

29
30 **9:58:45**

31
32 **Depee:** *In landscaping for street trees, there are specific species but what about*
33 *size and maturity of those planted?*

34
35 **Baker:** *A caliper width is specified.*

36
37 **Paralez asks if a specific kind of vegetation is required and Baker confirms that it**
38 **specifies drought-tolerant vegetation.**

39
40 **Paralez suggests not using the term natural vegetation and instead using**
41 **language that refers to the landscaping standards.**

42
43 **Baker:** *When we use the term natural vegetation, it is directed toward leaving behind*
44 *what is currently there, not about planting or augmenting. We don't want the developer*
45 *to clear it out and replant later because it will not retain the drainage properties.*

46
47 **Paralez:** *On page 221, instead of saying native plants, can we just direct them to*
48 *the landscaping standards?*

49
50 **Baker:** *We would still need to direct them away from clearing out existing vegetation.*
51

10:05:05

Baker reviews the portion of the table of proposed code changes relating to:

Performance-Based Development (PBD) Standards, which include:

Density Calculations – Included facilitating density in the purpose statement of the PBD. *(Section 17.425.010)*

Minimum Lot Sizes and Dimensions – Provided flexibility in lot sizes and dimensions to be based upon the site-specific conditions of the property and the proposed development's density and intensity. *(No minimums established)*

Open Space Requirements – Revises open space requirements to improve clarity regarding common and recreational open space percentages and locations. *(Sections 17.425.040.B & C)*

Active/Passive Recreation Requirements – Establishes active recreation requirements for all single-family subdivision/development more than 20 lots/units. Also, established standards for the size, number and location of these amenities within the subdivision/development. *(Section 17.382.037)*

10:10:00

Baker reviews the portion of the table of proposed code changes relating to:

Mixed-Use Zone Regulations, which include:

Mixed-Use Zone versus Mixed Use Development – Improves distinction between mixed use development (commercial and residential in same development allowed in multiple zones) and the mixed use zone (commercial and residential in the same project encouraged but all commercial or all medium/high density residential also allowed). *(Section 17.352.010)*

Required Commercial and Residential Components – Removed erroneous requirement for all development in the mixed use zone to have both a commercial and residential component (encouraged but not required). *(Sections 17.382.035; 17.382.070)*

Allowed Housing Types – Allowance for single-family, attached housing, meeting a minimum of 10 dwelling units an acre, in the Mixed Use zone. *(Section 17.381.040.B)*

10:11:35

Foritano: Would Poulsbo an example of this? You have commercial below, residential above and then the skyscraper that could come in behind?

Baker: That would be mixed-use development. Are you referring to Poulsbo Place?

Foritano: No, Poulsbo place is commercial at street level, residential above. The new controversial prospect is to add a town home or apartment on top of that.

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1 **Baker:** *Most of those areas allow up to 45 feet but some could go as high as 60 feet.*
2 *We are supporting development and re-development through construction that could be*
3 *of greater benefit to the community.*

4
5 **10:14:25**

6
7 **Baker reviews the portion of the table of proposed code changes relating to:**

8
9 **Master Planning, which include:**

10
11 **Broadened Application (Countywide)** – Broadens the Section 17.415 to apply
12 countywide rather than just to properties within the SKIA UGA. Master plans
13 within the McCormick Urban Village must still follow a separate process outlined
14 in Section 17.428. (*Section 17.415.030*)

15 **Decision Criteria** – Establishes decision criteria for the approval or denial of a
16 master plan under 17.415. Amendment intended to improve predictability for the
17 applicant and public. (*Section 17.415.765*)

18
19 **Depee could not find what the County considers “large”. It is too ambiguous.**

20
21 **Gustavson asks if South Kitsap Industrial Area (SKIA) is our first example.**

22
23 **Baker:** *No, but it is not the master plan that is causing the delay, it is lack of services.*

24
25 **Depee questions the time allowed for vesting.**

26
27 **Baker:** *State law allows for five years, County code allows three. Title 16 is being*
28 *addressed in another phase.*

29
30 **10:19:00**

31
32 **Baker would like to move discussion on Consolidated Use Table Modifications to**
33 **the end of this review as a number of questions are expected.**

34
35 **Baker reviews the portion of the table of proposed code changes relating to:**

36
37 **Master Sign District – Regional Commercial, which include:**

38
39 **Size of District** - To facilitate coordinated signage in large commercial
40 developments, property owners may form master sign districts a minimum of 20
41 net acres in size.

