
9:00 A.M.

Meeting Called to Order – Introductions.

9:05 A.M.


Nobi Kawasaki noted that the corrections that were mailed to the secretary were delayed in the mail and did not reach her until late Monday afternoon, so they were not added to the Minutes. Therefore, he continued, a decision on the Minutes of January 4 and January 25 will be continued until the next meeting on March 7, 2000.

9:10 A.M.

Revision to Ordinance No. 106-B-1990, relating to Large Lot Subdivisions that are defined as division of land into parcels containing five (5) acres or more. Note: This matter is for decision only, no further public testimony will be taken.

Jim Svensson said there were some constructive comments given at the hearing on this Ordinance and many of these ideas were incorporated into this Draft Ordinance. He said there were no substantive changes to the Ordinance, but quick fixes to make this work better with other County ordinances.

Nobi Kawasaki noted that the Planning Commission and staff were discussing the Draft Ordinance dated January 11, 2000; a table of corrections dated January 11, 2000 and February 2, 2000.

Deborah Flynn asked if the Health Department has reviewed this Ordinance?
Jim Svensson said yes, however they did not make any comments back to staff. He said their involvement is not as great as other departments.

Deborah Flynn noted the 25-foot perimeter buffer requirement, adding that it now appeared that the director could waive this requirement.

Jim Svensson said that change was to accommodate some of Mr. Ross' comments.

Deborah Flynn felt that buffers are not effective and those trees in the buffers tend to blow down. She said her preference would be to have each plan mitigated for visual impacts.

Jim Svensson agreed, stating that generally, staff would allow removal of those trees and a 25-foot buffer would be insignificant, but this was outlined in the previous ordinance and he would be willing to delete this requirement if the Planning Commission recommended it.

Deborah Flynn proposed an amendment to Section 22a, Page 12, which read: “A Large Lot Subdivision shall conform to the applicable zoning standards of the Kitsap County Zoning Ordinance and shall be in keeping with the general guidelines of the County’s Comprehensive Plan.” She felt that should be changed to state that a Large Lot Subdivision shall conform to Section 9b, Subsection 6 and Section 11 A-1 of this Ordinance. She felt the intent was to have this Ordinance conform to the other County ordinances.

Jim Svensson said that wording would be more specific and staff would concur with the new wording.

Carl Walske said in Section 34, Penalty, it states that for each and every day there is a separate misdemeanor and he asked about the penalty clause and whether each misdemeanor could carry a fine of $250.00 or imprisonment for 90 days? He felt that a person would have a lot of jail time if there were several misdemeanors.

Jim Svensson said that the language used in this section was statutory. He said those penalties were by individual violation and the maximum violation and penalty could apply to each violation.

Carl Walske asked from the public testimony at the previous hearing were there any changes recommended that staff did not accept?

Jim Svensson said some suggestions offered by Mr. Ross contained legal language and this terminology comes from state law which the County must follow, but they did make the other changes recommended.

Nobi Kawasaki noted on the road maintenance agreement being recorded in Section 23, Page 13, and asked if this whole document was recorded?
Jim Svensson said yes, that was a standard requirement.

Deborah Flynn suggested that that the wording in Section 16 f on Page 9, be changed to read: “vegetative buffers be designed to mitigate visual impacts.” She felt that this wording would not be so specific, which would allow staff to determine when buffers were necessary.

Jim Svensson said that it was stated at the previous hearing that the County should provide more specific language so that all of the requirements were spelled out and not left to chance.

Val Torrens said the purpose of the 25-foot buffer was to alleviate visual impacts.

Deborah Flynn felt that the problem was that buffers were not always the best way to mitigate visual impacts.

Nobi Kawasaki reminded the members that this discussion was to do the quick fixes to this Ordinance and it was the Planning Commission’s plan to review all of the ordinances in the near future.

Carl Walske asked Deborah Flynn since there was a clause for discretion of the director, would that not work for this issue?

