M I N U T E S

KITSAP COUNTY PLANNING COMMISSION
March 5, 2002


9:00 A.M.

Meeting Called to Order – Introductions.

9:05 A.M.

A Motion was made by Lary Coppola and seconded by John Ahl that the Planning Commission approves the Minutes of February 16, 2002 with the amendment to correct the vote for the motion on the Stetson application to Aye: 6; Nay: 2. Vote: Aye: 6; Nay: 0; Abstain: 1 (M. Flynn not present at hearing.) Motion carried.

9:10 A.M.

➢ Study Session to critique the Comprehensive Plan and Subarea Plan processes with County staff.

Darryl Piercy said that staff had not received comments back from the folks who go through the hearing process either from the Planning Commission or the Board of County Commissioners. He suggested that the Comprehensive Plan process would be a good place to start to get feedback so that staff can improve on what they do. He reported that staff went through a critiquing process before this meeting and he could outline those ideas for the members or just begin with the Planning Commission’s ideas on how this process could be improved.

The members said that they wanted to know what ideas staff had for improving the Comprehensive Plan process.
Darryl Piercy reported the staff came to the following consensus: 1) The organizational process went quite well; each potential applicant was provided with a booklet of information and then staff kept the documents received very organized and amendments were regularly added to the individual binders. 2) There could be a better way to update the information more quickly so that the Planning Commission was aware of individual updates before each meeting. 3) Staff was inclined to possibly overload the Planning Commission with information and they wanted to know how the members felt about that. 4) The information provided on the website was reasonably effective. 5) There should be a workshop available for those who were interested in the Comprehensive Plan process, before the applicant submitted an application so that staff could explain the process and what information the applicant would need to provide for the County staff. (He noted that there were over 700 contacts, either in person, by e-mail or on the telephone, before the Comprehensive process began. He felt that these workshops could be fairly beneficial, before a large undertaking like this, especially for the general public.) 6) The pre-application process was very successful as far as scheduling and getting people into the loop, which was done very quickly. 7) The goals were not expressed clearly to define the real purpose of the pre-application meeting. (He felt that staff could have provided some clearer direction to the applicant on different ways to follow to provide the necessary information for the application.) (He reported that there were over 60 pre-application conferences, which narrowed down to the applications that came forward to the Planning Commission.)

Laura Ditmer felt that staff was not consistent by following up with a detailed letter to the applicant that could be clearly understood.

Darryl Piercy said to correct this problem, a template could be created for a follow-up letter, which could include a mission statement or goal of the pre-application conference; to clearly get the message out to each applicant, what they should expect if they wished to pursue an amendment application. He continued with the comments from staff: 8) Staff was not consistent with the intake of the application and determining whether each one was complete; (They found out that some applications were missing some necessary elements, which could be alleviated if there was a checklist supplied to the applicant for each application submitted.) (He felt that this would also provide the applicant with a list of the items necessary before it was reviewed and a staff report issued.) 9) During the work study with the Planning Commission, staff could have provided a more detailed outline of each application and tie it in to the current development that may be going on surrounding a particular parcel. (He recounted that the County received 2 applications that were in a Limited Area of More Intensive Rural Development and staff did not clearly identify those to the Planning Commission.) He said that they would make those clearer to the members in the future. 10) Staff should be providing the same information, to the applicant as well as to the Planning Commission members. In
conclusion, he felt that the process went quite well for the first time through, but there were some areas that needed improvement.

Richard McConaughy thanked Darryl Piercy and Laura Ditmer for providing the candid response on this issue.

Darryl Piercy said that staff wanted to improve this process for the next time through the Amendments.

Tom Nevins said that he would like to have a history of the individual properties that the Planning Commission was reviewing, which he gave some examples of. He said he did get some of this information as the hearings went on, but with many, he was not aware of how the current zoning was established and so forth. He said that at the public hearings, some applicants said that they have been promised certain things by staff, which did not happen and he would have liked to talk to the staff person and pin down if that information was actually provided to them or possibly have the applicant provide a letter from the County affirming what was said.

Mark Flynn said that carrying the 3-ring binder around to the meetings was a pain and he wondered if the updates could be done electronically, which he could review on his laptop while commuting on the ferry.

Darryl Piercy asked if there was a particular format that he liked to use?

Mark Flynn said that he has not thought of that at this time.

Richard McConaughy said he would like to get the information in the 3-ring binder so he could look up something easily and also have access to it in electronic form.

Darryl Piercy said that staff could make it an “either-or” situation for getting the updated information to the members.