42 **Allowed Signage** – A master sign district may include up to two monuments
43 signs of up to 200 square feet per face. No additional monument signs are
44 allowed regardless of additional existing access points.

45 **Limitations on Other Allowed Signage** – The master sign district shall meet all
46 other sign regulations and any signage above and beyond that allowed by
47 current code must be removed as redevelopment occurs.

48
49 **Depee asks to include more descriptions on what signage is allowed.**

50
51 **Taylor asks if the older, upright signs would still be vested.**

1 **Baker:** *Yes, they would not have to change unless a sign district formed and they chose*
2 *to participate. This is a voluntary process.*

3
4 **10:24:50**

5
6 **Baker reviews the portion of the table of proposed code changes relating to:**

7
8 **Racetracks, which include:**

9
10 **Definitions** - Includes definitions of Race Track, Major and Race Track, Minor.
11 *(Sections 17.110.642 and 17.110.643)*

12 **Zones Allowed** - Includes provisions for where such tracks are allowed. *(Section*
13 *17.381.040)*

14
15 **Paralez questions is animal tracks were excluded intentionally.**

16
17 **Baker:** *Dog or horse tracks were not purposefully removed and could easily be added.*

18
19 **10:30:30**

20
21 **BREAK**

22
23 **(Lary Coppola left the meeting).**

24
25 **10:42:13**

26
27 **RECONVENE**

28
29 **Baker reviews the portion of the table of proposed code changes relating to:**

30
31 **Miscellaneous Amendments, which include:**

32
33 **Definitions** - Includes definitions such as awning, comprehensive plan, habitable
34 area, immediate vicinity, infill development, interior lot, permitted use, private
35 airfield or helipad, porch and sub-area plan. *(Chapter 17.110)*

36 **Director's Interpretations** – Establishes a process for the Director to formally
37 interpret code with or without a request from the public. These interpretations
38 would be binding. *(Section 17.455.010)*

39 **Landscaping/Screening Buffers** – Consolidates the many forms of required
40 buffers into two categories based upon their purpose; landscaping or screening.
41 *(Section 17.385.027)*

42 **Permitted Use – Design Review** – Improves the clarity regarding permitted
43 uses and their requirement to meet landscaping, parking and other standards of
44 Title 17. *(Section 17.382.030.B)*

45 **Third-Party Review** – Allows the director to employ third-party review of a
46 development's impacts when the impact is more technical than expertise currently
47 on staff (significant noise, vibration, etc.) *(Sections 17.420.035; 17.421.025;*
48 *17.425.045)*

49 **Manchester Vegetation Restrictions** – Allows the director to employ third-party
50 review of a development's impacts when the impact is more technical than

1 expertise currently on staff (significant noise, vibration, etc.) (Section
2 17.321C.030)

3 **Shipping/Storage Container Restrictions** – Allows the director to employ third-
4 party review of a development's impacts when the impact is more technical than
5 expertise currently on staff (significant noise, vibration, etc.) (Sections
6 17.455.090.I; 17.381.040; 17.381.090.A.50)

7 **Model Homes** – Allows the director to employ third-party review of a
8 development's impacts when the impact is more technical than expertise currently
9 on staff (significant noise, vibration, etc.) (Section 17.381.060.B.7)

10 **Purpose Statements – Specific Zones** – Revises purpose statements for
11 several zones to improve consistency with the Comprehensive Plan. (Sections
12 17.300.010; 17.305.010; 17.310.010; 17.315.010; 17.321A.010; 17.321B.010;
13 17.321C.010; 17.325.010; 17.330.010; 17.335.010; 17.360.010; 17.365.010;
14 17.370.010; 17.380.010)

15 **Poulsbo Urban Transition Area – Poulsbo Zoning Code** – Resolves the
16 longstanding issue of County Code not referencing the most recent Poulsbo
17 Zoning Code and the continued allowance of pre-planning within the Poulsbo
18 UGA. (Chapter 17.318)

