M I N U T E S

KITSAP COUNTY PLANNING COMMISSION
December 3, 2002

The Planning Commission met on the above-stated date at the Silverdale Community Center, Poplar Room, 9729 Silverdale Way NW, Silverdale, Washington. Members Present: Richard McConaughy, Chair, Mark Flynn, Tom Nevins, John Ahl, Mike Gustavson, Deb Flynn and Linda Rowe, William Matchett and Lary Coppola. Staff Present: Darryl Piercy, Alice Strand, Laura Ditmer and Jeannie Carstensen, Secretary.

9:00 A.M.

Meeting Called to Order – Introductions.

9:05 A.M.

Adopt Minutes of September 24 and October 29, 2002.

(Vote on approval of Minutes not recorded.)

9:10 A.M.

Study Session with County staff on the proposed South Kitsap UGA: ULID #6 Sub-Area Plan. (Note: Discussion on the Kingston Subarea Plan and Supplemental Environmental Impact Statement (SEIS) has been continued until the meeting of January 7, 2003; the draft South Kitsap Industrial Area (SKIA) Plan has been postponed until a later date.)

(Beginning of taped meeting.)

Darryl Piercy said that it is under the Performance Based Development section of the Code already, so if you came in with an urban plat that you wanted to develop, there were provisions that would allow for setback requirements.

John Ahl said he had read the plan, and frankly had no substantial arguments with the substance of the plan. He said he did have some major problems with the form. He felt it was a mistake to start incorporating zoning regulations that are crafted for a specific development. He said he could never support that because it could put the
County into a real quagmire. He asked what in this plan was applicable to anything except McCormick Woods Properties?

Darryl Piercy said there were two elements that are being created for use throughout Kitsap County as staff reviews developments of this nature. He felt that the next time the Planning Commission saw these elements would be when the Planning Commission reviews a sub-area plan for Silverdale. He said the “Building Center” and the “Urban Clusters” are new zoning additions that are specific to McCormick. He said that staff anticipated that these designations would be used in other places as the County goes through a community planning process. He reported that the intent was to use these countywide when the zoning classifications come into play. The other items are additions to amendments in the County Code once the Kitsap County goes through a sub-area planning process. Using Silverdale as an example, he continued, if staff was to develop a sub-area plan, which required development of some of the same elements as we have in McCormick, then we will already have these adopted in the Code and it would apply. The problem we have had with our Code, he said, was that it would not allow us the flexibility to create new commercial and residential uses and has always provided for a distinct separation of those uses.

William Matchett reiterated that these designations would have countywide application.

Laura Ditmer and Darryl Piercy agreed.

Darryl Piercy said that the County had similar zoning for the areas of Suquamish and Manchester that are also part of our zoning code. He said that was difficult, because staff must go to a special section of Code that deals with Suquamish and or Manchester. In the future, what we hope to say is that if you are interested in the “Urban Center” for example, you go to the “Urban Center” portion of the Code and it would address the South Kitsap as well as any other area of the County with that zoning.

John Ahl suggested that the staff should remove all reference to a specific project.

Darryl Piercy said that staff could do that.

John Ahl said that then, “where the shoe fits”, apply it. He said that there are stand-alone UGAs that might well benefit from some of this work, if it is approved.

Laura Ditmer said that the Urban Center language and Neighborhood Commercial Center language has not been defined; this is the first time that it has been spelled out and put on a map so yes, it could be designed that way.
William Matchett asked if the Suquamish and Manchester zoning could be included in this somehow?

Darryl Piercy said that staff hoped to do that in 2004; the County will be obligated to reopen the Zoning Ordinance and it may happen with those revisions.

John Ahl said that the point is, that with a regulation like this, there is nothing crafted around a specific project; it should be crafted so that it is applicable throughout the County – across the board.

Mike Gustavson said that since we are beginning to look at that Code in particular, could staff incorporate these comments into the plan. He felt that the County was still in the early thrashings of the design of this plan. He also wanted his 6-page letter included into this record. He said that a person who would be developing a project in Kingston, Suquamish or Manchester should do so under the same conditions.

