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MINUTES  
KITSAP COUNTY PLANNING COMMISSION  
Administration Building - Commissioner's Chambers  
July 8, 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 Fred Depee, John Taylor, Michael Gustavson, Tom Nevins, Lou Foritano, Jim Sommerhauser, Linda Paralez and Robert Baglio

Staff present: Eric Baker, Angie Silva and Planning Commission Secretary Amanda Walston.

Members absent: John Hough

9:00:55

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

**B. Adoption of Agenda**

*Depee adopts the agenda as posted.*

**C. Public Comments**

*(Depee hears none, moves to next item.)*

**D. Approval of Minutes**

**A motion is made by Commissioner Foritano and seconded by Commissioner Paralez to approve the minutes of May 27, 2008**

**The VOTE:  
Unanimous**

**Motion Carries**

***Commissioner Baglio Arrives***

**A motion is made by Commissioner Foritano and seconded by Commissioner Paralez to approve the minutes of June 10, 2008**

**The VOTE:  
Yes: 7  
No:  
Abstain: 1 (Baglio)**

**Motion Carries**

1 **Minutes of June 24<sup>th</sup> are deferred**

2  
3 **E. Director's Update – Larry Keeton, Department of Community Development**

4  
5 **Deferred**

6  
7 **9:04:15**

8  
9 **F. Finding of Fact: Code Development – Eric Baker, Special Projects**

10  
11 **Baker reviews the Finding of Fact and asks for clarification on the parking section**

12  
13 **Nevins:** *I remember that the garage could be used for parking, but two spaces*  
14 *are required in the driveway or somewhere else.*

15  
16 **Depee questions whether off-street parking is included in the language.**

17  
18 **Baker:** *This indicates two spaces required, it can be on-street or on premises. That is*  
19 *the clarification I am looking for, whether the garage counts in the calculation per unit.*

20  
21 **Discussion continues and it is clarified that the two required spaces do not**  
22 **include the garage.**

23  
24 **9:09:44**

25  
26 **Baglio:** *I questioned at the last meeting and comment that it is a very large assumption*  
27 *to make that people probably have too much stuff in the their garages to park a car in it,*  
28 *and to base a requirement on that assumption still seems wrong. I think if you are*  
29 *requiring two you should at least be able to count one in your garage.*

30  
31 **9:10:20**

32  
33 **Sommerhauser arrives**

34  
35 **Foritano questions and Baker confirms that the Findings of Fact will include this**  
36 **clarification by inclusion in the Planning Commission Recommendation table.**

37  
38 **Baker clarifies that a motion for approval of the Findings of Fact would need to**  
39 **include the table as amended.**

40  
41 **A motion is made by Commissioner Paralez and seconded by Commissioner**  
42 **Nevins to approve the Findings of Fact with the approved change to the parking**  
43 **section and eliminating reference to the garage.**

44  
45 **An amendment to the motion is made by Commissioner Gustavson and seconded**  
46 **by Commissioner Sommerhauser to add a paragraph that describes and**  
47 **references the stakeholders report and meetings in the Findings of Fact**

48  
49 **Silva confirms that the Planning Commission meetings are referenced in the**  
50 **Findings of Fact, but the stakeholders meetings are not.**

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9:15:55

**Gustavson:** *At the County Commissioners' briefing yesterday, Commissioner Brown specifically asked about this group, which was created by appointment.*

**Baker:** *It was a group that was formed and met on a voluntary basis. There was no appointment or order from the Commissioners.*

**Sommerhauser clarifies that this motion is only to include a reference to the stakeholders, not their findings or reports.**

**The VOTE:**

**Yes: 6**

**No: 2 (Paralez, Nevins)**

**Motion Carries**

**An amendment to the motion is made by Commissioner Gustavson and seconded by Commissioner Taylor to append three minority reports to the Findings of Fact.**

**Sommerhauser:** *Until the body has had a chance to view these minority reports, I suggest this motion is out of order.*

**Depee expresses concern this will cause a delay in the approval of the Findings of Fact since the Planning Commission has not had a chance to view the reports.**

