
7:00 P.M.

Meeting Called to Order – Introductions.

7:05 P.M.

- Public Hearing to consider oral and written testimony regarding the Comprehensive Plan and Development Regulation Review and Amendment Procedures Section of the County’s Procedures Ordinance. This section outlines the review process for Comprehensive Plan Amendments.

Robin Tyner said this document was an amendment to the Land Use Ordinance to establish procedures to amend the County’s Comprehensive Plan. She reported that RCW 36.70A.130 required counties and cities to take action to review and revise their Comprehensive Plans by September 1, 2002 and then regularly at least every five years thereafter. She said that the amendment process would assure that the County was complying with the requirement of the Growth Management Act (GMA). She said that Kitsap County’s Plan states that this County will conduct annual updates, with a major review every five years. Further, she said, each county was required to review the Urban Growth Areas (UGAs) at least every ten years to accommodate the projected urban growth for the succeeding twenty-year period. She said that once the amendment process was opened for the year, any person, organization, agency business or tribe might submit suggestions or requests to the County for amendments to our Comprehensive Plan, plan map or development regulations. She reported that all of the proposed amendments shall be reviewed concurrently, to ascertain the cumulative effects of the proposals. She said that at this hearing, the County will take written and oral testimony to establish the procedural process for amending the County’s Comprehensive Plan. She reported that the Board of County Commissioners has requested that the Department of Community Development complete the first annual review before December 31, 2001. Further, she said, after this proposed amendment to the Procedures Ordinance is adopted by the Board of Commissioners, the Board will set the dates.
for the first review period each year thereafter the Board will set the dates of the
review period if they determine it is necessary. She explained that once the Board
opens the Comprehensive Plan Review Process, the County will pursue large-scale
public notification to ensure broad public participation which will include information
on the County’s web site; legal notices; local television announcements; mass mailings;
newspaper advertising and articles. She said that amendments would include text and
area-wide amendments (including Zoning and Development Regulations), site-specific
amendments (Comprehensive Plan Zoning Map), and Map corrections. She then
reviewed the fees for each type of application and explained that the fees were based
on staff time to process these applications, which were consistent with what other
jurisdictions charged. She reported that each of the fees were in the County’s current
Zoning Ordinance, except for the $50.00 pre-application fee which will be added into
the Ordinance upon adoption of this amendment.

John Ahl noted for the record that the Planning Commission was taking testimony on
the Comprehensive Plan and Development Regulation Review and Amendment

Val Torrens asked if the $50 fee for the Pre-application Review was in addition to the
application fee?

Robin Tyner said yes; this would enable the County staff to meet with the applicant to
review his or her proposal, answer the applicant’s questions, explain the process and
evaluation criteria used and determine if any additional environmental documentation
was necessary for amendment approval.

Rodney Winger of South Kitsap explained that he owned property along the Bethel
Corridor. He said that the east side of his property was zoned multi-family and the
west side was commercial and he would like to apply for a map correction.

Robin Tyner said that there was no charge for mapping error corrections.

Linda Rowe disclosed that she was the listing agent for Mr. Winger’s property along
the Bethel Corridor. She then noted that on the Comprehensive Plan Map there was a
line that jogs downward dividing the two zones on Mr. Winger’s property. She asked
how Mr. Winger would ascertain if this was a mapping error on his property?

John Ahl said that this would be determined from past records if this were the intent of
the Board of Commissioners.
Robin Tyner said that staff would research this matter to determine if it is a mapping error. Further, she said, even if there is a mapping error an application from Mr. Winger would be required.

Deborah Flynn understood that staff would check the record, and questioned if all of the Board of Commissioners intentions will be identified in the record?

Robin Tyner said when the Board of County Commissioners announced its final zoning designations explicit language that pertained to specific parcels was added to the record.

William Matchett asked about the $50 fee and whether it would be charged for a mapping error?

Robin Tyner said there would be no fee for a mapping correction.

Richard Meyers of Poulsbo said that he thought his mapping problems had been corrected. In 1996 with the approval of the County’s Comprehensive Plan, he continued, his property was zoned Industrial, without his prior knowledge, which lowered his property value. When he found out about the zoning change, he discussed this with the Department of Community Development and staff wrote a letter correcting this matter, which he took to the Assessor’s office, which did change the zoning on one of the two parcels that he owns.

John Ahl reminded Mr. Meyers that this public hearing was directed at the process for the Comprehensive Plan amendments, not any specific amendment at this time.

