

MINUTES

**KITSAP COUNTY PLANNING COMMISSION
Administration Building - Commissioner's Chambers
November 12, 2008, 6:30 pm**

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: Co-Chair Linda Paralez, John Hough, Lou Foritano, Jim Sommerhauser, Lou Foritano, Mike Gustavson, John Taylor and Robert Baglio
Staff present: Katrina Knutson, Heather Adams, Lisa Lewis, Scott Diener, Larry Keeton, and Planning Commission Secretary Mary Seals
Members absent: Fred Depee

6:33:31

Diener discusses the need to nominate a chair pro-tem for this meeting since the chair and vice-chair have not arrived.

A nomination for chair pro-tem to be John Taylor is made by Commissioner Sommerhauser and seconded by Commissioner Foritano.

**The Vote:
Unanimous**

A. Call Meeting to Order, Introductions

B. Adoption of Agenda

A motion is made by Commissioner Sommerhauser seconded by Commissioner Hough to adopt the agenda as posted.

Gustavson questions having Public Hearings and Deliberations on the same issues. He requests that they defer deliberation to the next meeting.

A motion is made by Commissioner Gustavson and seconded by Commissioner Sommerhauser to delay the deliberation and decision on the items presented tonight to the next meeting.

Keeton explains why both public hearing and deliberation is schedule for tonight. He explains that the Planning Commission's next meeting is scheduled for November 25th. The Board of County Commissioners is scheduled to have their hearing for these issues on December 1st. If the Planning Commission decides not do their deliberations tonight, we will have ask the Board of County Commissioners to re-schedule their December 1st meeting. He offers to add another Planning Commission meeting to meet the County Commissioners schedule.

1 *Sommerhauser explains that discussion was held at other meetings that led to*
2 *this decision.*

3
4 *Discussion is held about the best way to manage the agenda.*

5
6 *Gustavson expresses concerns about Title 17 specifically.*

7
8 *Keeton explains how they came to be on this schedule.*

9
10 *Gustavson restates the motion and amends it to delay the decision until later in*
11 *the evening.*

12
13 **The Vote on the motion to delay deliberation and decision:**

14 **Yes: 3**

15 **No: 5**

16 **The motion fails**

17
18 **6:43:56**

19
20 **The Vote on the motion to adopt the agenda:**

21 **Yes: 7**

22 **No: 1**

23 **The motion carries**

24
25 **C. Public Comment**

26
27 **Commissioner Taylor calls for Public Comment. Hearing none, he proceeds to**
28 **agenda item D.**

29
30 **D. Approval of Minutes**

31
32 **A motion is made by Commissioner Sommerhauser and seconded by**
33 **Commissioner Hough to approve the minutes of October 21, 2008 and the minutes**
34 **of October 28, 2008.**

35
36 **The Vote:**

37 **Yes: 7**

38 **Abstain: 1**

39 **The motion carries**

40
41 **6:45:40**

42
43 **E. Public Hearing – Amendments to Kitsap County Code Title 22: Lisa Lewis,**
44 **Shoreline Administrator, DCD**

45
46 *Lewis reviews the work study presentation from October 21, 2008. She presents*
47 *some of the key items.*

48
49 **Nevins:** *Was any length of shoreline less than 2400 ft considered? Since the*
50 *marina takes up about 600', the developed are around the shore takes up about*

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1 **Kurt Adams, Seabeck resident:** We have also enjoyed the marina for several years
2 prior to the storms. We would like to support the General Store; they are wonderful
3 small business owners, they provide the community with valuable services. It's a hub of
4 our little community. It would be supported in a great capacity if we would rebuild the
5 marina. I'm an avid boater and we love Hood Canal and Puget Sound. As it stands now
6 we have to go over to Pleasant Harbor in Jefferson County and we spend a lot of money
7 over there because we don't have a Seabeck marina. We would like to keep our tax
8 dollars in Kitsap County. We support small business. For us to travel to Pleasant
9 Harbor doesn't make a lot of sense. We feel strongly that if the marina was to be rebuilt
10 it would be a wonderful asset to our community, all of Kitsap County.

11
12 **7:01:51**

13
14 **Drew Brant, Seabeck resident:** I'm new to the area and I chose Seabeck because of
15 the marina and the hope that it would be there. It's a wonderful little town. I really want
16 your support.