Val Torrens noted page 12, below “cul-de-sacs”, and said when she read this section she felt that this language was not specific enough since it does not actually define when waivers will occur.

Jim Svensson said that topography would be one reason for a waiver.

Val Torrens asked if there could be multiple reasons for waivers?

Jim Svensson and Val Torrens then discussed some of the reasons waivers were allowed.

Jim Barnard said if the Ordinance outlined specific reasons for obtaining waivers from the director it could make it difficult for staff to assist the applicant and their engineers with projects.

Jim Svensson said that the wording in the previous Ordinance was too rigid and staff was trying to include some flexibility with the rules to make it easier for them to assist the developers.

No further discussion being heard a Motion was made by Deborah Flynn to approve the revisions to Ordinance No. 106-B-1990, relating to Large Lot Subdivisions, with a modification to Section 22, a, "A Large Lot Subdivision shall conform to Section 9 b,
1 through 6 and Section 11 a. 1., of this Ordinance. Linda Rowe seconded the Motion. Vote: Aye: 6; Nay: 0. Motion carried.

9:20 A.M.

Work Study Session followed by a Public Hearing regarding an amendment to Kitsap County Timber Harvest Ordinance 150-1993. The purpose of this amendment is to update Section 7, Standards; Section 18, Process for lifting of Permit Moratoria; and Section 19, Enforcement. Sections 7 and 19 are being amended to reflect current adopted Kitsap County ordinances. Section 18 is being amended to provide a process for lifting Forest Practices six-year development moratoria, criteria and performance requirements.

Karanne Gonzalez outlined the definitions for the members. She explained that this Ordinance has been in effect since 1986, for staff to review certain types of forest practices. She explained that in 1997, the state legislature amended the Forest Practices Act to provide for an automatic 6-year moratorium; prior to that time it was up to each county’s discretion whether to impose the moratorium. She said that this amendment to the county’s Ordinance would make it compatible with state law.

Nobi Kawasaki said that this was an ordinance that the Planning Commission rarely dealt with.

Karanne Gonzalez said that in the past, Kitsap County consistently imposed and upheld the moratorium. She recounted that while there have been one or two conditional moratoria, this and previous Board of County Commissioners have been unwavering in their position that “if you mark the box you wait the time”.

Nobi Kawasaki asked if, under certain circumstances, someone could convert their property within the 6-year period to lift the moratorium?

Karanne Gonzalez said yes, and explained that the proposed amendment included a list of fairly stringent criteria where the County Commissioners may lift a six-year development moratorium when appropriate. She said that the language was not clear in the present ordinance, so staff reviewed the law and the past policies before making amendments to this ordinance. She said there has been a problem when an “essential public facility” wanted to locate on a piece of property that has a 6-year moratorium on it.

Val Torrens said that the Capital Facilities Plan requires that these essential public facilities be defined ahead of time for proactive planning, which makes inconsistencies with this Ordinance.

Carl Walske said that the Capital Facility Plan projections were certain to be wrong compared to reality.
Nobi Kawasaki said there are 2 questions the Planning Commission must answer; the policy questions, whether a moratorium should be lifted and then the exact language to be addressed. He felt that theoretically the County’s Comprehensive Plan should be taking care of this problem, but in the real world the planning does not happen.

Karanne Gonzalez said that staff was looking at public facilities that were hard to site, noting that these were already designated as an essential public facility in the County’s Comprehensive Plan on Page 43, and only those would be eligible to make a request to lift the moratorium. She said it is difficult to find a way to allow certain applications to be approved and still maintain the County’s policies.

Nobi Kawasaki said that the Planning Commission has already received written comments on this issue.

Karanne Gonzalez said that there were minor changes to Section 18 the language, which are the highlighted version and the strike-through that will be removed. She noted that the “typos” would be corrected. She said that Section 7 would be updated, since this was used before the Critical Areas Ordinance was in effect. And the last section, Enforcement, will be removed with a referral to the County’s Enforcement Ordinance. She said that to date there have been about 30 requests to lift a 6-year moratorium and one was actually lifted, which she reviewed for the members. She said that others were conditionally approved.