19 **Handicapped Parking** – Includes requirements for handicapped parking
20 consistent with the American's with Disabilities Act (ADA). (Section 17.435.060)

21 **Clarity, Consistency and Accuracy Changes** – Modified code language to
22 improve code language. Examples include changing "zoning ordinance" to "Title
23 17", "code" to "title", "rural sub-area" to "LAMIRD" and similar amendments.
24 (Throughout code titles)

25 **Criteria for Rezones** – Clarifies criteria for rezone application outside of a
26 comprehensive plan amendment process, as long as the proposal is consistent
27 with comprehensive plan and level of programmatic-level of environmental
28 analysis. (Chapter 17.510)

29 **Amendments to Title 18 (Environment)** – Modified code language consistent
30 with Prosecutor comments to improve consistency with state RCW and
31 Prosecutor comments. (Sections 18.04.060; 18.04.120.C; 18.04.130.B;
32 18.16.030)

33
34 **Paralez asks about changes to bed and breakfast houses, limiting from 10 rooms
35 to five.**

36
37 **Hough questions what issue or problem will be addressed by reducing the units.**

38
39 **Baker notes that the only difference is that 10 would still be allowed through an
40 Admin use permit instead of conditional use permit, and agrees that this change
41 should not be made.**

42
43 **Foritano:** *In the definition of infill (reads definition), does 'Consistent with the
44 density and current zoning in the area' relate to conforming or non-conforming?*

45
46 **Baker:** *Conforming*

47
48 **Foritano questions if one side was non-conforming existing, that would be
49 considered infill.**

50

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1 **Baker:** *No the key is looking for where a trip bank has already been established. With*
2 *infill development, we don't want to allow a house out on one acre to drain from the trip*
3 *bank if the uses are not equal.*

4
5 **Discussion continues on who should be able to use the trip bank.**

6
7 **Baker:** *The key is whether an additional environmental review process is needed to*
8 *expand the trip bank out to developing areas beyond the original area of evaluation.*

9
10 **10:52:50**

11
12 **Nevins:** *This (refers to page 172) shows that guest house is a permitted use in*
13 *the rural area. The problem is there are no limits on size and difficulty for code*
14 *enforcement to determine if it is a guest house and whether people have a*
15 *kitchen in it. Will the guest house be considered a dwelling unit in the future?*

16
17 **Baker:** *There is a definition in Section A. There is a past history of violation, but this*
18 *revision is intentionally specific as to what is and is not allowed. All the same restrictions*
19 *that make Accessory Dwelling Units undesirable or more difficult to obtain are in place*
20 *for these guest houses and, in some cases, even more stringent standards are applied*

21
22 **Nevins:** *It is the move from conditional to permitted that concerns me.*

23
24 **Baker:** *There are a number of these guest houses out there and they are on par with the*
25 *number of Accessory Dwelling Units, maybe 12 -15.*

26
27 **Taylor:** *In a Garage, Private (references page 18) is a ¾ bath allowable?*

28
29 **Baker:** *It is not specifically prohibited in county zoning code. If you can get it though*
30 *health dept, you would be allowed.*

31
32 **10:59:45**

33
34 **Baker:** *(Reviews Director's Interpretation.) We have constructed some flexibility*
35 *into the code through these revisions, but that can be construed as ambiguity too*
36 *so we have the director's interpretation to make an end determination (references*
37 *page 256). This revision puts a policy book into the process that will house all*
38 *Directors' Interpretations in writing.*

39
40 **Depee:** *I believe this as a catch-all is abused tremendously. Primarily, staff feels*
41 *the impact of which director or planner's interpretation applies to which situation.*

42
43 **Baker reiterates our current policy in which the director has the final decision.**
44 **This revision will allow a policy book that creates a written history that we can**
45 **then use to go back and see what and when was decided by whom.**

46
47 **Paralez:** *Is this similar to a published director's rule book that is published and*
48 *followed as a rule until code is revised? It operates in place or in lieu of code?*