Linda Rowe reported that she and her husband attended a pre-application meeting with a customer who considered making an application for a Comprehensive Plan amendment. She said that the staff was friendly but it was an unfriendly process. She said at the meeting the focus of the application was how is the situation different now than when the Comprehensive Plan was approved. She felt that this created a more contentious meeting and after completing a 1-½ hour meeting, she and the applicant felt they were way over their heads and could not understand the information that was provided to them by the staff. She felt that this was like going to court without an attorney and she realized that most of those that went forward from that pre-application meeting had an attorney or planner represent them at the hearing. She said that after the pre-application meeting she asked the applicant if he
was going to make an application for a Comprehensive Plan amendment. She said
that the customer told her that he was not going to continue because the staff could
not acknowledge whether his application would be approved or denied at the hearing
level. She said that the Planning Commission heard all these innuendos that there
was a conspiracy, when in fact there was not, but that most of the applicants did not
understand how this process worked. She also felt that the general public did not
comprehend how painfully slow this process was.

Darryl Piercy agreed and expressed that this Amendment process should take about
6 months and not extend to 18 months as this one did. He felt that this
Amendment process did not provide a very responsive service to the applicant.

Linda Rowe expressed that the letter as a follow-up to the pre-application conference
was a good idea but the pre-application meeting should be held long before the cut-off
date so that the applicant could receive the letter within a reasonable time to
determine whether they should apply and have time to make application. She felt
that the pre-application conference was a very good idea to see what the applicant
would have to go through.

Darryl Piercy asked Linda Rowe if a workshop prior to the pre-application
conferences would be useful?

Linda Rowe said yes, but felt that the applicant would still need to have legal
representation to go forward with the application.

Laura Ditmer felt that the staff needed to speak at the level that the general public
understands.

Tom Nevins asked if the 7 questions outlined in each staff report were explained
ahead of time would that be helpful for the applicant?

Linda Rowe felt that the pre-application meeting was very intense and if there were
no expert representation there would not be a successful meeting.

Darryl Piercy said that the pre-application meeting should be very easy to
understand so that it would not be necessary to bring along an attorney to hold a
meeting with the County staff. He reported that there may be concepts that needed
to be explained at the hearing but it should not be made so difficult to understand.

Lary Coppola said he also experienced the pre-application conference and as a
layman it would seem adversarial in nature and totally opposite from the focus that
the “customer was always right”, for the burden of proof to be on the applicant to
prove why this change was needed. He suggested that the staff provide some of the
planning terminology in the application packet. He would also like some history on each application. He felt that there was some staff bias presented on some of the applications and felt that both sides of the information were not presented to the Planning Commission in the staff report. He felt that during the process when the Planning Commission asked questions on a particular application, the staff would give the answer, but if the “right” question was not asked the members would not get the answer that was needed. He also would like this information so that he could access it from his laptop and if this could come to them on a disk or with an Internet connection would be good.

John Ahl said that he came away from this process disappointed and he felt that a lot of time was spent on the individual changes for sites and not much time on the large “black holes” in the Comprehensive Plan like the Interim Rural Forestry and so forth that needed to be corrected; instead it was more editorial changes, which he felt did not need to be brought to the Planning Commission. He felt that the Planning Commission missed an opportunity to make some real changes to the Plan.

Darryl Piercy asked if several work-studies with the Planning Commission would be helpful for the Amendment Process?

John Ahl recounted that there were several study sessions on the Comprehensive Plan and he preferred to do an update of the Comprehensive Plan separate from the individual site-specific requests.

Lary Coppola and Linda Rowe agreed with John Ahl.

Lary Coppola felt, in reading through the Plan, there is a lot of information in the Comprehensive Plan that was unnecessary and should be gotten rid of; simplify this Plan and remove the social engineering.

John Ahl said that his sense was that the Amendment changes focused on the individual site-specific requests. He would like the time spent on reviewing the industrial lands designation as well as the rural and forestlands during this process; the way this Amendment process was done was a waste of the staff’s time.

Richard McConaughy felt that this Comprehensive Plan process contained a certain power like a hearing examiner in determining the site-specific requests, but he would also like to review the big picture.

Darryl Piercy said that as the amendment process continues there should be less site-specific requests and eventually would taper off to just a few.
Lary Coppola asked if the process was simpler, wouldn’t there be more site-specific requests?

Darryl Piercy said, as with most counties, there probably will be more requests in the second year and then leveling off after that. He liked the idea of keeping the big issues separate from the site-specific requests.

Deborah Flynn said that some of the public will want to have a quick answer and others may not mind waiting if the process was open all year for applications then at least the applicant does not have to wait 9 months or more until they can submit their application.

Tom Nevins said that some applicants may have representation by the professionals and others would not; those that had their lawyers to represent them should be handled separately from the others so the client is not having to pay for time while the lawyers waits for his time to speak at the hearing.