William Matchett asked about state facilities, and whether they included public schools?

Nobi Kawasaki said that the term essential public facilities within the Growth Management Act had a specific meaning. He felt that on Page 11, the intent of the language was broadened beyond the state’s definition of a public facility. He asked about the procedures for notification, and whether they could use the Type 2 Procedure in the County’s Procedures Ordinance?

Cassandra Noble said that the Procedures Ordinance was being re-written and possibly those changes could be made to make it compatible with the Timber Harvest Ordinance.

Val Torrens felt that the more consistency this Ordinance had with the others the better.

Cassandra Noble agreed, and explained that foremost this Ordinance needed to be consistent with the state law. She then read the policy changes from the Revised Code of Washington (RCW).
Nobi Kawasaki opened the public hearing portion of the meeting and asked that each speaker limit testimony to 5 minutes, adding that if there is time after everyone who has signed up has spoken, he will open the floor for further testimony.

Laura Overton said she agreed with the changes that Karanne Gonzalez outlined. She said she was concerned with property consisting of 20 to 40 acres. She noted a situation where the applicant receives a 6-year moratorium and there is a blowdown and the owners go in and do a salvage to remove the downed trees; and when that is completed, the time clock begins again for another 6 years added to their time. She felt that there should be allowances given for that at the discretion of the director.

Susan Caulkins of the Law Offices of Shiers, Chrey, Cox, Caulkins Digiovanni & Zak said there should be more consistency between the notice of intent to convert the property and the opportunity for comment period. Apart from that, she said, the state statute requires this procedure, which she understood. She recommended the following changes to the wording: “Any person who intends to convert property which has been logged pursuant to a Class II, III of IV Special Non-Conversion Forest Practices Application of Notification, from forestry use to another use shall notify the Director in writing of such an intent. Upon receipt of a written intention for conversion of a non-conversion forest practices application/notification, the Director shall insure that the property owner causes notice of intention thereof to be published at least once a week on the same day of the week for two consecutive weeks in a newspaper of general circulation in writing the area in which the property is located. All notices of conversion requests shall by submitted on the county approved notice application form and be approved by the Director prior to publication. In addition, the Director shall insure that the property owner provides additional notice of such intention by the following methods: a. Mailing to the latest recorded real property owners as shown by the County Assessor within at least three hundred (300) feet of the boundary of the property upon which the conversion is proposed. b. Posting in a conspicuous manner on the property upon which the conversion is requested. The property owner shall provide to the Director an affidavit that the notice has been properly published, the property posted, and notice letters deposited in the U.S. Mail pursuant to this sections shall be affixed to the request. Such notices shall include a statement that within fifteen (15) thirty (30) days of the final publication, any interested person may submit his or her written views upon the conversion request to the Director or notify the Director of his or her desire to receive a copy of the action taken upon the request. All persons who notify the Director of their desire to receive a copy of the final order shall be notified in a timely manner of the action request. If a hearing is to be held on an application, notices of such a hearing shall... Such notices shall further include a statement that upon a hearing upon the application any person may submit oral or written comments on an application at such hearing. All notices of conversion request shall be submitted on the county approved notice application form and be approved by the Director prior to publication.” She said that many essential public facilities would go through a Conditional Use Permit (CUP) process before those...
developments could go forward. She felt that if the applicant wanted to develop, he has a mechanism to bring this before the Board whether the moratorium should be lifted and then initiate the process for creating a development. She said that this takes time.

Nobi Kawasaki asked if she wanted to combine the lifting of the 6-year moratorium with the CUP process?

Susan Caulkins said no, the process that she suggested would make it easier for the application to be reviewed in a short period of time.

Nobi Kawasaki asked if the project could not be developed, would the moratorium continue on the property?

Karanne Gonzalez said yes, the remainder of the 6-year moratorium would continue.