17
18 **Brent Williams, Silverdale resident:** Life long resident. I've been boating out in that
19 body of water since I can remember. I still go out there to this day. As Mr. Adams spoke
20 earlier, there's only one place to go now to get fuel and that's over in Jefferson County.
21 It would be nice if we could keep our tax dollars in the county. I'm not quite sure, after
22 the storms hit, the people who owned the marina at the time were working class people
23 who didn't have the money to rebuild that marina as it should have been. If there had
24 been somebody in a position to put money into that marina as it existed I don't think we'd
25 be here today. I think it would have supported itself enough to remain. I just hope we
26 get your support to continue with the good, positive change.

27
28 **Nick Blickhan, Seabeck resident:** The first thing that I see in the morning is a falling
29 into the bay marina. I would like to see an active, viable, functioning facility with lots of
30 boats in it. I have a lot of reasons why I'd like to see the marina. I've reviewed this
31 project, I've read the engineering reports, and I've looked at the plans. I see an
32 environmental benefit to having this marina put into place. I see a cleaner Seabeck bay.
33 I see the removal of creosote logs. I see more income into the community. I see all this
34 being done with private dollars and it's not going to cost me a dime in taxes. There are a
35 lot of good reasons to correct whatever challenges there are with the language and the
36 zoning and get this thing back up and running.

37
38 **Will Clark, Olympic View Marina:** I just wanted to leave you with this thought. I had a
39 vision to take part of Puget Sound and Hood Canal that we could actually be proud of.
40 The vision really was to get rid of the concrete piling, reestablish the beach line, get rid
41 of the derelict creosote piling and enhance a pump out station and some fueling. We
42 had all been boaters and part of the community and we had seen people dumping fuel
43 off of the boat ramp. This was just a great opportunity and thought we could make it a
44 win win for ourselves and the community. We've learned a great deal about this whole
45 process. We want to make this progress something to be proud of for the community. I
46 would appreciate your support; it makes it a viable marina for us. We appreciate what
47 Ecology has done; it has allowed us to at least get the existing pier out of there. We've
48 had to get emergency permits to salvage what parts have floated away.

49
50 **Commissioner Taylor asks for more Public Comment. Hearing none he closes the**
51 **Pubic Comment.**

7:08:32

1
2
3 **F. Deliberation and Recommendations – Amendments to Kitsap county Code**
4 **Title 22: Lisa Lewis, Shoreline Administrator, DCD**
5

6 **A motion is made by Commissioner Foritano and second by Commissioner**
7 **Paralez to adopt the limited amendment as prepared by staff.**
8

9 **The Vote:**
10 **Unanimous**
11 **The Motion Carries**
12

7:09:00

13
14
15 **G. Public Hearing – Amendments to Kitsap County Code Title 21: Scott**
16 **Diener, Policy and Planning Manager, DCD**
17

18 ***Diener discusses Title 21 Appeals and the addition of the mediation process. He***
19 ***reviews the impacts of adoption of the Title 21 changes.***
20

21 ***Paralez: This is an excellent direction that the county is going. Other***
22 ***jurisdictions that have put in these kinds of processes for mediation are finding***
23 ***that they have really good results from with it. I support this change.***
24

25 ***Nevins: I have three concerns. Is this a reversible process?***
26

27 ***Diener: Absolutely.***
28

29 ***Nevins: Second, are we looking at any concerns of loss of local control? What***
30 ***we've heard in the past is that we want to control things locally. Have those***
31 ***concerns been brought forward and is anyone addressing that?***
32

33 ***Diener: It's probably a difficult question. Keep in mind that people can appeal decisions***
34 ***that are made by the Board to the Superior court. So that local control is taken out of***
35 ***our jurisdiction. I have not heard any comments from the public that express concerns, in***
36 ***fact we haven't gotten any comments about this.***
37

38 ***Nevins: Third, he asks if the appeals processes is an open or closed process.***
39 ***Superior Court is opened up?***
40

41 ***Diener: That's typically closed record. I believe it is the case that superior is open.***
42

43 ***Gustavson: I note that there is a Type IV allowed, but I seen nothing in the text***
44 ***under paragraph 2104.120 under appeals discussing Type IV process.***
45

46 ***Diener: The type IV processes such as a comp plan amendment. That would go to the***
47 ***Superior Court or the appropriate jurisdictional body.***
48

49 ***Gustavson: Would it be appropriate that that be discussed in this document?***
50

51 ***Diener: I believe it is discussed.***

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1
2 **Keeton:** *The best example that would go before the Board of County Commissioners is*
3 *a preliminary plat. Anything that is legislative in nature that has to be signed off by the*
4 *Board. When it would normally go to Hearings Examiner those things are done by them.*
5 *If somebody had to appeal it they would have to go to the County Commissioners,*
6 *because land subdivision is a legislative action, not a court action. So that's a Type IV*
7 *decision that would go back to the Board of County Commissioners for appeal. Does*
8 *that answer your question?*