John Ahl suggested that the County might limit certain concepts to UGAs or stand-alone UGAs, but generally that is how lawmakers get around certain issues is to use the definitions that fit. He felt that the County was really opening themselves up by citing certain elements.

Darryl Piercy felt that it would be quite simple to make these designations universal.

Dick McConaughy presumed that there was a consensus from the Planning Commission on this issue; should the members make a motion on this item?

Darryl Piercy said that staff understood the Planning Commission’s request; it would not require a Motion. He said as he looked through these suggestions, he did not see any that he felt would be in conflict.

Laura Ditmer said that the only one was that in the existing Zoning Ordinance there is that peculiar density limit until a sub-area plan is completed, and now there will be a limit on the number of units that will need to be specifically incorporated into the Zoning Ordinance.

John Ahl suggested that that be part of any agreement specific to a particular plan instead of part of the general regulations.

Darryl Piercy said that staff appreciated the Planning Commission’s comments on this plan.
Linda Rowe noted several paragraphs in this plan regarding height restrictions, density and so forth that addressed that the net result was an overall increase in open space, recreational and other public amenities. She said that she would like “affordable housing” added to that list. She felt that affordable housing was a necessary amenity.

Laura Ditmer agreed, and said that there was a difficulty to define affordable housing. She said that staff had affordable housing language in the plan, but it was not defined. She said that there were definitions available, but not one that has been adopted in the Comprehensive Plan. If you look at this issue and how the federal government – HUD defines affordable housing, you can look at it from a real estate perspective or several different ways. She felt that staff needed to come back to the Planning Commission on this issue. She said there was a formula that comes from HUD that they could use and possibly this should be tabled for further discussion.

Mike Gustavson said he did not know how affordable housing could be achieved in Kitsap County without some sort of subsidy. He felt that the entire Growth Management Act drives up the cost of housing. He felt that there was no way to get around this; it was the law.

Tom Nevins felt that the GMA should have a tendency to make housing more affordable. He felt that a major factor adding to the cost of housing is the transportation cost. He felt that that sprawl makes public transit difficult and tends to require an expensive automobile for each licensed driver. He said he would not criticize GMA for creating unaffordable housing.

Mike Gustavson agreed with Tom Nevins, adding that trying to place housing in an area that was remote was kind of an oxymoron – you can’t get there from here without owning a car. He felt it was a difficult problem.

Linda Rowe said that she would still like to see affordable housing added because it was definitely a public amenity. She said that the County was discussing density bonuses for landscaping but not affordable housing. She felt it would be a great improvement because the County was promoting it as an economical way to build by clustering and urban density; affordable housing should be a GMA goal.

John Ahl felt that Kitsap County had a definition of affordable housing as defined as a percentage of income or something like that. The problem is, he continued, how can this be done? He questioned if it was really possible to build affordable housing and how this issue could be imposed upon the public.
William Matchett felt that the question was how to zone for affordable housing.

Mike Gustavson said that he has attended several city council meetings where the council members have spoken very strongly against having affordable houses located in Bremerton. He felt that was unfortunate, because that was where the transit was available; that was where you can walk to the stores. He felt that “somebody’s got to sign up for the program”.

Laura Ditmer said that the staff has included this as policy in the plan; she was unsure how it would be enforced in code language.

Linda Niebanck of McCormick Properties noted the list on page 7, where HUD requirements appear at the end of that section, and questioned what the County would need to do to create a definition of affordable housing that would also be an amendment to the Zoning Ordinance. She felt that staff’s question was, can that be done in the context of a sub-area plan or do we need to have a discussion on affordable housing in Kitsap County. She felt that from McCormick’s perspective, the definition of affordable housing was fine the way it was presented in the plan; however, the staff may have a reservation about whether or not the County Commissioners have considered how they want to encourage affordable housing.

