MINUTES

KITSAP COUNTY PLANNING COMMISSION

April 15, 2003

The Kitsap County Planning Commission met on the above-stated date at the Silverdale Community Center, Poplar Room, 9729 Silverdale Way NW, Silverdale, Washington. Members Present: Tom Nevins, John Ahl, Deborah Flynn, Michael Gustavson and Lary Coppola. Not Present: William Matchett, Mark Flynn and Monty Mahan. Staff Present: Karanne Gonzalez, Forest Practices; Kelly Robinson, Land Use Manager; Darryl Piercy, Interim Director Department of Community Development; Laura Ditmer, Manager, Community Planning/Growth Management; and Pamela Younce, Transcriptionist.

9:15 A.M.

Meeting Called to Order – Introductions.

Lary Coppola inquired about the meeting minutes from March and was advised that they were not currently available and therefore could not be adopted at this meeting.

9:25 P.M.

¾ Public Hearing to receive oral and written testimony regarding the Current Use Assessment – Open Space.

Karanne Gonzalez was advised that the Chair, Lary Coppola, had not received any information and it was decided that future packets would be hand-carried to Mr. Coppola to ensure timely receipt.

Karanne Gonzalez presented a request by Harper Field Trust, under the name of Edward and Jean Risley, with Jackie and Jennifer Moon residing on the property. The information is summarized in the Planning Staff memorandum dated March 25, 2003. The site has been developed with a new single-family residence and driveway. During the development a 200 foot buffer along the creek was maintained. The house had a 25% exemption to allow them to go into the buffer zone for a well, house and drain field to fit on the property. They complied with that regulation by filing an alternate site specific habitat management plan. They meet the requirements for open space and have several of the high priorities and second priority resources. Staff is recommending a 60% reduction on the property tax (approximately $272). Staff recommended approval subject to the standard conditions. The property would have public access for scientific and educational purposes for water quality monitoring.

Karanne Gonzalez also pointed out that the tax shift information had been simplified per the Planning Commission’s request.
Chair Lary Coppola asked if there were any questions; there were none.

**A motion was made by Michael Gustavson and seconded by John Ahl recommending approval.**

**Vote: Aye: 5; Nay: 0. Motion carried.**

Karanne Gonzalez presented the next application, for Jon and Donna Kott with specific details included in the Planning Staff memorandum dated April 1, 2003. The owners have requested that one acre be exempt for the single family residence with the remaining 11.31 acres eligible for open space. They have complied with the conservation district plan. The county is recommending approval for 50% tax reduction. Public access will not be allowed on the property, which is standard practice with a farm. He does have a small number of cattle on the property and would like to continue to do so. Mr. Kott has also requested some language changes to the Staff Report for clarification, a copy of which has been distributed. For the record, changes made to Item 5 – specifying that no motorized recreational vehicles be allowed; Item 6 – clearing of vegetation was limited to areas fenced for stream protection, except for noxious weeks and vegetation interfering with electrified fences; Item 7 – allowed for removal of predators and pests that may be removed by any legal means available; Item 8 – would allow camping as closely monitored, single night events for small groups, such as Boy Scouts, Girl Scouts, or family members of the owners; Item 9 – small campfires as would relate to Item 8 would be allowed and closely supervised. The County had no objection to these changes, indicating that these conditions related to his farm use and previous provisions related to public access. There were no questions from the Planning Commission relating to those changes.

**A motion was made by Thomas Nevins and seconded by Michael Gustavson recommending approval.**

**Vote: Aye: 5; Nay: 0. Motion carried.**

John and Ellen Hough were scheduled on the Agenda but, per Karanne Gonzalez, they have asked that their application be set aside at this time and possibly rescheduled due to concerns over possible conflicts with other plans that they were exploring.