9
10 **Gustavson:** *My question was there is a section titled .120 that's labeled*
11 *Appeals – Voluntary Mediation. This would then not be voluntary mediation?*
12 *Why is Type IV not included?*

13
14 **Keeton:** *Good question. We will get back on an answer for you.*

15
16 **Diener:** *The appeals process is somewhat discussed on the table beginning on the prior*
17 *pages 21.04.030 under they type IV column. Those are the kinds of actions that would*
18 *be further appealed. If you would like some additional clarity with respect to 21.04.120,*
19 *we can put that together.*

20
21 **Discussion is held about whether that needs to be a motion or not.**

22
23 **Baglio:** *This right now would be in front of the County Commissioners on their*
24 *December 2, 2008?*

25
26 **Diener:** *December 1, 2008, Public Hearing.*

27
28 **Baglio:** *If they were to approve it, it would go into effect immediately?*

29
30 **Diener:** *We're looking at Public Hearing on December 1st, deliberation will hopefully*
31 *wrap up on the 8th and we will ask that it go into effect immediately.*

32
33 **Nevins:** *I'm still concerned about the mediation process and the definition of,*
34 *there seems to be some spots there I'm not sure how it's going to work.*

35
36 **Diener:** *It is a process that is going to be developed, not a process that will be inserted*
37 *into the code. It's a process that we are going to be developed internally; it will be closely*
38 *modeled after existing processes that other jurisdictions have in place in which they've*
39 *indicated are used rather favorably. We would like the flexibility to work with it and*
40 *tweak it.*

41
42 **7:20:48**

43
44 **Commissioner Taylor opens for Public Hearing on Title 21.**

45
46 **Ron Ross, Kitsap County resident:** *I think it is a good idea. I have no objection to this,*
47 *but on the very last page, related to the voluntary mediation I would like to explain a*
48 *situation that I've been involved with. In a land subdivision, sometimes the staff has put*
49 *requirements on me that are not in the book. I want to appeal them and I have appealed*
50 *them in the past. I would like it to be if the applicant is the person filing the appeal, I*
51 *would like to see it mandatory that it go to mediation first. The County is a very tough*

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1 animal to wrestle around and beat and they have the ability to stall you forever through
2 the planning process, then if they really want to win they can drag you through the court.
3 I think mediation is a very good process, but I would like to see it mandatory for the
4 County go to mediation.

5
6 **Commissioner Taylor calls for more comment, hearing none he closes the public
7 hearing.**

8
9 7:22:51

10
11 **H. Deliberation and Recommendations – Amendments to Kitsap County Code
12 Title 21: Scott Diener, Policy and Planning Manager, DCD**

13
14 **Foritano:** *If I understand Mr. Ross' request, is that not the language of
15 paragraph F? He quotes paragraph F.*

16
17 **Ross:** The very last sentence says the mediation process shall be voluntary. If one
18 party doesn't volunteer to do it...

19
20 **Foritano:** *Weren't you talking about whether or not you as an applicant could
21 seize the initiative and request mediation?*

22
23 **Ross:** Yes, but the County could say "No, we done want to meet."

24
25 **Diener states that the County is not to deny mediation.**

26
27 **Discussion is held about the purpose of mediation.**

28
29 **A motion is made by Commissioner Gustavson to add language add: "mediation
30 shall be mandatory if requested by the applicant."**

31
32 **No second
33 Motion fails**

34
35 **Discussion is held about the language for mediation request. Diener agrees to
36 send this concern back to staff and the lawyers to fix it.**

37
38 **Sommerhauser:** Separate from this...**refers to an item from the minutes
39 October 21, 2008.** *During our discussion in work study a question was
40 addressed to Shelley about the timeframes to relating to appeals. My question
41 from the minutes; I thought the appeals timeline were statutory. I don't
42 understand where we see two parties, whatever two parties, to waive a statutory
43 timeline unless we put it in the legislation we are looking at. Shelley's response
44 is; "She agrees and states that we could put it in the paragraph that says all
45 appeal deadlines are told during the mediation process." Somewhere between
46 that work study and tonight that didn't happen. If it has reason it didn't happen,
47 I'd like to know where it is.*

48
49 **Diener:** *I thought the reason was that such a request would not be denied, so that
50 putting it in here was rather pointless.*