William Matchett felt that affordable housing needs to stand somewhere by itself and not be buried with the height restrictions.

Darryl Piercy said that the plan itself has some very definite policies encouraging affordable housing within the sub-area. He said there are not specific percentage requirements. He felt it was rather interesting that the plan ties it into the height restrictions element.

Mike Gustavson asked how the staff would create affordable housing in a large development?

Linda Niebanck said that was not a difficult problem, that was one of the reasons the mixed-use and the mixed-density zones are such an important part of this concept in the sub-area plan. She said that in order to introduce the variety of housing styles, sizes and densities there is a cost to the housing. She said it was McCormick’s intention to provide a wide-range of housing options. She reported that affordable housing cannot be built without subsidies to reach certain portions of the market. She said it would need to be a fairly dense housing development.

Linda Rowe said that a homebuyer could purchase a house in certain parts of this County for one hundred thousand dollars.
Darryl Piercy said that generally in Kitsap County the starter housing market was under $150,000.

William Matchett said that even communities like Aspen Colorado and Whistler British Columbia need affordable housing because there is no place for employees to live that work in restaurants and so forth.

Deb Flynn said that it seemed like one of the issues that had been discussed previously was the list of uses and to move those towards more standards and how the use was going to impact the area versus listing uses that were prohibited. She felt that it seemed like the County was adding a number of definitions for different uses to the matrix of what was allowed. She recounted that the committees preferred standards versus lists.

Darryl Piercy said that staff agreed and they have been trying with the South Kitsap Industrial Area (SKIA) and with this process to develop standards and focus on those uses that would be prohibited rather than those that would be allowed. He said that staff was having a difficult time trying to convince the County Prosecutors Office to do that legally. At this point, he continued, the Prosecutor’s have not been able to assure staff that they have been able to buy-off on that concept. He said that staff was still trying to work out the details on how that can be approached; using other community’s codes to determine how they have been dealing with that issue. He said that clearly the trend is listing the allowable uses, rather than trying to identify those that are prohibited and use performance standards for the rest. He said that Kitsap County will get there eventually, but they are still creating the wording that was agreeable to the Prosecutor’s Office, which may be the traditional approach.

Deb Flynn said on page 13, uses 4 and 5 are the same; it appears to be because of some semantics, and the spell checker did not pick that up.

Dick McConaughy felt that 4 and 5 appeared to be redundant.

William Matchett said that one states “conditional” and one states “prohibited”.

Darryl Piercy said he guessed the staff just couldn’t decide!

Deb Flynn said that the same list was somewhere else in the document as well. She said on page 16, these comments also apply to page 25, sections “f” and “g”: “Pedestrian and bicycle trails shall be designed to be separate as much as the natural character of the area will allow.” She supported persons with disabilities, although she wanted to make sure that the County would be creating a requirement that would not cause too much impervious surface added to our open space areas.
She asked if staff could add the wording “that this is to be done without significantly increasing our overall impervious surfaces or degrading the environmental functions and values of the area”?

Lary Coppola asked if the County could legally do that?

Darryl Piercy said that if the development did not have amenities, such as sidewalks and pedestrian access, which need to be handicap accessible; if the trails replaced that function, then the trails would need to have some accommodations. He said that the intent here was to create the development to meet the Americans with Disabilities Act so it would depend on the approach that is undertaken within the development itself whether it is a replacement for or a compliment to traditional pedestrian access.

Lary Coppola was curious about the impervious surfaces where people could walk on, but you couldn’t roll a wheelchair on.

Darryl Piercy said that there are alternatives to the traditional impervious surfaces. He reported that a trail could be a grassy trail that does meet ADA requirements, but still allows for some pervious surfaces to be part of the trail.

Lary Coppola said that if the County allows those types of materials to be used, then can they be used in other places in general construction?