Robin Tyner said that Mr. Meyers had a mapping error, however the Comprehensive Plan Map cannot be changed until the formal Amendment Review Process. She stated that Mr. Meyers’ mapping error would be included in this year’s amendment process.

Ron Ross noted Page 3, General Review Procedures, Section 2 which read: “Annually the Board of Commissioners will determine if a review of the Comprehensive Plan is necessary and will establish a schedule for review and amendment of the Plan. The Board may consider amendments to the comprehensive plan no more frequently than once a year, and at least once every five years.” He encouraged the Planning Commission to recommend a yearly amendment process and if the Board of Commissioners chooses not to open up the process that year and it is extended to once every 5 years, then there should be written comment from the Board of County Commissioners to explain why they chose not to open the amendment process. Then, he said, Item #7 which he read for the Planning Commission: “Unless specifically authorized by the Board, amendment proposals considered and denied by the Board may not be reinitiated or resubmitted for three
years after its consideration and denial.” He suggested that if there is an amendment that was denied by the Board of Commissioners, the applicant should only have to wait for 2 years instead of 3. He then noted Section .090 Text or Area-wide Application Requirements on Pages 4 Item 5, and questioned how the applicant can provide an explanation of how the proposed amendment is consistent with GMA, the county-wide planning policies, the Comprehensive Plan and adopted Findings of Fact and Legislative Intent? And finally on Page 5 Item 5, he asked how he could locate information that clearly shows the intent or direction of the Board that would support his application?

Robert Alire said the applicant would be required to provide the information and the County-wide Planning Policies provide the Findings with the final decision of the Board of Commissioners; in addition staff would help Mr. Ross find this information for his application.

Val Torrens said there was additional information regarding the Board of Commissioners intent located in the Definition Section of this document.

Robin Tyner said that the information on the Findings that would support an application would be provided for the applicant during the pre-application meeting, which will be specific for that particular application.

Laura King asked on Page 3 Paragraph 7, what was the reasoning for the statement that the applicant cannot submit an application again for 3 years after it was denied by the Board of Commissioners?

Robin Tyner said that there is a great deal of staff time involved to put through the amendment and the 3-year time frame was to discourage people from bringing the same issues forward year after year.

William Matchett felt that the costs listed in the Fee Schedule would discourage people from submitting yearly amendments to the Comprehensive Plan.

John Ahl questioned what would be the right amount of time for submitting items for the amendment process?

William Matchett said that if the costs in the Fee Schedule pays for the staff time necessary to prepare and application, then people should be able to resubmit applications if they are willing to pay the fee.

Bill Palmer said one of the things he found absent in the Comprehensive Plan and Development Regulation Review and Amendment Procedures was a submittal date. In his experience in working with land use applications in the County, the process
takes several months to go through, from submittal of the application to adoption following review by all the appropriate agencies. He felt there should be a target application date in light of the timeframes that have been identified. He also felt there should be clarification for concurrent Comprehensive Plan Amendments and Zoning amendments according to the Growth Management Act. If there was a map change he said, and the proposal will require a concurrent zoning change, how would the fees be assessed; will the applicant have to pay $2,700 plus the $900 fee? In the pre-application process, he continued, what concerned him was the ability of County staff to send him the application requirements in a 2-week turnaround time, especially if there is a deadline for the Comprehensive Plan Amendment process. He said that at this time it was not known how many applications would be received for various amendments, which will dictate how busy the staff will be. He felt that these time limitations be included in the ordinance amendment. He read page 7, Item E of the Criteria for Site-specific Amendments to the Planning Commission: “The proposed amendment does not materially affect land uses and growth projections, which are the basis of the comprehensive plan.” He reported that in 2000 the County went through a process with the Port Blakely project that did not meet the criteria described in Section E; he also noted the Urban Reserve (URS) designations on the plan and questioned how the County was going to work with the cities on these areas when it was still not clear what was intended for Urban Reserve areas. He felt that any one of those URS designations could affect the population projections in the County. He said in short, some of these amendments could affect both land uses and populations in this area.

Robin Tyner said that under Section .060 General Review Procedures Item 2 and Item 5 take care of his concerns. She said with regard to the Pre-application Review, the staff might wish to re-consider this so that there is a specific length of time specified to prepare a timely review.

John Ahl said with respect to the dates to submit an application, in his opinion this is a moving target. He felt that the time involved was dependent on the volume of changes and the complexities and if a specific date was set it may not work to the applicant’s benefit.

Robin Tyner said that the dates will be different in each review year, but staff will provide extensive notification of this Comprehensive Plan Amendment process. She said it was a good idea that the Board of County Commissioners provides its decision in writing if they do not open the Amendment Process for this year.