Karanne Gonzalez presented the next two properties on the agenda; those of Charles and Vila Nicklin, and Bernard and Julie Ouellet. These are adjacent properties in a short plat with both properties being almost identical at approximately 2.5 acres in size. There is a large open water wetland on the property. Only approximately 3/4 of an acre is developed, although one acre is exempt as a standard practice from the classification. The wetlands are well buffered and they have met the 15 foot building setback, with a well established duck population on the property. Both applications qualify with three priority resources. Their tax reduction would be 50%, approximately $140 a year on each application. Staff is recommending approval for both.
A motion was made by John Ahl and seconded by Thomas Nevins recommending approval of the Charles and Viola Nicklin property.

Vote: Aye: 5; Nay: 0. Motion carried.

A motion was made by John Ahl and seconded by Michael Gustavson recommending approval of the Bernard and Julie Ouellet property.

Vote: Aye: 5; Nay: 0. Motion carried.

- Public Hearing to receive oral and written testimony regarding a proposed ordinance to amend the County’s subdivision code to allow Nine Lot Short Plats inside the Urban Growth Area with new development standards.

Kelly Robinson spoke to remind the Planning Commission that they were now in the fourth step of the process toward the Board’s consideration. With public hearings beginning in January 2003, followed by public hearings and work sessions leading to the public hearing today. The hearing draft is based on testimony that was received at the first public hearing and based on instructions from the Planning Commission at the work sessions. At the last meeting, there were two substantive changes that were approved for the hearing draft by this group; to add a provision requiring, or at least offering, the opportunity for a dry sewer provision and to shorten the review time of current code from 75 days to 30 days. The draft hearing was distributed to the Planning Commission three weeks ago, posted on the internet and outreach made to the Fire District Commissioners, Sewer Purveyors, and the affected cities; requesting their input and comments.

Chair Lary Coppola asked if input was solicited from groups or individuals who would actually use the document.

Kelly Robinson stated that their input had been requested by posting the document on the website.

Chair Lary Coppola asked if we had put the same effort into contacting those who would be required to use it (i.e. builders) as we did with governmental agencies.

Kelly Robinson stated that there was no direct contact with builders or developers, but they did meet with five members of a local survey group to get their input; some of whom were in attendance at the meeting on this date.

Chair Lary Coppola stated that he would like to see the item tabled until the same effort was made to contact those who would be using the document; specifically builders, the Homebuilders Association, Board of Realtors, and anyone else who fits into the user group. He indicated he would meet with Kelly Robinson after the meeting to clarify this matter.

Deborah Flynn asked whether a vote was required in order to table or dismiss an item.
Chair Lary Coppola stated that a vote was not required for the Chair to dismiss an item.

Deborah Flynn stated for the record that she would like to have more input as to why it was being tabled, that this document was required for the county to have regulations regarding implementation of growth management.

Chair Lary Coppola stated that the item would be tabled until it could be reviewed by appropriate user groups.

John Ahl stated that he was concerned with the ramifications of setting the item aside after the public had been advised they would be allowed to provide testimony on the matter. He also was unsure whether it could be set aside without a vote.

Chair Lary Coppola indicated tabling of an item was at the Chair’s discretion.

John Ahl stated that he disagreed with it being exclusively at the Chair’s discretion; Debra Flynn stated her agreement with Mr. Ahl.

Chair Lary Coppola so noted their disagreement.

Tom Nevins stated that this appeared to be a rather heavy-handed move to direct the flow of information and was unsure who would be served by handling the matter in this manner. He further indicated that there were individuals who had come to the meeting specifically to address this item, including homebuilders and contractors, and he felt they should have the opportunity to speak.

Chair Lary Coppola asked if there were any individuals in the audience who were here to discuss this item; multiple hands were raised and he agreed to allow public discussion on the matter.

Unidentified speaker stated there were several inconsistencies in the February draft and the Summary and that those should be corrected. He stated his support for the additional lots and shortened review time. He stated that the plan included items that would rarely, if ever, be used and included requirements that were not realistic. With regard to inconsistencies, he used the example of dry sewers; the Summary indicates they are optional, the Draft indicates they are required. Both the Summary and Draft showed different numbers for street easements. It was recommended that these and other discrepancies be reviewed and clarified by Staff.