51

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1 **Sommerhauser:** *The question is a legal one. There are statutory required*
2 *timelines for appeal. You can't waive those timeline just because two parties get*
3 *together and agree to do that unless the legislation provides for it. We need to*
4 *either put that in here or provide for it or the two parties can get together and*
5 *agree to waive the timelines, but it doesn't waive them under law.*

6
7 **Diener:** *We can certainly take a look at that. I'm not sure, I wish legal were here*
8 *tonight, putting that in here is defensible. Because we certainly can't have anything in*
9 *code that is looser than what state law allows. I need to take that back and have the*
10 *attorney's comment on that.*

11
12 **Sommerhauser:** *If we approve the change, but deleted for the time being,*
13 *paragraph F, how soon can you come back with a more flushed out paragraph?*

14
15 **Diener:** *We could come back pretty quickly with the revised sub-section F. I would*
16 *have to defer to Larry to see if he would be willing to split this apart or perhaps do it in*
17 *total.*

18
19 **Keeton:** *Addresses timeline and Mr. Ross' concern. He suggests that Mr. Ross*
20 *put a recommendation to the Planning Commission to change the language to*
21 *reflect how he thinks is should be reflected to the Board. Legal can address any*
22 *issues as they move forward. The intent is to encourage mediation.*

23
24 **7:33:30**

25
26 **Discussion is held about mediation language and process.**

27
28 **Sommerhauser:** *How enforceable is the mediation agreement?*

29
30 **Keeton:** *How the mediation is being designed is if it's prior to going before the Hearing*
31 *Examiner, if all parties agree then those would be the conditions that are acceptable and*
32 *that are what the Hearing Examiner would accept. That agreement becomes the binding*
33 *decision, those become the conditions.*

34
35 **Sommerhauser:** *So, the Hearing Examiner is bound to accept it?*

36
37 **Keeton:** *Unless there is something in violation of state law or something we cant*
38 *mediate away.*

39
40 **Baglio:** *Who is developing the rules of mediation?*

41
42 **Keeton:** *We are working on the Hearing Examiner rules. Our legal folks have prepared*
43 *rules for mediation to be sent back to the Hearing Examiner for review. Those rules also*
44 *have to be adopted by the Board of County Commissioners.*

45
46 **Baglio:** *The reason I mention it. We talked about trying to enact this so it will be*
47 *utilized. Unless people know the mediation process they are not going to take*
48 *advantage of it. Utilizing King County, it looks like they have established the*
49 *rules of procedure. It's referenced an number of times in the last meeting by*
50 *Shelley.*

1 **Keeton:** *We will make sure that part of our process, people are aware of this process.*
2 *So it's not just hidden in the rules.*

3
4 **A motion is made by Commissioner Paralez and seconded by Commissioner**
5 **Hough to approve as written.**

6
7 **A motion to amend is made by Commissioner Sommerhauser and seconded by**
8 **Commissioner Gustavson to amend Section F as follows: the last line, delete the**
9 **words “prepared by the Hearing Examiner” and replace them with “adopted by the**
10 **County.” Add in paragraph 1 to say: “Where the applicant is the sole party**
11 **desiring to appeal and no other parties are involved, the County will participate in**
12 **mediation.” Add in paragraph 2: “Where mediation is adopted by all parties the**
13 **time limits for appeal will be told.”**

14
15 **The Vote on the amendment to the motion:**

16 **Yes: 6**

17 **No: 2**

18 **The Amendment to the Motion Carries**

19
20 **The Vote on the Motion:**

21 **Unanimous**

22 **The Motion Carries**

23
24 **7:47:48**

25
26 **I. Public Hearing – Amendments to Kitsap County Code Title 17: Heather**
27 **Adams, Associate Planner, DCD**

28
29 **Adams reviews the presentation from the October 21 meeting and changes.**

30
31 **Taylor: *Requests to be directed to those changes.***

32
33 **Adams refers to page 26.**

34
35 ***Discussion is held about the changes in the document and why they were***
36 ***included.***

37
38 ***Sommerhauser requests staff go through the five on the first page of the matrix***
39 ***and explain.***

40
41 ***Adams explains why they weren't incorporated and reads the intent of the Urban***
42 ***Growth Center Zone.***

43
44 ***Discussion is held about the definition of Daycare. Adams reads the definition of a***
45 ***daycare from code.***

46
47 ***Discussion is held about the reason for type of businesses in these zones.***

48
49 ***Diener: When we are looking at these uses we certainly want to promote something that***
50 ***is defensible. And something that is less likely to be challenged or appealed. When you***
51 ***look at the kinds of uses that we are proposing to restrict in size in the neighborhood***

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1 Commercial districts you need to look at the comp plan and Title 17 speak to as the
2 intent of those zones. For neighborhood Commercial it says: "The zone is applied to
3 sites that could provide for the daily and/or quick stop shopping needs of the immediate
4 neighborhood." Now allowing something like Michaels or JoAnne's or something of that
5 scale to go in a neighborhood Commercial zone clearly is incompatible with the comp
6 plan and the intent of Title 17 and sets us up for an appeal. That's why staff didn't feel
7 that moving forward without that kind of restriction or observation was a good thing to do.