Charlie Burrow said because non-conversion forest practice permits allow more extensive logging than would be allowed under a conversion permit or the Conversion Harvest Plan, the non-conversion property may no longer have the natural buffers which the County requires for development. He asked if the purchase price would be decreased to allow for mitigating these deficiencies? He also asked for the definition of “essential public facilities”.

Bill Arness said that he was not against the amendment, but opposed to the requirement that a developer could not begin any work on the project before the moratorium was lifted. With regard to buffers, he continued, a conversion plan may require that a buffer be maintained on site, on Page 3 line 12. Additionally, he said, there were many definitions of buffers, and he said that the buffers could be replanted and enhanced or it could be a vegetation buffer.

Karanne Gonzalez said with non-conversion, there could be an option plan to convert the property, adding that could be used in the example that Laura Overton expressed. She read the state statute to the Planning Commission, which made it clear that staff could not even accept an application for a development until the moratorium is lifted. With regard to the timeline suggested by Susan Caulkins, staff could make the changes and will update the Procedures Ordinance as well.

Ron Ross said that the County needed a standard definition of a buffer for all of the ordinances. He felt there should be as much leeway as possible in the Ordinance for the County staff to get the necessary waivers. He also suggested that staff make a provision for a natural disaster so that the moratorium could be lifted to make essentials repairs to the property.

Val Torrens felt that provision for repairs came under the criterion that was already listed in the Ordinance.
Carl Walske felt that this provision should be more explicit.

Karanne Gonzalez said that they routinely receive requests to make corrections to the property to repair roads and so forth. However, she continued, there could be a problem if someone was building roads large enough for development of the site, that would not be allowed.

No further discussion being heard, Chair Nobi Kawasaki closed the public hearing. He then listed the letters that were received prior to the hearing.

Val Torrens suggested that discussion be continued until another date, so that staff has time to review and respond to the letters received.

Nobi Kawasaki announced that the meeting is continued to March 7, 2000, at the Silverdale Community Center A-Frame.

Work Plan Discussion.

Commissioner Chris Endresen reported on the Endangered Species Act (ESA) and the 4(d) rule process. She said the Board of County Commissioners have produced a draft Plan that is available for review, stating that the County Ordinances may have to be amended, and with the Critical Areas Ordinance (CAO) specifying protection of the listed species and habitat, Kitsap has what it needs to do the basic planning. She reported that this has already been submitted to NFMS together with all the Plans and Ordinances that would pertain to this project, and she felt NMFS should be commenting back to the County during this week. She said that the deadline for publishing comments would be March 6, 2000. She said that all the other entities within the County and Cities, that have not been negotiating, should be recognized as well. Further, she said that the Board of Commissioners would be meeting with the City of Bremerton today (February 29, 2000). She explained that the 12 criteria are addressed as required by NFMS, and Kitsap County wants to receive the 4d exemption by June 2000, which will allow Kitsap to continue the projects; without this exemption the County will be subject to more litigation. She felt that the best way to go was to get the exemption; otherwise the County would be in limbo for an unspecified time.

Nobi Kawasaki observed that the County was submitting the County Ordinances and plans to get the exemptions, and if NMFS wants amendments to these Ordinances, how long would Kitsap have to make those amendments?

Chris Endresen said that NMFS understood that there would need to be a public process to amend these Ordinances. She said that there is now a Shoreline Inventory in the County and that is part of the required package.

William Matchett understood that NMFS wrote to the State that their shoreline practices were inadequate. How does that affect Kitsap County?
Chris Endresen said that Kitsap’s environmental requirements were more strict than those of the State.

ITEMS DISCUSSED AT MEETING

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<th>Exhibit No.</th>
<th>Description</th>
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<tr>
<td>B.</td>
<td>Wording of Motion on Large Lot Subdivisions, submitted by Deborah Flynn.</td>
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<tr>
<td>D.</td>
<td>Staff Report from Karanne Gonzalez to the Planning Commission dated February 16, 2000</td>
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MINUTES adopted this ______________ day of ______________, 2000.

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Nobi Kawasaki, Chair

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Karen Halbeck, Secretary