9:19:50

**Taylor:** *It's just a report; you don't have to agree, just include it as part of record.*

**Sommerhauser:** *It cannot be added until the body is allowed to view it and members have a chance to sign it. A Minority Report needs to be submitted with the Findings of Fact so yes, this would delay the whole process.*

**Gustavson:** *Minutes from the last meeting were not received for review, so we need to defer the whole process by two weeks anyway so we can review.*

**Sommerhauser suggests Chair Depee rule the motion out of order as they have not been viewed by the Planning Commission as a body.**

**Baker clarifies minority reports must be based only on issues discussed by the Planning Commission, and must be prepared by members voting in the negative. Such issues would need verification before acceptance as a minority report.**

**Chair Depee rules Commissioner Gustavson's amendment to the motion (to append the Findings of Fact with three minority reports) out of order.**

**An amendment to the motion is made by Commissioner Taylor and seconded by Commissioner Gustavson to append a minority report, which has been distributed to fellow Planning Commissioners and is signed by two members, to the Findings of Fact.**

1 *Discussion continues and a 15 minute break is requested while the minority*  
2 *reports are copied, distributed and reviewed.*

3  
4 **BREAK**

5  
6 **9:25:36**

7  
8 **RECONVENE**

9  
10 **9:38:52**

11  
12 *Depee asks for Baker's interpretation of the reports submitted.*

13  
14 *Baker: There are a number of comments included in this that blur the line between*  
15 *commentary and actual issues or differences based in actual Planning Commission*  
16 *votes and motions. But nothing is overly inflammatory in nature.*

17  
18 **FIRE DRILL/EVACUATION**

19  
20 **9:40:46**

21  
22 **RECONVENE**

23  
24 **10:01:20**

25  
26 *Depee assigns each minority report a letter for ease of reference and asks for*  
27 *restatement. Taylor clarifies the motion is to append minority report B to the*  
28 *Findings of Fact.*

29  
30 *Paralez: The discussion in report B is true to Eric's comment that it does not address*  
31 *specific issues that we discussed about specific parts of the code. It does not feel like a*  
32 *minority report, it seems more like a general complaint about the code that would be*  
33 *better submitted as a public comment. I do not support inclusion as a minority report.*

34  
35 **10:06:52**

36  
37 *Foritano agrees that if we are attaching a document and citing it as a minority*  
38 *report, the format should match and this does not.*

39  
40 *Gustavson: Minority reports are reports of members in the voting minority and*  
41 *should go forward as part of the record.*

42  
43 **The VOTE:**

44 **Yes: 5**

45 **No: 2 (Foritano, Paralez)**

46 **Abstain: 1 (Baglio)**

47  
48 *Sommerhauser questions that the vote could imply support of the views of the*  
49 *report. Depee requests that the wording of motions be changed to reflect*  
50 *acknowledgement and not acceptance of the reports.*

51

10:10:07

1  
2  
3 **An amendment to the motion is made by Commissioner Gustavson and seconded**  
4 **by Commissioner Taylor to note the Planning Commission’s acknowledgment of**  
5 **Minority Reports A & C and that they be appended to the Findings of Fact.**

6  
7 ***Gustavson notes some grammatical errors.***

8  
9 ***Paralez: These are not formatted as reports.***

10  
11 ***Foritano: I believe report C is philosophical rambling, not a report. I will vote in***  
12 ***support of report A and against report C.***

13  
14 ***Depee: There is a great deal of duplication here, I don’t think they both need to***  
15 ***be included.***

16  
17 **The VOTE:**

18 **Yes: 4**

19 **No: 4 (Sommerhauser, Foritano, Paralez, Depee)**

20  
21 **Motion Fails**

22  
23 **An amendment to the motion is made by Commissioner Depee and seconded by**  
24 **Commissioner Sommerhauser to acknowledge Minority Report A and append it to**  
25 **the Findings of Fact.**

26  
27 10:15:00

28  
29 ***Sommerhauser suggests voting down the current proposal and will offer a motion***  
30 ***to accept these as part of the record, but not to be included with Findings of Fact.***