Ron Ross, a Realtor with short platting experience, requested that the Plan be set aside at this time to allow Staff to meet with the industry. He stated that its present size was unworkable and to proceed as it was would not benefit the community. The purpose was clearly stated, to help advance development in Urban Growth Areas. This lengthy document would not serve that purpose. One specific concern was dry sewers and the lack of engineering standards. It would not make sense to put in a dry sewer without knowing where the sewer line may eventually come through. That alone would prevent anyone from short platting. He reiterated that it should be reviewed by those who
would actually use it and that the number of pages was prohibitive. He asked that it not be adopted if it remained at its current size.

Chair Lary Coppola asked if there were any questions; there were none.

John Keefer, a professional surveyor, had previously met with Commissioner Jan Angel and Kelly Robinson. At that time there were concerns raised, specifically as to why no professional or development organizations were included in authorship; those individuals who would be responsible for applying this ordinance. They had volunteered their time to help prepare it, but were not included. The document went from the state law to a 32 page ordinance that does nothing more than take the public hearing out of a long plat. According to state law, a short plat is a rural short subdivision, means the division or redivision of land into four or fewer lots... for the purpose of sale, lease or transfer of ownership. The purpose is to divide land, make tax parcels; not building roads, sewers and deciding where people have to put their house. He would also like to see this process eliminate some of the variances that make it impossible for professionals to accurately estimate costs for their clients due to personal agendas and individual interpretations. There should be some vehicle to allow for the inclusion of additional policies or requirements without fully amending the ordinance each time. But it should allow for public comment for acceptance as an addendum. He will appreciate the opportunity to discuss the matter further once it has been revisited by Staff.

John Taylor encouraged the Planning Commission to back up and include other information. He agrees that costs get out of control and that it is impossible to get accurate estimates. He has experienced extensive cost overruns due to county requirements. He asked that the Planning Commission take the time to make this work; getting the necessary input to have this done correctly and that it be workable for developers.

Chair Lary Coppola asked if there were any questions.

Thomas Nevins stated that he was in agreement so far. With regard to taking time, he stated that the rush had not come from the Planning Commission; he was not sure where it came from but it was announced that they needed to complete the process in the first quarter. His concern with the short plat process was that it could be used to circumvent the Urban Growth Area zoning to the detriment of future development. Short platting could make it hard to aggregate the properties in the future, removing developable land from the Urban Growth Area and make it into semi-rural land, which we already have a fair amount of. With regard to sewer elements, he has no major concerns except that they may be of help to someone. If, however, a landowner doesn't want them it should be the developer’s prerogative. He is concerned, however, that we develop the Urban Growth Areas to the densities that have been decided through the public process; densities should stand and should not be moved aside by short plat provisions.

John Ahl had a question for those who had testified. Public discussion was opened with the implication that nothing more than state law was necessary. Is there
Ron Ross stated that only a lighter version would be needed. All the added regulations would not accomplish anything. As a developer if the process becomes too complex, it’s just not going to get done. The short plat process should not be more complex than a large plat. He would like to have the opportunity to have dialog with the Staff to write something that’s workable. Something needs to be developed that is best for the community. He would like to help come up with something that will develop into a better Kitsap. In his opinion the Growth Management Act is not working very well. There are so many rules that they’re shutting the industry down and prices are skyrocketing.

Deborah Flynn expressed her appreciation for the testimony heard and to the Chair for allowing that. She expressed concern, in addition to those voiced by Thomas Nevins, that citizens would buy a piece of property to build a home and end up buying something that is not buildable because it was parcelled without consideration for future home building. With regard to just making tax parcels, that should not be done without consideration for builability. People who are looking for property to build on need protection or disclosure that what they’re buying is appropriate for a home. That balance is necessary, regardless of what the final documents ends up being. She disagrees that there may be too much included in the document at this point.