Darryl Piercy suggested that each of the applications should be issued a time slot so that they don’t have to sit through all of the testimony before they are allowed to speak. He said this process worked well in other jurisdictions that were allotted 15 minutes, for example, to present their testimony at a specific time.

Richard McConaughy and Lary Coppola agreed that would be a better solution to the issue on the time to present testimony.

Lary Coppola said that in 3 minutes, the applicant/representative expressed that they did not feel that they got due process.

Darryl Piercy said that there were those representatives who had many applicants; an appointment time to speak would provide a specified amount of time to speak for each client.

John Ahl said that this could be scheduled during a period of days and these applications could accumulate during the year.

Linda Rowe said that if a particular application was set for hearing on a specified date and time it would provide more continuity with the information presented to the Planning Commission.

Mark Flynn said that that the information that was received from staff needed to be presented in a way that is more easily understood by the general public.
Darryl Piercy said that is a problem with this profession that it needs to be corrected, so that staff speaks in a language that is clearly understood by all.

John Ahl suggested that instead of a pre pre-application meeting, a pamphlet could be mailed to the applicant written in the “Dick and Jane” principle so that it could be easily understood.

Tom Nevins said that he liked the applicants proposed staff report that was written in the same format as the County staff had done; responding to each statement from the staff.

Richard McConaughy said that Robert Alire attended some of the study sessions; took notes and questions from those meetings and then responded back to the members in memo format, which did not get back to the Planning Commission until just before the meetings were completed.

Deborah Flynn said she appreciated the comments from Linda Rowe and John Ahl, but she also felt frustrated because she wants to deal with the implementation issues, which include the Interim Rural Forestry and the modifications to the entire Zoning Ordinance; where the Comprehensive Plan was updated by just changing the dates within the Plan. She said that the Comprehensive Plan was general enough that it doesn’t need to be gone through in detail right now. She said she would rather the Planning Commission spend more time on implementation policies in the Plan.

Lary Coppola asked if it would be beneficial for the Planning Commission to meet more often to discuss these issues and then turn them over to the staff to complete?

Deborah Flynn said that she would prefer to have staff present during these meetings. She said that updating the notebooks was a frustration, since they had to be turned in after each meeting so that additional information could be added. She said that she never knew which pages in the notebook were changed. She felt that the aerial photos and the maps were very helpful as well as the tabs marking the location for each application.

Richard McConaughy said that he liked having the staff’s recommendations with each application.

Darryl Piercy said he would like to do this process on a variety of issues that the Planning Commission works with.

Deborah Flynn asked if the revisions of Ordinances and so forth have to go through the amendment process?
Darryl Piercy said no, the development codes could be revised at any time and not held for the Comprehensive Plan Amendment process.

Richard McConaughy said that he liked to have these meetings to critique the individual issues that the Planning Commission was reviewing.

Darryl Piercy said that staff could continue to hold these meetings to critique a particular issue, if this helps the Planning Commission in the future so that these processes work more smoothly. He reported that the Comprehensive Plan issues would not be heard by the Board of Commissioners until the end of April and the decision on ULID #6 will likely be decided upon at the end of March.

Linda Rowe reported that she represented the Planning Commission at the County Commissioners public hearing on ULID #6 because Richard McConaughy was unavailable to attend that meeting. She recounted that Commissioner Endresen specifically asked her if the Planning Commission would have make the same decision if they had all of the information that the Board of Commissioners had at this hearing? She asked if the Planning Commission was not given all of the information on ULID #6?

Darryl Piercy affirmed that the Planning Commission reviewed the same materials that were passed on to the Board of Commissioners for their hearing; there was nothing new added. He felt that the reason that the Commissioner asked that specific question to Linda Rowe was because Commissioner Endresen has been hearing all sorts of innuendo from the public that the Planning Commission did not have all the information available to them when they made their decision.

The members and Darryl Piercy then discussed the testimony that was brought up during the hearing.

Darryl Piercy said that he was going to create a report on the outcome of this critique, which he will give to the Planning Commission for review before it goes out to the public; so that everyone knows that there were issues that needed to be corrected on the Comprehensive Plan Amendment process.

Tom Nevins felt that this report should change some the attitudes in the community, so that the public understands that the Planning Commission is not just a political body.

Darryl Piercy said that if a better Amendment Process were created it would show that the staff was listening to the concerns addressed by the public.
Laura Ditmer said that May 1, 2002, from 3:00 p.m. to 5 p.m. there was an opportunity for a meeting with the Board of Commissioners and the Planning Commission. She asked if the members would be able to attend on that date? She said that the location has not been determined at this time.