8
9 **Sommerhauser:** *Why 4000 sq. ft?*

10
11 **Diener explains that staff tried to tie it to the sizes of some of the other structures**
12 **in the use table.**

13
14 **Discussion is held about the 4000 sq. ft. reasoning.**

15
16 **Commissioner Taylor opens the Public Hearing on Title 17.**

17
18 **Dave Wetter, member of the Citizens Permit Advisory Group: Complements DCD**
19 **on taking work out of the process. He encourages support of this document.**

20
21 **Teresa Osinski, member of the Home Builder's Association: Expresses**
22 **appreciation for the healthy discussion. She encourages adoption.**

23
24 **Commissioner Taylor calls for more comment, hearing none he closes the public**
25 **hearing.**

26
27 **8:02:54**

28
29 **J. Deliberation and Recommendations – Amendments to Kitsap County Code**
30 **Title 17: Heather Adams, Associate Planner, DCD**

31
32 **A motion made by Commissioner Paralez and seconded by Commissioner**
33 **Sommerhauser to adopt the changes.**

34
35 **Discussion is held about the Title 17 amendments.**

36
37 **Gustavson expresses concern about Administrative Conditional Use Permits. He**
38 **asks why items are disallowed in the table.**

39
40 **Diener:** *You raise a good point. One of the first things we did when we sat down and*
41 *looked at this is we deleted those uses which had x's across the board. We thought that*
42 *was good. On the other hand, those uses which were taken out of one page need to be*
43 *shown in other parts of the table. We thought about listing them in a paragraph*
44 *somewhere else, we thought for overall friendliness it was best to leave it as it was.*

45
46 **The Vote:**

47 **Yes: 7**

48 **No: 1**

49 **The Motion Carries**

50

51

1 **K. Public Hearing – Amendments to the Silverdale Design Standards: Katrina**
2 **Knutson, Associate Planner, DCD**

3
4 ***Knutson: reviews the proposed amendments on the Silverdale Design Standards***
5 ***as discussed in the October 28 Planning Commission meeting.***

6
7 ***Commissioner Taylor opens the public hearing on the Silverdale Design***
8 ***Standards.***

9
10 **Natalie Bryson, Silverdale resident:** I would like to support the approval of the
11 proposed amendments to the Kitsap County Code.

12
13 ***Knutson give public comment on behalf of Mr. Gary Lindsay:***

14
15 ***Sommerhauser requests the entire email be read.***

16
17 ***Knutson reads the email from Mr. Lindsay.***

18
19 **Commissioner Taylor calls for more comment, hearing none he closes the public**
20 **hearing.**

21
22 **8:18:30**

23
24 **L. Deliberation and Recommendations – Amendments to the Silverdale**
25 **Design Standards: Katrina Knutson, Associate Planner, DCD**

26
27 **Taylor:** *Tell me what footnote 17 says.*

28
29 ***Knutson explains footnote 17, which stipulates that buildings can go higher than***
30 ***the limit if they utilize Performance Based Development.***

31
32 **Taylor:** *This is how we got the twin towers; 65', Is through the Performance*
33 *Based Development?*

34
35 **Knutson:** *Yes, they were allowed to go higher because that was allowed. However, the*
36 *intent of exceeding the height limitation, were if a developer wanted to go higher they*
37 *would need to provide other amenities. But that was not a mandatory requirement, it*
38 *was a "should". The height was allowed, but staff could not require that of the person*
39 *that submitted the project.*

40
41 ***Knutson clarifies that that Mr. Lindsay wanted to ensure that the standards would***
42 ***allow the Performance Based Development.***

43
44 **Foritano:** *I think I heard, the consideration that they could go above 65', I heard*
45 *80', I heard 110' in future phases. Could you explain that a little bit?*

46
47 **Knutson:** *Yes, the Performance Based Development standards that were passed on*
48 *Monday, buildings are allowed to exceed their maximum height if they provide for certain*
49 *amenities in Performance Based Development. It's allowed to exceed the 65' which is*
50 *the maximum allowed in the Regional Commercial zone. The height will be determined*
51 *when it goes through the Hearing Examiner process.*