Richard Shattuck of Silverdale said page 3, Section .060 it states that the only ones allowed to submit amendments to the process were individuals, business organizations, tribes, the Board of Commissioners, the Planning Commission or the Department of Community Development. He said that there was no entry for the
cities to submit proposals. As he understood this process, the Board of Commissioners
and Planning Commission could propose amendments and site-specific amendments
for the community. He felt that the Comprehensive Plan Amendment process was a
moving target because the community will not know what applications staff proposed.

Robin Tyner said that proposals by the Planning Commission, Board of Commissioners
and County staff will be included as part of the public docket along with the other
applications.

Richard Shattuck asked under this Ordinance amendment would the public have the
County’s proposals prior to submitting an application for a site-specific change such as
an Urban Growth Area (UGA) boundary?

Deborah Flynn said that the UGA boundary of Silverdale would be an area-wide
amendment application instead of a site-specific amendment.

Richard Shattuck disagreed with Commissioner Flynn. He felt that it would be a site-
specific amendment.

Robin Tyner said that it was her assumption that an expanded UGA would not be
acceptable during this Comprehensive Plan amendment process and therefore denied
during the pre-application process.

Richard Shattuck said that the County staff should explain to the public what changes
the County will request prior to the time that the County takes applications from the
public, in order for the applicants to determine whether certain individual applications
will be necessary.

Deborah Flynn said that issue was discussed at the study session earlier between the
Planning Commission and County staff and she agreed that the changes that the
County was planning on presenting during this process should be brought forward to
the public in advance of the Amendment Application Process.

Richard Shattuck suggested that the County issue its list of proposed amendments and
include them in the Ordinance amendment.

Robin Tyner said that list would be included in the Fact Sheet that would available to
the public when an application was submitted.

Robert Alire said that Area-wide Amendments that the County would be submitting
should be on the table early. He reported that they would be listed first on the
docket and those proposals that may affect the applicant’s proposal should be more clearly outlined in this Ordinance.

John Ahl felt there should be a narrative added as a preamble to this amendment process.

Deborah Flynn felt that all of those County-generated issues should be outlined to the public in advance so that they can be reviewed before Area-wide proposals are brought forward.

Gordon Shaw said that population turned in to dwelling units measures growth. He supported the testimony presented by Ron Ross; this County is growing too fast to put off the Comprehensive Plan review for more than a year at a time. He expressed that if a person has a request for a Comprehensive Plan amendment, requiring him to wait 3 years before reapplying was a disservice to the property owner. He also felt that this was a very complicated process, if the public had to comply with these rules and questioned whether there would be an ombudsman service to help them through the process? He expressed that the County staff will have a lot of input into this process and a person who is impartial should help represent the property owner.

Gary Lindsey said he has reviewed this document. He commended the staff for initiating the pre-application review process. He felt that a 3-year wait was too cumbersome for the community. He felt that the applicant should be able to apply for an Amendment annually. He suggested that some of the application amendment requirements be waived at the director’s discretion.

Val Torrens asked what if the wording was changed so that after 2 annual reviews of the same request in two consecutive review periods where both applications were denied, then the applicant would need to wait for 3 years to resubmit his or her application?

Gary Lindsay felt that situation would happen so seldom that it would be insignificant. He expressed that the staff does an effective job of research and presenting their findings and conclusions on a particular issue.

Camille Meyers said that they were not notified that their land was rezoned to Industrial.

No further discussion being heard, Chairman Ahl closed the public hearing portion of this meeting at 8:07 p.m. He then convened a study session for the Planning Commission and County staff.
Val Torrens said she had some concerns about the language in the Comprehensive Plan and Development Regulation Review and Amendment Procedures and felt that a preamble would help explain this document more clearly. She was also concerned about the time frames. She felt that there should be a timely expectation when each step will occur so that the public will understand the process.

Richard McConaughy concurred with the suggestion for a well-defined time schedule. He said he would like to see a procedure for minor changes that may have a major impact on the entire Amendment process and questioned how those could be handled outside the regular Amendment process?

John Ahl made it clear that the Growth Management Act will not let the County make minor changes to the Comprehensive Plan unless it is done during the Amendment process.

Deborah Flynn recounted that when the Comprehensive Plan was adopted she was frustrated when she recommended various policy changes and many of those changes did not occur because there wasn’t time to thoroughly review them.