John Ahl moved that the hearing be continued to an unspecified date. He moved that the document be remanded to the Staff with the recommendation that they get it working more consistently and include parties such as builders to see if the document can be recast, refined, lightened to make it more workable but at the same time achieve the intended goals. Michael Gustafson seconded.

Darryl Piercy appreciated the motion that was on the floor and asked the Planning Commission to support that. He stressed that the real intent was to identify whether the existing ordinance was a workable document if the number of lots allowed was expanded from 4 to 9. He stated his belief that the current short plat for 4 lots worked well; providing safeguards, review that each lot is buildable, and addressing health and safety issues. The real question is whether that ordinance is appropriate for an increase to 9 lots in urban areas. He would suggest considering a friendly amendment that would direct Staff back toward that approach; to answer the basic question whether the existing ordinance is suitable for an increase to 9 lots. If the answer is yes, it should be a simple process. If no, it should be reconsidered as to whether we should even be considering 9 lots. He would like to work with the community to address that issue.

John Ahl stated that he felt his motion could include that request and that such a specific amendment would not be required to accomplish that process.

Darryl Piercy stated that the process snowballed and made it bigger than anticipated.
Chair Lary Coppola asked why the people who were going to use the final product were never included in the process?

Darryl Piercy stated that this process was unique in that regard; that in most circumstances considerable effort was made to reach out to user groups, as reflected in the Comprehensive Plan process, as well as other code amendment processes. He agrees that there was not enough user interaction on this particular process.

Michael Gustavson would suggest that the ordinances relating to 4 lots may have the same kinds of problems and may not be a good plan for users. He asked that it be included in the process.

Darryl Piercy stated that may be the case, although they haven’t heard the same kind of concerns regarding the existing ordinance as those brought forward with the 9 lot issue. There may be some refinements that can be looked at but overall the 4 lot ordinance seems to be working well.

Michael Gustavson stated that the fact that there weren’t a lot of complaints didn’t mean there weren’t problems with the existing process causing people to “walk away” rather than comply with the ordinance. Staff should take advantage of this opportunity to look at whether existing details were really necessary or if it could be simplified as well.

Darryl Piercy stated that was a reasonable request.

Thomas Nevins would like to see the Urban Growth Area requirements melded with the sub plat ordinance as part of the process. If we’re dividing land within the Urban Growth Area it is becoming less likely that it will ever become urban.

Chair Lary Coppola stated that perhaps when Staff meets with concerned parties, Tom Nevins should be there, as well.

Darryl Piercy stated this suggestion should be balanced against encouraging development. The plan should be to find ways to make it as simple and straightforward as possible to meet the desired densities, providing incentives for people to be in subdivisions and developments in the Urban Growth Areas. If the process is difficult in the urban area and easy in the rural area, people will develop more in the rural area. We need to balance the goals and have an incentive process, or ease of process, that encourages development in the Urban Growth Areas.

Chair Lary Coppola asked if there were any questions or additional comments; there were none.

A motion was made by Chair, Lary Coppola and seconded by Debra Flynn recommending that comments be closed.

Vote: Aye: 5; Nay: 0. Motion carried.
Public Hearing to receive oral and written testimony regarding the proposed final South Kitsap Urban Growth Area (ULID #6) and South Kitsap Industrial Area (SKIA) Sub-area Plans.

Chair Lary Coppola stated that it was unclear if this was two separate issues; it looked like one issue to him.

John Ahl asked whether this was a public hearing or work-study session.

Thomas Nevins stated that it was in the paper as a public hearing, which was verified.

Deborah Flynn stated that at the last hearing there was a geological study that needed to be considered.

Chair Lary Coppola stated that it was withdrawn.

Thomas Nevins noted that since it was posted as a public hearing, it should be held as such.

Chair Lary Coppola stated that these were two separate areas that were combined for the purpose of a public hearing.

Laura Ditmer handed out copies to the Planning Commission of written testimony received by Staff on this matter.

Chair Lary Coppola asked whether anyone from the Suquamish Tribe was present based on their handout; they were not.