49
50 **Baker confirms.**

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1 **Gustavson:** *I have a huge issue with paragraph A, which allows for the abuse of*
2 *power. It could be a director who just received a phone call and changes it in this*
3 *book right under the public's nose.*

4
5 **Baker:** *Every decision is still published and noticed and the Board is also aware of it.*
6 *There will always be a potential for abuse in any situation.*

7
8 **Sommerhauser:** *Sections D and E do not specify how and what will be noticed.*
9 *How will it be kept, will it be a searchable database?*

10
11 **Baker:** *It will be kept in perpetuity and will be available online, but not in a specific*
12 *database. We will note that it needs to be clarified how the process will be noticed and*
13 *how it will be published.*

14
15 **Gustavson:** *If I can offer the finish to that sentence, it should say that they will*
16 *be "In a publicly accessible, key-word searchable computer file."*

17
18 **Paralez:** *There is value in naming this; Seattle calls theirs Director's Rules. That*
19 *way, you go there first when you want to revise the code.*

20
21 **11:18:40**

22
23 **Paralez:** *In Landscaping (Page 109 – 111), you have 'all required landscaping to*
24 *be installed prior to occupancy'. The revision is that the opportunity to bond out*
25 *has been removed. We are asking people to plant and install landscaping*
26 *regardless of weather?*

27
28 **Baker:** *Yes, I agree with your concern. The Department of Community Development*
29 *wanted that removed, because these are not being installed later.*

30
31 **11:24:10**

32
33 **Baker:** *The 10-year Update tried to remove superfluous processes. Instead of pulling*
34 *out land use, we could combine it with the engineering step and in some cases speed*
35 *the overall process up. We are specifying that the design standards review must be*
36 *followed throughout all the steps. For Third Party Review, we want individuals to be able*
37 *to contract the work out to experts or vendors that have been deemed qualified..*

38
39 **Depee:** *I underlined that because it specifies that the director can refer out. With*
40 *the enterprise fund, does that leave it open for the county to require cost-*
41 *prohibitive issues? That part needs clarification.*

42
43 **11:29:02**

44
45 **Gustavson:** *If vendors come forward to be considered as a geo-technical expert*
46 *and the state has deemed them qualified, why does the director get to decide*
47 *which ones an applicant chooses from? If I am on the list, I should be allowed to*
48 *bid on the work. Also, if the applicant is paying for it, they should be allowed to*
49 *decide who does the work and what they are paying for.*

50

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1 **Baker:** *There is a wide range of engineers that falls into that category, and the*
2 *department may have had some negative experiences with certain individuals or there*
3 *may have been other negative history.*

4
5 **Gustavson:** *Why do you care who I choose if I'm going to pay for it?*

6
7 **Paralez:** *These are problems that almost every jurisdiction faces. One option is*
8 *to allow applicants to hire their own geo-tech or contractor and also charge a fee*
9 *to pay for a review of this geo-tech's work. Then the list of qualified individuals is*
10 *updated on a regular basis maybe every three or four years.*

11
12 **Baker:** *Who would pay for the review?*

13
14 **Paralez:** *The applicant pays for the reviews, but they pay into a pool of funds that*
15 *allow for review. Seattle, Tacoma and Pierce County all use a similar system.*

16
17 **Baker:** *The Hearings Examiner is already asking for this, so we are attempting to*
18 *include it earlier on in the process.*

19
20 **11:36:25**

21
22 **Taylor questions and Baker confirms that Conditions Covenants and Restrictions**
23 **(CC&R) take care of the issue with the storage containers. The use of shipping**
24 **containers will not be denied, but they must be screened or concealed.**

25
26 **11:49:55**

27
28 **BREAK**

29
30 **11:53:35**

31
32 **RECONVENE**

33
34 **Baker:** *The consolidated use tables are the last item to be discussed. Suquamish and*
35 *Manchester reviewed these uses and made their recommendations. We clarified*
36 *through footnotes what was allowable and not allowable.*

37
38 **Baker reviews the portion of the table of proposed code changes relating to:**

39
40 **Consolidated Use Table Modification, which include:**

41
42 **Suquamish CAC Request** – Modifies a series of commercial and residential
43 uses within the Suquamish Rural Village consistent with the recommendations of
44 the Suquamish Citizens Advisory Committee.