Darryl Piercy said yes. He said that one of the conditions of the plat itself was to encourage low impact development, so one of the things that a person might see are driveways that were a grass and concrete combination, which would maintain the same load capabilities for automobiles but would not count for impervious surfaces because it allows for infiltration. So there are conditions in the plat itself that would encourage that type of construction. He felt that these materials would become more common as stormwater requirements for single-family residences become more expensive.

Deb Flynn said the next point “g” states that “to the extent practical, pedestrian and bicycle trails and facilities shall be located in areas that are important to preserve as open space corridors, wooded areas, wetlands and environmentally sensitive area buffers, when possible to do so without degrading the environmental functions and values of the area.” She said that with the two together, it appears that the bicycle trails and pedestrian areas would be placed in the sensitive areas and then pave them, and that was disturbing to her since she wanted to see the open spaces preserved and protected.

Laura Ditmer said that staff could restructure that so the wording is better.
Deb Flynn said in letter “b”, common open space, may be inconsistent with “f” and “g”.

Laura Ditmer said that section b was not necessarily inconsistent; there was a potential for that. She said that staff would check into that and get back to the Planning Commission.

Lary Coppola asked who defines “worthy of preservation”?

Darryl Piercy said that was defined by staff. Actually, he continued, what typically happens is that staff goes through an analysis as part of the overall building plan, whether it be a management plan, wetlands analysis, which will actually identify those areas that should be preserved in order to maintain those characteristics you wish to preserve; whether it be wetlands or steep slopes and that report will identify those areas which should be left undeveloped. He said the report would be reviewed by the department, to ensure consistency with the elements of the Critical Areas Ordinance (CAO). He said that the CAO will drive the need to do the review and the review will identify those areas that would fit that category, based on the criteria of the CAO.

Lary Coppola asked if the person doing the report determines that this much area is worthy of preservation and the developer disagrees and feels it’s too much, then does it becomes a legal issue?

Darryl Piercy said that there is a potential for disagreement in terms of that issue and ultimately it would be up to the department or the courts to determine whether the elements of the Critical Areas Ordinance are being met. He said that in the CAO, the requirements for the buffer areas are pretty straightforward in terms of the criteria and requirements.

Lary Coppola said that as the County keeps building out more and more and where we have reached our maximum density build-out, this kind of thing could come into play more often.

Darryl Piercy said that he understood Lary Coppola’s point and suggested that this might be reworded to state “environmentally sensitive areas or other natural features consistent with the requirements Critical Areas Ordinance”, would probably be much more consistent and straightforward.

Deb Flynn noted Section “C” on page 15, which is the South Kitsap area and the Comprehensive Development Plan, under subsection 2, open space. She said that the open space requirement was for 15% of the total project area and then 5% of that under section 3 is going to be active recreation; it seemed in areas where you
have urban low density at 5 – 9 dwelling units per acre, that was such a small area. She would like to see the open space requirement to be a larger percentage than that. She felt this was not much land given up to open space for the trade-offs that the County was getting in clustering and so forth.

Laura Ditmer felt that was a good point and she said that staff will come back to the Planning Commission and clarify the common and the active and passive open space.

Darryl Piercy said these percentages were consistent and utilized by the County for PUDs and Performance Based Developments constructed in an urban area under those processes and these are typically the minimum amounts. He then discussed a court case; which questioned setting aside a percentage of the land for open space and recreational needs. He said if 15% is a minimum amount of open space, through the review process, staff could identify a need to mitigate the impact further; it does not prohibit the County from seeking higher percentages of open space, but staff would need to make that connection between the impact and the mitigation for the open space and the recreational area. He felt that anything much higher than 15% might be a difficult issue to defend.

William Matchett recounted that rural PUDs have had much higher percentages reserved in open space.

Darryl Piercy said yes, usually about 50%.

Deb Flynn felt that when considering active open space there should be a very clear connection between how much open space was needed and how many houses were going to be built.

Darryl Piercy agreed and explained that there were very clear recreational guidelines and needs, which have been identified by national parks groups and others, and they provide a formula for that determination. He reminded the members that these percentages were minimum standards and as the review takes place, staff would look at the specific mitigation measures necessary for the impact of the development.