31  
32 ***Gustavson: The reason to append these to the Findings of Fact is that***  
33 ***otherwise, they will not be read by decision makers.***

34  
35 ***Sommerhauser: I dispute that comment because at least two if not three of the***  
36 ***County Commissioners read the minutes.***

37  
38 **The VOTE:**

39 **Yes: 5**

40 **No: 3 (Baglio, Paralez, Sommerhauser)**

41  
42 **Motion Carries**

43  
44 **A motion is made by Commissioner Sommerhauser and seconded by**  
45 **Commissioner Foritano to include report C as part of the record.**

46  
47 **The VOTE:**

48 **Yes: 7**

49 **No: 1 (Paralez)**

50  
51 **Motion Carries**

1 **Depee calls the motion to approve the Findings of Fact with parking amendments.**

2  
3 **10:18:29**

4  
5 **Gustavson:** *Without minutes we have no way of knowing what we are voting on.*

6  
7 **Sommerhauser:** *I dispute that. Proposed minutes from June 10<sup>th</sup> and the*  
8 *previous meeting have been provided and we have our attendance at the last*  
9 *meeting. The only way you wouldn't know what we are voting on is if you didn't*  
10 *attend and in which case, you should abstain if not comfortable.*

11  
12 **Paralez:** *I agree with the sentiment that we were here and we have received the*  
13 *information on the comments and we have been kept apprised of all the*  
14 *changes, so there is nothing that would not allow me to feel completely*  
15 *comfortable voting on the same issues discussed at the last meeting.*

16  
17 **10:20:04**

18  
19 **Gustavson questions if the stakeholder group got a fair chance to have a say.**

20  
21 **Depee suggests care be taken and given to clean up definitions to make things**  
22 **more distinct and easy to understand. An example would be the difference**  
23 **between the mixed use zone and the mixed use development. These clarifications**  
24 **would help make this more accessible and relevant to the general public.**

25  
26 **Taylor:** *I want it made very clear, to the record, that my minority report has*  
27 *absolutely nothing to do with any individual or staff person. I am to the point*  
28 *where we have gotten so complex and overburdened with codes. I blame it on*  
29 *the Growth Management Act, state and federal laws and I think we just need to*  
30 *push back on them for this. It is not intended toward any individual or their work.*

31  
32 **The VOTE: (on approval of the Findings of Fact with parking amendments)**

33 **Yes: 7**

34 **No: 1 (Depee)**

35  
36 **Motion Carries**

37  
38  
39 **G. Briefing – Wastewater Infrastructure Taskforce (WIT) Update: Eric Baker,**  
40 **Special Projects**

41  
42 **10:24:15**

43  
44 **Baker: (Reviews formation, activity and purpose of the taskforce.)** *First phase will*  
45 *look at existing and future proposed infrastructure from various jurisdictions and map*  
46 *them as one. Second, we will determine how to get the infrastructure into the ground.*  
47 *The last phase will review prioritization of public infrastructure dollars and how to obtain*  
48 *additional funding and what the priorities for funding should be based on.*

49  
50 *The final product will be a report from the taskforce itself to show the what, the how and*  
51 *the where. We are currently in the middle of Phase II.*

1 *Depee questions and Baker clarifies that this should be finished by end of year.*

2  
3 *Taylor questions how many stakeholders are involved. Baker clarifies that*  
4 *approximately 20 are members but meeting attendance averages about 14.*

5  
6 *Foritano questions if there are any efforts to integrate or coordinate stormwater*  
7 *and wastewater.*

8  
9 **10:28:45**

10  
11 **Baker:** *While this specific project should not be viewed as an incorporation effort,*  
12 *thought there are many shared issues that could apply.*

13  
14 **Gustavson questions the stormwater caveats given by the Growth Management**  
15 **Hearings Board when validity was determined.**

16  
17 Baker: The caveat or concern was that while we had provided adequate planning, the 20  
18 year clock is not meant to be a rolling timeframe and each update does not extend the  
19 20 years. Original Urban Growth Areas were designated in 1998, so in 2018, those  
20 designated areas should be serviced by these facilities.