45 **Expansion of Conditional Uses** – Attached a footnote regarding minimum
46 buffering and mitigation of other impacts to multiple uses (kennel, places of
47 worship) in the rural and resource zones.

48 **Land Use Review Requirements** – Modifies the land use review required for
49 several uses such as adult family home, family day care center, etc.

50
51 **Paralez asks for clarification on Family Daycares.**

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1 **Baker:** *In commercial or industrial zones that do not allow construction of a residential*
2 *zone, the daycare is limited to existing structures. This will allow a family daycare center*
3 *in an existing residence, but no new construction of a residence in the commercial or*
4 *industrial zone.*

5
6 **Paralez:** *So if you already have an existing residence, you can put a daycare in*
7 *it, but you cannot build a new residence.*

8
9 **Baker:** Yes.

10
11 **12:00:20**

12
13 **Gustavson asks and Baker confirms that zoning was introduced in Kitsap County**
14 **in 1956.**

15
16 **Taylor, Foritano and Hough request 3-ring binder for Code Development materials.**

17
18 **12:02:36**

19
20 **BREAK**

21
22 **12:45:55**

23
24 **RECONVENE**

25
26 **Baker asks for any code change questions not previously covered.**

27
28 **Depee:** *We will go page by page. What about large lots?*

29
30 **Baker:** *The Department of Community Development took Title 16, which covers large*
31 *lots, in its entirety.*

32
33 **Depee:** *We will go in order.*

34
35 **Gustavson:** *Section 17.10.132: On the buffer landscape, who requires it and by*
36 *whom is the work to be done? I don't know if the word native has bearing, but it*
37 *says functionally or visually.*

38
39 *For the Bald Eagle Habitat regulations, the bald eagle is no longer protected.*

40
41 **Depee:** *Duly authorized designees, are we talking a bout county staff?*

42
43 **Baker:** *County engineer means Public Works director or one of his staff.*

44
45 **Gustavson:** *Regarding frontage (references page 18) if it faces on two roads,*
46 *Please clarify which one is deemed frontage.*

47
48 **Gustavson:** *Section 17.110.315, in similar areas, I would insert the word "non-*
49 *living" between those two words.*

50
51 **Baker:** *We were going to replace 'consistent with' with 'conforming to'.*

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12:53:25

1
2
3 **Foritano:** *There is a relationship, in terms of bluff property, between infill and*
4 *17.450 View Blockage Requirements. That section is explicit with charts and*
5 *pictures, a cross reference would be helpful.*
6

7 **Gustavson:** *Lot Area – second line near the end, strike out the words “If the*
8 *panhandle is less than 35 feet in width”. What is the usable lot area? You can’t*
9 *build on the panhandle.*
10

11 **Baker:** *That’s why the 35 feet is in there. You could still fit in 20 feet of building in the 30*
12 *foot panhandle, maybe a garage.*
13

14 **Depee:** *You list exactness to the acreage for usable lot area, some sort of*
15 *variance to add or subtract the size on that such as 10% would be good.*
16

17 12:58:20

18
19 **Depee:** *In definition of Size in 17.428 for large scale, it references 5,000 square*
20 *feet of impervious surfaces. That number is obsolete and should be 10,000.*
21

22 **Baker:** *17.428 only applies to Master Planning for McCormick Urban Village.*
23

24 **Depee:** *But it doesn’t define what area or density you require. I could go back*
25 *and call a five acre parcel a Master Plan and it will vest me for 10 years instead*
26 *of the three years I would usually be vested for.*
27

28 **Baker:** *Yes, as long as you are aware of the requirements that go along with the Master*
29 *Plan designation.*
30

31 **Gustavson:** *17.110.506, when talking about community drain fields, I would*
32 *make that ‘community or single home’ drain fields.*
33

34 **Baker:** *Single home drain fields are not intended to be dropped out of developable*
35 *acreage.*
36

37 **Sommerhauser:** *How is community defined, is it more than two homes?*
38

39 **Baker:** *That is defined by and referenced to the health district with a specific flow.*
40