1
2 **An example is given by Commissioner Sommerhauser from the discussion**
3 **discussing the hospital and leaving the tree screen in, where the buildings would**
4 **not exceed the height of the trees.**

5
6 **Foritano:** *Isn't that*

7
8 **Knutson:** *Staff's intent on 8.4.2 section B was to not call out a specific zone; that is a*
9 *typo. Staff would recommend to take out the Regional Commercial and have that be the*
10 *entire northeast business district. As that was the original intent.*

11
12 **A motion is made by Commissioner Sommerhauser and seconded by**
13 **Commissioner Gustavson to amend as proposed by staff.**

14
15 **The VOTE:**
16 **Unanimous**
17 **Motion Carries**

18
19 **8:27:32**

20
21 **A motion is made by Commissioner Paralez and seconded by Commissioner**
22 **Sommerhauser to approve as amended.**

23
24 **Gustavson:** *Does this document direct 65' height throughout the Silverdale*
25 *area?*

26
27 **Knutson:** *The heights are different within each of the districts, but you may request a*
28 *higher height through the Hearing Examiner through the Performance Base*
29 *Development process. She gives examples.*

30
31 **Baglio:** *My concern is if not taking topography, exposure, configuration of the*
32 *site and dictating where you are going to put things. As well as there are a lot of*
33 *items in here that is driving costs of development. The thing is with parking like*
34 *that you potential make a site where it may not be very usable.*

35
36 **Taylor requests she go to the zoning color map and which zone can have a**
37 **65' building.**

38
39 **8:31:55**

40
41 **Knutson:** *The majority of the zones within the area are restricted to 35' or 45', but they*
42 *can go up with Performance Based Development. With the exception of Bucklin Hill and*
43 *Old Town. These are the only two that staff is proposing to limit to their maximum height*
44 *as dictated in Title 17.*

45
46 **Sommerhauser:** *That would be a 35' height there?*

47
48 **Knutson:** *I think Regional Commercial can go to 45'.*

49
50 **Taylor expresses concern about 65' height levels on the waterfront.**

51

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1 **Knutson:** Yes under footnote 17 it stipulates that Urban High, Highway Tourist
2 Commercial, and Regional Commercial zones can build to 65'. Staff did have
3 conversations as to what you just said about the height along the waterfront district. The
4 Planning Commission can limit the height this evening by making an amendment. Staff
5 was hesitant to make them in the waterfront district and the Clear Creek Village. We felt
6 that we would get the greatest protection of the views by restricting Old Town and
7 Bucklin Hill center. We felt we may be too restrictive if we restricted the waterfront and
8 Clear Creek Village.

9
10 **Paralez:** So, it seems like portions of waterfront would be appropriate for 65',
11 way up on the hill, but certainly not all of it.

12
13 **Knutson:** It's difficult to say. Clear Creek Village extends all the way up. It's difficult to
14 make those restrictions on an entire district. That's why staff didn't recommend it. We
15 felt that market would drive development in the area and the standards that we are
16 proposing would keep the character intact in the areas.

17
18 **Paralez:** Perhaps that true on waterfront as well.

19
20 **Knutson:** That's was staff's recommendation.

21
22 **Taylor:** You've got an area marked with a "W", waterfront. I would think that that
23 would have some height limitations. It's down at water's level. Portions of it are.

24
25 **Baglio:** On that 9.4.4, that's in that waterfront district. It specifically makes
26 reference to the Regional financial zone. I'm assuming that because obviously in
27 that waterfront district there's more than just Regional Commercial zone. So,
28 you're limiting this height increase to the area within the waterfront district that's
29 zoned Regional Commercial. Is that correct?

30
31 **Knutson:** Yes. Because the waterfront district is closer to the water we were trying to
32 protect the views so that Urban High would not be allowed to go higher, so in this one
33 we are stipulating Regional Commercial.

34
35 **Baglio:** So, If you look at the waterfront district, the UH areas are Urban High
36 and everything else Regional Commercial. **He clarifies his point to the**
37 **commissioners.**

38
39 **Knutson:** The Urban High can go to 65', they do have to meet the Fire Marshal, Fire
40 District requirements and provide "such approval shall result in a decrease in building
41 coverage, however, an increase in public amenities and/or a more creative use of the
42 land. Which I believe our land use planners said that that doesn't typically occur in the
43 Urban High zone. Regional Commercial, there are different uses and it's more likely to
44 occur in that zone.