Darryl Piercy asked if there were specific issues that the Planning Commission wanted to address. He suggested that the members contact him with their ideas and staff would make it part of the Agenda with the Commissioners. He noted that this meeting would not be taking the place of the meeting on Tuesday, April 30.

Shelley Kneip of the County Prosecutor’s Office, Civil Division announced that the State Office of Community Development has offered to provide a training course called a Short Course on Local Planning, free of charge. She reported that this was a very good course for new members as well as those who have been a member of Planning Commission and wish to brush-up on their skills. She said this would be a 3-hour meeting and it can be tailored to the issues of importance for the individual members. She explained that this is usually an evening meeting and the only costs would be the meal before the course. She said that one minor issue might be because of the distance; due to budget cuts there was a mileage limit if the location was less than 50 miles from the Capitol, then the meeting would need to be held in Olympia. She said that staff could put this course together and it could be set up in this County. She requested that the members give her some feedback on the issues that they would like to be addressed at the Short Course.

John Ahl and Tom Nevins said they recently attended the Short Course put on by the City of Port Orchard.

Laura Ditmer asked if there were any issues that they would like to have addressed at this meeting?

Shelley Kneip said that some of the Course is designed as an orientation and then other issues could be presented following the orientation.

Deborah Flynn suggested that it might be useful to understand what new laws were created this year that pertained to the Growth Management Act.

Richard McConaughy agreed.

Shelley Kneip said that in that case, it may be more beneficial to hold this Short Course in the summer, after the legislature was through for this year.
Linda Rowe said that the Appearance of Fairness issue was good for presentation during the Short Course.

Lary Coppola said that if this Short Course were held in Tacoma he would not mind going that far.

Darryl Piercy said that this Course could be tailored to the interests of this Planning Commission and if it could be all about the GMA it would be helpful.

Deborah Flynn felt that from her perspective, it was easier to hear the new information about changes to the law in a class, than to read it from the legal document.

Linda Rowe asked when the Planning Commission hears an issue at a public hearing and makes a decision on it and it goes forward to the Board of County Commissioners, can new information be introduced at the hearing before the Commissioners?

Shelley Kneip said that new information can be introduced but if the substance changes, then it needs to be remanded back to the Planning Commission for review.

Darryl Piercy said that one of the things that would constitute new information was if there are new Findings of Fact; those could be remanded back to the Planning Commission to review those Findings.

Deborah Flynn noted the public hearings on the proposed Urban Growth Areas; one was heard on Poulsbo last year and one would be forthcoming on Kingston during 2002. She said if there was a UGA area for review, which includes an approved Planned Unit Development (PUD) that is not developed; the density of the PUD was 1 unit per acre or below the bright line for urban and considered sprawl. She asked if that area was added into the UGA, could the developer be required to develop the project at the approved densities, which are less than the bright line required for urban development?

Shelley Kneip said that Division II of the Hearings Board has come out with the “Vested Rights Document”, which would allow the developer to withdraw his application and present a new application with a higher density. She said that staff would give the developer the option to either develop his project at the same density or at a greater density. She reported that the Preliminary PUD would be reviewed together with the determination on a UGA.

Deborah Flynn asked if a caveat would not be recommended?
Darryl Piercy said that staff would not want to have a PUD developed in a UGA at a lower density than Urban and he gave some examples of issues and developments using both densities. He said in Kingston there could be a density transfer and the additional population would need to be provided for in another part of the UGA. He said that the population allocation would not change but the population would move to a more densely populated area of the UGA to accommodate the Arborwood project.

Shelley Kneip made it clear that the developer would have the right to maintain the density at which a project was vested.

Darryl Piercy reported that in the Kingston UGA Plan the developer of “Arborwood” has agreed to state in the Plan that a density transfer would be acceptable for him.

Shelley Kneip and Deborah Flynn then discussed the vested rights document and how County staff would handle it.

Richard McConaughy suggested that Shelley Kneip target some dates later in the year to review changes to the GMA, and the salmon and the shorelines issues, as well.

Shelley Kneip said that by the time of the Short Course the issues around the endangered species should be determined as well.

No further discussion being heard, the meeting adjourned at 10:55 a.m.

DOCUMENTS DISCUSSED AT MEETING

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<tr>
<th>Exhibit No.</th>
<th>Description</th>
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<tbody>
<tr>
<td>A.</td>
<td>Planning Commission Agenda of March 5, 2002.</td>
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<tr>
<td>B.</td>
<td>Minutes of February 15, 2002</td>
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MINUTES approved this _______day of__________, 2002.

____________________________________
Richard McConaughy, Chair

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Karen Halbeck, Secretary