41 **Depee:** *I understand your prior definition of net developable acreage, but if we*
42 *are trying to condense, why do we want to subtract them out at all?*
43

44 **Baker:** *For individuals not looking for significant density due to critical areas,*
45 *neighborhood character they want to mimic, or market driven factors. Minimum density*
46 *tries to encourage density and maximize developability while still leaving options open.*
47

48 1:04:00

49
50 **Gustavson:** *17.110.615 Porch, I would suggest allowing open or enclosed up to*
51 *two sides. I have an apartment that has two full walls, but it is definitely a porch.*

1 **Baker will check to see what the building code allows.**

2
3 **Sommerhauser asks about porticos or semi-enclosed areas located off the side of**
4 **a structure. Depee asks about patios.**

5
6 **Baker:** Porches are left off setback requirements; porticos are not unless cantilevered
7 off. Patios are generally at grade and are not subject to the requirements

8
9 **1:07:01**

10
11 **Gustavson:** Concerning racetracks, I would suggest including the words 'horses,

12 dogs or' before the word automobiles.
13
14 **Sommerhauser asks about indoor go-cart racetracks. Baker clarifies that it would**
15 **be considered a major racetrack and would require the appropriate permit.**

16
17 **Gustavson:** When talking about restaurants that serve food or beverages, I
18 would replace the word 'or' with 'and'. Restaurants will always serve water, but
19 this wording could allow a restaurant that only serves wine. Just make it food
20 and beverage instead of or.

21
22 **Depee:** 17.11.647, why doesn't this include public facilities, such as a wedding
23 chapels or community building?

24
25 **1:11:54**

26
27 **Paralez asks what prompted the change from residential care facility beds from 15**
28 **to 16. Baker clarifies that Revised Code of Washington dictated the number.**

29
30 **Gustavson:** The 25 foot maximum on storage containers, in 17.110.693 might
31 be too small. I've used a 40 foot shipping container during construction and a
32 container is a container. The key is to limit the use to during construction.

33
34 **Baker:** We want to make a clear distinction between storage and shipping containers
35 and to limit them to short-term use.

36
37 **Depee asks where short-term use is defined. Baker confirms that 90 days is**
38 **specified later in the appendix. Gustavson asks for a cross-reference. Baker**
39 **states that the definitions section should not include references.**

40
41 **Sommerhauser points out another definition that includes a reference. Baker will**
42 **go in and remove any other references for consistency.**

43
44 **1:14:50**

45
46 **Depee:** Section 715, why are structures subject to building permits? Are these
47 occupancy structures? What about gazebos?

48
49 **Baker clarifies that for safety purposes, any structure that could potentially cause**
50 **injury if it falls would need to follow building code and permits. Less than 200**
51 **square feet used to house lawn or garden equipment does not require a permit.**

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1 1:16:00

2
3 **Sommerhauser:** *I have an RV shelter pole building with no walls. I ran conduit*
4 *and anchoring bolts into concrete. Is that considered a temporary structure?*

5
6 **Baker:** *Once you make it permanent, you generally have to have a permit as it moves*
7 *out of the temporary storage terminology.*

8
9 1:18:20

10
11 **Gustavson:** *Our fine county commissioners signed up for Vision 2040, which*
12 *does not allow expansion for Urban Growth Areas, and this whole section will not*
13 *be needed in the code.*

14
15 **Baker:** *The applicability and overall implications to our Comprehensive Plan have not*
16 *been interpreted yet.*

17
18 **Paralez states that it is not everyone's interpretation that the entire section should**
19 **be deleted.**

20
21 **Gustavson asks about the Poulsbo Interlocal Agreement. Baker clarifies that the**
22 **agreement is very specific as to what components are used. Their zoning is used**
23 **and our requirements must be met.**

24
25 1:20:30

26
27 **Gustavson questions the design criteria for multi-family development and that**
28 **they will become dated sooner than later. This section and concept should come**
29 **out completely.**

30
31 **Baker sees more design standards coming into use as time progresses.**

32
33 **Foritano makes a point of order that the same guidelines for questions on**
34 **clarifications only. Let's not get into a debate on point of view and opinion, it is**
35 **not the place.**