Val Torrens said that minor verbiage changes would not be allowed following approval of the Comprehensive Plan. She suggested that Deborah Flynn bring forth these changes now so that the public can view them before they come forward with their changes. She also suggested that there be a Open House for the public to come to the Planning Commission and recommend these type of changes, but when it comes to changes in zoning and not “wordsmithing” then it must be handled through the amendment process.

John Ahl asked the Planning Commission members to bring their changes to the next study session so the Commission can work with the staff to sort out what amendments should be dealt with during this Amendment process, since not every item will be able to be done during this years process. He said then the public would be able to bring forth changes that they feel need to be changed.

Deborah Flynn felt that the wording on Page 5, Sections 5 and 7 could be re-worded so that it would be clearer.

Robin Tyner explained that each applicant would have to write their own Findings, however, the applicant will receive a packet of information at the Pre-Application conference and County staff will also provide assistance for this process.

Deborah Flynn suggested that staff make it clear to the reader that the materials will be available and will be provided by staff.
Robert Alire said at the pre-application conference staff will be meeting with the applicant and this would all be explained.

John Ahl agreed that this wording was intimidating and to avoid scaring people off, he would like Sections 5 and 7 of the General Review Procedures reworded so that it is easier to understand.

Val Torrens said the information that was compiled during the formulation of the Comprehensive Plan has all been indexed and was much more accessible for the public. She asked if the only applicants that will have a pre-application conference were those who had a site-specific request?

Robert Alire said that a pre-application conference would be necessary for all types of applications and that should have been clarified in the Ordinance.

William Matchett asked whether the staff would be changing the 3-year period for resubmitting an amendment application to a shorter period of time?

John Ahl expressed that requiring an applicant to wait for 3 years after his application was denied seemed very negative and felt that the limitation should be reduced to 2 years or the applicant could resubmit his or her request after 2 years.

Lary Coppola said if the applicant wanted to submit his application for a Comprehensive Plan amendment and pay the fee, that should be a decision left to the applicant.

Richard McConaughy suggested that the wording be changed to after 2 years the applicant may resubmit his application if it was denied by the County.

Laura King said she would like the staff to provide a timeline similar to the chart showing the timeline for the process that was provided to the Planning Commission members so that the public knows all the dates ahead of time. She also felt that the public and the staff should have their submissions by a certain date.

Robin Tyner reviewed each of the steps that would follow in the process for the Planning Commission.

Laura King felt that all of the milestones should be included and clarified even down to the public notices, so that the public is fully aware of the requirements of this process.

Deborah Flynn said that in three years many aspects of the County could change and for that reason she felt that the application process should be open ended so
that an applicant could apply for an amendment during each Comprehensive Plan amendment process if they chose to do so.

Linda Rowe said that even if the limitation was revised to every 2 years and the Comprehensive Plan is not reviewed for 5 years, then the applicant would have to wait for 7 years to resubmit their application.

Robin Tyner said that within the Kitsap County Comprehensive Plan it states that it will be reviewed annually, but the Growth Management Act specifies that it be reviewed at least every 5 years.

John Ahl said that the Planning Commission would like staff to make these changes for the next Study Session on the 6th of February and then the Planning Commission could make their recommendation on that date to the Board of County Commissioners. He felt that the time limit, if a Comprehensive Plan application was denied, should be stricken entirely.

Val Torrens said she supported an annual review of the Kitsap County Comprehensive Plan, otherwise a written explanation from the Board of County Commissioners should be required specifying the reason why the Board did not open up the review process for that year.

Deborah Flynn said on Page 3, Section .060 General Review Procedures Item No. 1, community councils should be included on the list of those who could propose amendments to the County.

Val Torrens said on Page 3 Proposed Amendments, would the community councils and the cities have to ante up the money to apply for an amendment to the County? She suggested that community councils and the cities should have the fees waived for Comprehensive Plan Amendments.

Robin Tyner said that was a legal issue to determine who should pay the fees for amendment changes and she will check with the County Prosecutors Office on this.

No further discussion being heard, a Motion was made by William Matchett and seconded by Val Torrens that the Planning Commission recess this Study Session until February 6, 2001 beginning at 9:00 a.m. at the Silverdale Community Center, Poplar Room. Vote: Aye: 8; Nay: 0. Motion carried unanimously.

The Meeting recessed at 8:40 p.m.
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<td>E.</td>
<td>Letter from Rodney N. Winger to the Kitsap County Planning Commission, received at P. H. on January 30, 2001.</td>
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MINUTES approved this __________ day of ______________, 2001.

___________________________________
John Ahl, Chair

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Karen Halbeck, Secretary