21  
22 **Gustavson questions what will happen if the growth doesn't come and cites**  
23 **reference in the decisions that the services must be in place.**

24  
25 **10:32:10**

26  
27 **Sommerhauser questions why this report would even be reviewed with the**  
28 **Planning Commission as there are no statutory obligations to be fulfilled.**

29  
30 **Baker:** *The Planning Commission will see it because it does have Growth Management*  
31 *Act implications. This session is informational and does not require a vote.*

32  
33 **Depee questions the absence of the line stating the case is closed in the Growth**  
34 **management Hearings Board ruling and whether that precludes any appeals.**

35  
36 **Baker:** *Cases in progress will still be heard, but if this decision on infrastructure is*  
37 *appealed it would surprise me, and everything we are working on now is based on the*  
38 *2006 record.*

39  
40 **10:35:25**

41  
42 **Nevins:** *This Wastewater Infrastructure Taskforce has brought together in the*  
43 *same room people who should be talking to each other including sewer districts,*  
44 *cities, planning departments, developers and folks who need access to and who*  
45 *have not been included in the same basic information that affects all of them*  
46 *separately and as a whole.*

47  
48 **Taylor agrees it is good to see this Growth Management Act stipulation working.**

49  
50 **Baker invites anyone else interested to attend the meetings, which are open to the**  
51 **public, but includes no guarantee for chances to speak.**

1 H. Update – Waaga Way Connector Roads: Eric Baker, Special Projects

2  
3 10:37:30  
4

5 *Baker clarifies that this four-way road proposal to get people from the old road to*  
6 *the new interchange will come before the Planning Commission for*  
7 *recommendation. Clarifies location of the area in question. Invites Planning*  
8 *Commission to attend the scheduled groundbreaking ceremony will be July 24,*  
9 *2008 from 5:00 – 6:00 pm.*

10  
11 *Baker: The final conclusion to come before the Planning Commission will be an*  
12 *amendment to the Comprehensive Plan as a revision to the design guidelines and*  
13 *is likely to come before you in September or October.*

14  
15 10:42:45  
16

17 *Foritano: When I hear connector roads, a red flag comes up as I assume these*  
18 *are very expensive, so what are the top criteria for the County to want to spend*  
19 *this kind of money?*

20  
21 *Baker: The County is already spending 13 million on the main road, while the connector*  
22 *roads will be funded by the developments as they come in. These roads are not*  
23 *intended to become a bypass or alternate route, but to provide access to the roads.*

24  
25 *Foritano: What is the distinction? Individual property owners need access to*  
26 *roads too, so what is the difference?*

27  
28 *Baker: These connector roads are not meant to get them through an area, but to get*  
29 *them to a property and back out again.*

30  
31 *Foritano and Baker confirm it is primary access, not secondary.*

32  
33 *Taylor: For clarification, did you say the Silverdale design guidelines that we*  
34 *spent so much time on, will apply to every other area except this one?*

35  
36 *Baker: At this time, the guidelines do not apply because the main intent was to focus on*  
37 *the downtown area. The project I am including will include the guidelines later.*

38  
39 *Sommerhauser asks and Baker identifies the blue roadways on the map.*

40  
41 *Sommerhauser questions the name of the new roadway and Baker clarifies that a*  
42 *final name has not been determined.*

43  
44 *Sommerhauser questions and Baker confirms that all the property involved has*  
45 *been purchased.*

46  
47 10:48:05  
48

49 *Paralez questions the impetus for the project around a newly redesigned*  
50 *intersection that is considered by many and frequently referred to in the*  
51 *newspaper as one of the most painful intersection in the county.*

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1 **Baker:** *It serves as a significant transportation benefit to get people out of the downtown*  
2 *area without having to travel through*  
3

4 **Paralez:** *How can we still do this, when people still have to go through the mess*  
5 *of that interchange and someone is going to get killed there? It's dangerous and*  
6 *we need to re-look at the whole thing.*  
7

8 **Baker:** *It is a key component and it is very unlikely that we will take a step back and*  
9 *abandon those connector roads. There is a large amount of vacant, undeveloped land*  
10 *in that area and access is needed for potentially coordinated development. Without it,*  
11 *there are potential impacts that could create undesirable and unworkable situations.*  
12