Bob Johns, Attorney for McCormick Land Company, said that the reason McCormick chose 5 and 15 percent for the minimums for open space, was because of the numerous studies by various jurisdictions throughout western Washington which ascertained how much area was needed for active recreation, which is generally playgrounds, ballfields and those types of things. He reported that almost every study comes back at 4% to 6% and the courts have basically said that was an acceptable amount, if you want more open space, then it would require a site-specific study by the local jurisdiction. He said that with passive open space, 15% is an
acceptable amount that should be defendable in court, if you want more, on a case by case basis, then the local jurisdiction needs to have some kind of site-specific study for that area of the community that says that there was a shortage of open space now, or something that would justify going to a higher level. He said that staff wanted to set this plan up so that it was defensible, without having to include additional studies.

Deb Flynn asked where, if Page 23 addresses general planning, are comprehensive development plans required? She asked if they were required in ULID #6 for this area or are they just an option for the developer?

Linda Niebanck said that this would be a requirement in ULID #6, because it is a sub-area plan.

Deb Flynn asked if comprehensive development plans would be required in other areas too?

Darryl Piercy said yes, staff anticipated that they would be required.

Deb Flynn noted the inconsistency between the bottom of Page 25, that states that Village Center zone is a minimum density of 10 units per acre, and the map that shows 5 to 18 units per acre for Village Center.

Darryl Piercy agreed and said that would be corrected.

John Ahl said it appeared that with the increases in height in that section, that it should state that appropriate fire protection safeguards or building requirements such as sprinklers, fire extinguishers, fire escapes, etc., be required.

Darryl Piercy said that was why staff has indicated that they would need concurrence from the Fire Marshal and the fire district that would review those issues. He said that the staff’s concern in doing this was whether it would be consistent with the process the Fire Marshal was comfortable with and would support. He said if specific requirements were listed, such as sprinkler systems, they are actually addressed in the building code and if the building is built to a certain height or type of construction, there are specific fire codes required, which he gave some examples of.

Linda Niebanck asked if there will be another study session with the Planning Commission on the issues that were discussed at this meeting or would the Planning Commission be willing to received the proposed amendments and take them to hearing at the same time?
John Ahl felt that he had no problem with that, the risk was in “getting it right”.

Deb Flynn said that normally that would be fine, except in this case, this plan included some changes that would affect the entire County, and she felt that the Planning Commission really needed to be comfortable with this if it would be applied to the whole County.

Laura Ditmer said that based on what the Planning Commission expressed at the previous meeting, the Kingston plan would be coming back to the members for a work study at the beginning of January, 2003; ULID #6 will be coming back as well and then this could be scheduled for a public hearing at the end of January, 2003.

Dick McConaughy said that Linda Niebanck’s point was well taken, however, the members have a number of small concerns and they should be ironed out prior to the public hearing.

William Matchett said that staff was planning to get answers on this plan back to the members by the January meeting, so couldn’t the Planning Commission hold the hearing later in January, 2003?

Deb Flynn said that the Planning Commission would be reviewing the Kingston Subarea Plan at a study session at the beginning of January and the Commission would not be having a hearing on this at the same time.

➤ Work Plan Discussion.

The Planning Commission members discussed the upcoming meetings/hearings.

Darryl Piercy explained that he was not sure what the indicators would be at this time; however, there could be the Buildable Lands Survey, to help us understand whether or not that will come forth. He said that there could be 2 elements of this that will come together: First, was bringing the updated information into the Buildable Lands Report, which is happening and will be completed by the end of the year; Secondly, the department actually issues a transit report that compares activity in terms of building permits and activity within the department, which will also be issued at the end of the year as a close out.

No further discussion, the Planning Commission meeting adjourned at 10:30 a.m.
MINUTES approved this __________ day of ________________, 2003.

__________________________

Lary Coppola, Chair

_______________________________________

Planning Commission Secretary