45
46 **Baglio:** One of those three examples they showed was that Urban High are
47 south of Bucklin Hill that was 65'.

48
49 **Knutson:** The Planning Commission could make a recommendation that Urban High
50 areas within the waterfront district be limited to a lower height. Staff did not recommend
51 that.

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Taylor: *I'd like to make that recommendation, however when you look at the colored map for waterfront, it goes clear up to Myre Rd and Ridgetop Blvd. I not necessarily mean to put that restriction on that land.*

Knutson: *That was staff's dilemma too.*

Baglio: *Urban High, is that 19-30/acre? If you don't have the height, you're not going to meet the density. So, it's going to make the property useless.*

Knutson: *I worked with the Land Use planners on this because they are the ones that utilize the code everyday. That's part of the reason we decided to leave it with the same height. I think that the market may drive the factors here. Developers don't want to loose money on projects as we restrict the height in such an Urban center as Silverdale. It's contrary to our Comprehensive Plan as well.*

Baglio: *As she's indicated, if it's zoned Urban High, if you don't go up, you can't have the parking there to support the use. So in essence the property ends up unbuildable at that particular zone, unless you down-zone it. .*

Taylor: *How do we protect the Silverdale community?*

Hough: *Could we use Buckland Hill Rd as a dividing line for at least a portion. It's not a perfect solution, but it seems to be a better solution than the one as proposed.*

Gustavson: *Unless I'm badly mistaken, Sound Regional Council's policy it to not allow the Urban Growth areas to expand. Population's coming. 65' is nothing. You got to go up a lot further than that.*

Paralez: *I don't think were talking about changing the zoning as much as we're talking about height restriction for the small area.*

Gustavson: *You're going to have to suck up every piece of height you can get in order to accommodate the population. It is coming.*

Knutson: *It is the intent of Growth Management to have the urban areas to hold more population. With the Urban High areas we do want the developer's to build within that range and we don't want to restrict them from being able to do so. The Planning Commission could make a recommendation to limit the height as was suggested along here (she indicates Bucklin Hill Rd.) that seems a logical boundary. That would be easy to mark by GIS.*

Baglio: ***Refers the Planning Commission to the Land Use Classification.*** *If you are approving the Urban High and you're by the water. If you go ahead and have that height limitation, you've actually made those properties so they are not buildable. It's just the way it is with the density. If it's Urban High, you're in an Urban Growth area and you happen to be by the water, in order to meet those densities that Urban High has, you have to go up.*

1 **An amendment to the motion is made by Commissioner Taylor and seconded by**
2 **Commissioner Hough to limit the height of anything south of Bucklin Hill in the**
3 **waterfront zone to 45’.**

4
5 **Baglio:** *I would think that is a fairly substantial change without receiving public*
6 *input I don't think it's a good idea to make that change, unless you want to*
7 *actually get more input from the citizens that have reviewed this. Just because of*
8 *the zoning that's there and the fact that it's Urban High and it's been 65' since*
9 *they put this original document together.*

10
11 **Knutson:** *That is why staff left the waterfront district alone. Staff would agree with*
12 *Commissioner Baglio. Because of the nature of Urban High we are trying to increase*
13 *densities within the area. By allowing extra height we are providing the developers to*
14 *get what they need to get the density to make the development work out for their*
15 *pocketbooks.*

16
17 **Foritano:** *Fair to assume that this kind of conversation took place in your public*
18 *meetings?*

19
20 **Knutson:** *Yes and with the senior Land Use planners. We had input from Special*
21 *Projects on this as well, because portions of those areas were up-zoned through the ten*
22 *year update. We did not want to restrict their height because they really haven't had a*
23 *chance to redevelop and get the density we need to get inside the Urban Growth.*

24
25 **Hough:** *I'm not very sympathetic to the rationale that I've heard about the staff*
26 *discussions. I would like to see us vote on this proposed amendment.*