36
37 1:23:17

38
39 **Gustavson:** *Why is the 50 feet setback here for rural residential zoning instead*
40 *of the 35 feet across the board everywhere else when in 50 years rural*
41 *residential will probably be urban?*

42
43 **Baker clarifies that we are zoning based upon today's conditions and**
44 **compatibility, not 50 years from now.**

45
46 **Gustavson:** *On direct access to County right of way, please include something*
47 *on the shared driveways as well. This implies that everyone must have their own*
48 *driveway.*

49
50 **Baker:** *That is the intent. The issue is people accessing off private easements. There*
51 *are traffic impacts and safety issues which should be on county roads, not private roads.*

1:25:35

1
2
3 **Gustavson:** *17.381.050.A.15 I suggest replacing “200 ft” with “within the buffer”*
4 *when discussing the number of animals allowed.*

5
6 **Baker:** *These are agricultural regulations, any changes would have to be reviewed*
7 *through the Department of Health.*

8
9 **Gustavson:** *Why is the screening buffer required for a Contractor’s Storage Yard*
10 *a minimum of 25 feet and the minimum lot size 100,000 square feet?*

11
12 **Baker reviews unique issues to rural areas, and the preference of most individuals**
13 **to have this kind of facility screened from sight.**

14
15 **Gustavson suggests requiring a solid wall.**

16
17 **Paralez:** *Where is the definition of screening buffer?*

18
19 **Baker: Located under Buffer, screen – (reads definition)**

20
21 **Gustavson:** *Why is the restriction for adult family homes six beds?*

22
23 **Baker:** *Revised Code of Washington dictates these regulations.*

24
25 1:31:45

26
27 **Nevins:** *Regarding Guest Houses, saying 900 square feet or 50% of the square*
28 *footage “whichever is larger” is a weak point. Are we specifying that or not?*

29
30 *When you allow an existing home to be declared a guest house, would you be*
31 *requiring the removal of the kitchen and appliances first? If so, no problem, if*
32 *not, we need to re-work this.*

33
34 **Sommerhauser asks for clarification on the two structures being separate, but not**
35 **allowed to be rented separately.**

36
37 **Baker clarifies that the two should not be rented out separately. A guest house is**
38 **a guest house that is meant to be used by the primary residence. If you want to**
39 **rent the property as a whole, maybe to a family of five with a teenage child staying**
40 **in the guest house, you would rent the main house out with the guest house as**
41 **part of that. You would not be able to rent out only the guest house.**

42
43 **Sommerhauser is concerned that this creates two separate rental houses on one**
44 **property.**

45
46 **Baker:** *It does not facilitate two rentals. It still has to be rented to one party, but they*
47 *can have the use of the whole thing, not just the guest house.*

48
49 **Taylor asks about the difference between an Accessory Dwelling Unit and a Guest**
50 **House.**

1 **Baker:** *The idea is that for a guest house, it is dependent on the main residence for*
2 *living, such as food. So the main difference is a kitchen.*

3
4 **Discussion continues on the possibility of abuse of the guest house regulations.**

5
6 **1:38:29**

7
8 **Gustavson:** *In Subdivision Development Standards, I have a hard time with the*
9 *footnote saying the amenities must be 260 square feet per lot. , when you come*
10 *down to the bottom, it shows a swimming pool or an athletic yard as being two*
11 *amenities, but it really should be five amenities based on the square footage.*
12 *Stick to the square footage.*

13
14 **Baker concurs.**

15
16 **Gustavson asks that the off-street parking requirements in Section 17.382.037 be**
17 **moved to Chapter 17.435 instead of appearing in both places.**

18
19 **1:40:20**

20
21 **Sommerhauser:** *In 17.037.A.9, a 5% grade for Active Recreation Amenities is*
22 *very steep if you don't specify the edge and slope. You need something to*
23 *protect the kids.*

24
25 **Gustavson suggests requiring a solid wall instead of a screening buffer, in the**
26 **Footnotes to the Table.**

27
28 **Gustavson:** *In Landscaping Requirements, why specify Evergreen deciduous?*
29 *Just say deciduous. For the screening buffer, I think this should more reflect a*
30 *level of impermeability. Are there any definitions for native vegetation and*
31 *natural vegetation in here? There should be separate definitions.*