13 **Baglio questions and Baker clarifies that the blue roadways were proposed by**  
14 **property owners.**  
15

16 **Baglio:** *So the choice selected for the extension road will be the only way out?*  
17

18 **Baker:** *Based on topography it will be difficult to show that there is not adequate access*  
19 *through the new extension.*  
20

21 **10:51:53**  
22

23 **Sommerhauser comments that by actual count, there are 24 similar interchanges**  
24 **on Interstates 17 and 10 in the Southwestern region and everyone drives them.**  
25

26 **Taylor compliments the county for including the infrastructure and sewer into the**  
27 **road planning.**  
28

29 **Nevins:** *I can see where this will help people who would ordinarily use Silverdale*  
30 *way get to Anderson Hill and help clean up Clear Creek Road.*  
31

32 **Foritano questions and Baker confirms that the road length is 1.4 miles.**  
33

34 **Gustavson questions the schedule of Phase III Code Development.**  
35

36 **Baker:** *I would estimate you should be seeing changes to 21 in the next few months,*  
37 *mainly land use and there may or may not be changes to Titles 16 and 17. A large*  
38 *portion brought up will be handled in 2009. The comments are all still on the record.*  
39

40 **Baker clarifies that Scott Diener and Heather Adams are the contacts for Phase III.**  
41

42 **I. For the Good of the Order – Chair Depee**  
43

44 **10:56:10**  
45

46 **Depee:** *Before our next public hearing, I have asked to have the guidelines*  
47 *resent on appropriate conduct. At the last hearing there were some comments*  
48 *by Planning Commission members about comments made by the public, or*  
49 *attempts to try to explain our views. At the next hearing, if I hear someone*  
50 *questioning anything based on personal viewpoint, I will put an end to it*  
51 *immediately. This is a time for us to hear the public and that is all.*

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1 **Nevins:** *I do recall a few fairly contentious public hearings from the past and*  
2 *there will be more in the future. There was some complaint that some individuals*  
3 *did not have enough time so extensions were granted which angered the*  
4 *opposing side. I suggest we implement the same rules fairly to both sides.*

5  
6 **Depee:** *The amount of time allotted is a gross amount allowed and divided*  
7 *between people. We can't always abide by the 3 minutes, but we can deal with*  
8 *what is set at the start based on participants wishing to speak.*

9  
10 **Gustavson:** *I think we need to revisit the purpose here. The objective is that this*  
11 *is the government by the people and they should be able to say what they want*  
12 *for as long as they want to.*

13  
14 **11:02:40**

15  
16 **Sommerhauser:** *Determining the allotted time based on the number signed up is*  
17 *fine, but we need to stick to that. If they want to speak again, move them to the*  
18 *end. Secondly, the chair needs to reserve sufficient time after the public hearing*  
19 *for the Planning Commission to discuss comments with staff.*

20  
21 **Sommerhauser requests the chair schedule a work study with the civil division on**  
22 **minority reports. Depee will ask staff to help facilitate.**

23  
24 **A motion is made by Commissioner Taylor and is seconded by Commissioner**  
25 **Foritano to adjourn the meeting**

26  
27 **The VOTE:**  
28 **Unanimous**

29  
30 **Motion Carries**

31  
32 **Time of Adjournment: 11:05:00**

33  
34 **EXHIBITS**

- 35 A. Finding of Fact regarding Phase II Code Development Amendments related  
36 to Titles 17 and 18  
37 B. Email from Angie Silva – Subject: Phase II Code Dev: Draft PC Findings of  
38 Fact & Recommendations  
39 C. Phase II Code Development Planning Commission Recommendation  
40 Summary Table  
41 D. Minority Reports 'A' and 'B'  
42 E. Letter 'C' to the Record  
43  
44

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

46  
47 \_\_\_\_\_  
48 **Fred Depee, Planning Commission Chair**

49  
50 \_\_\_\_\_  
51 **Amanda Walston, Planning Commission Secretary**