27
28 **Keeton:** *Before you vote can I make a comment. I think you have to go back to what*
29 *the intent of the zone is. You have to remember that this is an Urban Growth area. And*
30 *you have to remember that we are looking at a population of 241,000 here in the next*
31 *few years. The intent of the Urban Growth Management Act is to move people into the*
32 *urban areas and away from what we designated as rural areas. The second thing is, is*
33 *that these design guidelines of 35' – 65' have been in here since the adoption of the*
34 *thing in 2007. So they've been there. The other thing is, if you look at what's going on*
35 *in the Puget Sound, the only way we are going to be able to develop is to go up. We*
36 *have to look at being able to go up as well to make it profitable for somebody to develop.*
37 *So I would caution the commission to think about that. We appreciate that you want to*
38 *protect the property and want to protect the people's view, but at the same time we still*
39 *have to make sure we have property out there that can be developed, and may meet the*
40 *needs in the future. The reason the department is not changing it, is it's there; it's been*
41 *there since 2007, each project is independent, it's all got to be reviewed. I would*
42 *recommend to you all to leave it alone at this point. If you want to make a comment,*
43 *make a comment to the Board; let the Board look at that discussion as well. We would*
44 *take your recommendation forward and show it to them, we would probably recommend*
45 *to the Board to leave it alone. I don't know if that's the right answer, but I'm just giving*
46 *you the caution, we've got to get people to get the idea of going into an Urban Growth*
47 *Area.*

48
49 **Baglio:** *If I could comment, there's a continual reference to make it a good for*
50 *the developers, the truth in this matter is to go ahead and meet the densities in*
51 *the areas the only way to develop and maintain some type of height you're*

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1 *talking about is to go three or four stories below grade with parking. That get's*
2 *ridiculous. That's where the rub comes, it's just a matter of reality when you have*
3 *an area that is an Urban Growth Area that is around a shoreline to go ahead and*
4 *meet those densities. Unless you're going very deep for parking, you just cannot*
5 *provide the parking that you need and not actually go up to an adequate height.*

6
7 **8:49:35**
8

9 **The Vote on the amendment to the motion**

10 **Yes: 3**

11 **No: 5**

12 **Motion Fails**

13
14 **Knutson:** *It did get a chance to review what Commissioner Baglio was saying earlier; do*
15 *you recommend that under 9.4.3 the sentence be changed to "parking should be limited*
16 *to the rear within the waterfront."*

17
18 **A motion made by Commissioner Baglio and seconded by Commissioner**
19 **Sommerhauser to change will back to should in regards to parking under 9.4.3.**

20
21 **Nevins:** *I'm not sure we want to have the sentence in there if we are just making*
22 *recommendations. I'm not sure the "should" get's us anything.*

23
24 **An amendment to the amendment is made by Commissioner Gustavson to strike**
25 **sub-paragraph A.**

26
27 **No second.**

28
29 **Knutson:** *If we change to "should", having it be "should" and remain in the document*
30 *does show intent. It gives developers. If it's feasible, they may want to do it that way*
31 *although it's not mandatory.*

32
33 **The Vote on the amendment to the motion**

34 **Yes: 6**

35 **No: 2**

36 **Amendment passes**

37
38 **The VOTE on the motion as amended:**

39 **Unanimous**

40 **Motion Carries**

41
42 **Sommerhauser asks about the timing on the Findings of Fact.**

43
44 **Knutson:** *We will have the Findings of Fact ready for you at the next meeting.*

45
46 **A motion is made by Commissioner Taylor and seconded by Commissioner**
47 **Gustavson to direct from the Planning Commission to the staff that all Planning**
48 **Commission meetings be posted in the Kitsap Sun.**

49
50 **Knutson assures them that it has been sent to them.**
51

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1 **The VOTE:**
2 **Unanimous**
3 **Motion Carries**

4
5 **M. For the Good of the Order**

6
7 **A motion is made by Commissioner Paralez and seconded by Commissioner**
8 **Sommerhauser to adjourn the meeting.**

9
10 **The VOTE:**
11 **Unanimous**
12 **Motion Carries**

13
14 **Time of Adjournment: 8:57:49**

15
16 **EXHIBITS**

- 17 A. Staff Report – Proposed Shoreline Management Master Program Limited
- 18 Amendment – Title 22
- 19 B. Draft Ordinance for Title 22 changes
- 20 C. Staff Report – Title 21 Changes Appeals
- 21 D. Staff Report – Title 17 Amendments
- 22 E. DCD's Code Development Process – Comment Matrix
- 23 F. Maps – Urban Industrial and Urban Commercial
- 24 G. Draft 2008 Code Development Process
- 25 H. Silverdale Design Standards Fact Sheet
- 26 I. Staff Report – Draft Amendments to the Silverdale Design Standards
- 27 J. Maps of Silverdale districts
- 28 K. Draft of Silverdale Design Standards
- 29 L. Article from 10/30/2008 Seattle Times – Archive, Thanks for the Memories

30
31
32 **MINUTES approved this _____ day of _____ 2008.**

33
34 _____
35 **Fred Depee, Planning Commission Chair**

36
37 _____
38 **Mary Seals, Planning Commission Secretary**