32
33 *Also, you should just get rid of the master planning section altogether. There is*
34 *no measure of success and it is too expensive for a small developer. The market*
35 *is too fast to allow for this kind of delayed process.*

36
37 **Baker:** *The roadblock to master planning is services and sewer.*

38
39 **Nevins:** *Regardless of the outcome, the only reason it made it through the*
40 *process is because of the master planning.*

41
42 **1:46:13**

43
44 **Depee:** *Section 17.415.035, please review your size definition I believe it should*
45 *be 10.*

46
47 **Gustavson:** *For Performance Based Developments, Section 17.425.040.A.1,*
48 *what is the difference between the general, street and parking requirements?*
49

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1 **Baker:** *If doing away with off-street parking requirements. You need to be able to*
2 *demonstrate why you need less parking and argue the reasons why. Something like a*
3 *senior housing development or another reason that would require less.*

4
5 **Gustavson asks about the ratio of active recreation development per lot. Baker**
6 **clarifies that with smaller lot sizes, the intent is to increase the square footage of**
7 **the recreational areas.**

8
9 1:50:17

10
11 **Gustavson questions the need for the specification of ‘native’ vegetation**

12
13 **Baker:** *We don't want to promote the clearing and replanting of an area, which would*
14 *not have the same effect.*

15
16 **Gustavson asks if any Transfer of Development Rights applications have been**
17 **received. Baker clarifies that none have been received and the program was not**
18 **deemed valid until the last month.**

19
20 **Gustavson questions whether screened parking is a good idea because it creates**
21 **the potential for undesirable behaviors.**

22
23 1:53:05

24
25 **Gustavson:** *Parking spaces for guests should be included in Senior Housing.*

26
27 **Nevins asks where the estimate numbers come from, and thinks they are too high.**

28
29 **Baker:** *A variety of researched jurisdictions and documentation.*

30
31 1:55:26

32
33 **Sommerhauser wants clarification in Section 17.435.060 on what must happen**
34 **during the temporary loss of handicapped parking spaces. If a street or building**
35 **is under construction, that is the first space used for their equipment.**

36
37 **Baker will refer to the Americans with Disabilities Act.**

38
39 **Depee:** *Under Director's Interpretation, I'd like to see something included about*
40 *the interpretations or findings being available in a computer searchable*
41 *database.*

42
43 **Taylor:** *The Administrative Variance component spells out a three year*
44 *expiration on permits, which is easy to do with the backlog.*

45
46 **Baker confirms that an extension would be allowed.**

47
48 2:00:30

49
50 **Depee and Paralez compliment Special Projects on their work.**

51

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2:01:39

Nevins: *This summary table is more up-to-date than the online version.*

Baker: *We will break today's comments into a few pieces. Typographical or non-substantive changes will go into an errata sheet. Substantive changes will be compiled into a list.*

Sommerhauser: *Could public testimony be minimized by sharing today's comments?*

Baker: *We have already submitted all or noticing based on the draft we have here.*

Gustavson: *Your document is well-organized. During public hearing, ask the public to reference page number, section, sub-sections so we can find it easily.*

Chair Depee will remind the public at the start of the hearing.

2:05:24

Sommerhauser asks for clarification on the change to the mitigated Determination of Non-Significance in Section 18.01.120.C

Baker: *After the Comments Period, we have the ability to go back and change our decision or course of action after the comments period or we can retain the original determination. This is allowed by state regulations*

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

The VOTE:

Yes: Unanimous

Time of Adjournment: 2:07:30

EXHIBITS

- A. Code Development Second Draft Summary 051708
- B. Code Dev Title 17 Revised 051708
- C. Code Dev Title 18 Rev 051708
- D. Code Development Schedule Revised 050508
- E. Email from Angie Silva RE: Phase II Code Dev_2nd Draft_051608
- F. KCPC Lane Open Space Finding of Fact_REV

MINUTES approved this _____ day of _____ 2008.

Fred Depee, Planning Commission Chair

Amanda Walston, Planning Commission Secretary