Darryl Piercy stated that it had been requested that Staff take public testimony on implementation of ordinances of SKIA. He brought to the Planning Commission’s attention, in particular, a letter from the Port of Bremerton, who at the last public hearing indicated there were some minor issues/corrections with regard to wording. They have proposed a number of those in the letter. Staff have reviewed that letter and feel those changes would be appropriate and by action of the Planning Commission those would be included in the appropriate areas of text within the ordinances. Staff feels they are consistent with discussions that took place within the workgroup and consistent with policies of the sub area plan. The rest of the handouts provided by Laura Ditmer were consistent with policies and understandings of the workgroup level in development of the plan. They are mostly minor, housekeeping type issues to help clarify text.

Michael Gustavson asked what road access would be from ULID #6 and SKIA, suggesting that access through park land boundaries be considered.

Darryl Piercy stated there is currently a connector road in terms of right of way in that location now. There is a transportation analysis for SKIA, but there has not yet been a complete development of internal roadwork for SKIA. Until development occurs, it will not be possible to determine the best access. That is one of those areas of flexibility.
that was maintained within the plan to fit the development. In terms of access, anticipated main access points would be from Lake Flora and SR-3.

Michael Gustavson stated that there were ‘green areas’ on the map separating housing from SKIA. Could there be a road through that for direct access without taking Lake Flora or SR-3.

Darryl Piercy stated that the transportation analysis did not address that and he did not know if that would be feasible or not. There is the ability to use the existing roadway network, which is Old Clifton Road. If it is determined that would be the primary access point for SKIA, either through development of ULID #6 or historical use, the transportation plan would have to be reexamined as part of the sub area plan. It is not currently anticipated that this would become an major access point for SKIA, but it is something that could be looked at as the need develops. There is nothing in the plan that would prohibit that from developing; it’s just not specifically addressed at this time.

Chair Lary Coppola asked if there were any questions or additional comments; there were none.

Darryl Piercy stated that they had received testimony from the McCormick Land Company regarding their portion of SKIA, requesting that the mineral resource overlays zone be expanded to include their property. Darryl Piercy noted there is a clear distinction between the ordinance testimony allowed at the hearing and making changes or modifications to the sub area plan itself. To that extent Staff does not believe that the request is appropriate or could meet the requirements of this particular public hearing. If heard, it would necessitate the need for additional review and comments. He suggested that it would be most appropriate to bring the request to the Board’s attention with no specific recommendation from the Planning Commission.

Michael Gustavson asked if the requested change would be a change to the Comprehensive Plan.

Darryl Piercy stated that it would be. He noted that it could not be addressed as a site specific request because the resolution for site specific requests specifically excludes changing the zoning, or implementing elements of the ordinance, in any area where a sub area plan is currently underway. He therefore felt it would not be appropriate to consider this request until the 2004 Comprehensive Plan process began, if the owner chose to go that way. Since the Board has reviewed the sub area plan, they could come back in and look at that issue when it reaches their level. He specifically noted that should the Planning Commission consider this request, they would need to go back and open up the sub area plan again to additional comments, thereby delaying the process and jeopardizing its consideration as part of the 2003 cycle.

Michael Gustavson stated concern about slipping this item in at the last minute and skipping the Planning Commission process.
Darryl Piercy stressed that the only reason for taking it directly to the Board was that they would be able to determine what action, if any, would be appropriate. The Planning Commission should not, however, accept the request at this time without readvertising the hearing and allowing for additional testimony.

Michael Gustavson stated that it would not be appropriate for consideration by the Planning Commission or the Board and that McCormick should start in the proper sequence. He stressed that it was imperative that the Planning Commission not be bypassed.

Darryl Piercy so notes. He reiterates that he is asking the Planning Commission not to consider that testimony it is not appropriate testimony since it is not based on the limitations of the public hearing at this time.

Linda Niebanck stated that this process has been totally, inappropriately managed. They had applied for a mineral resource overlay in the last process and it didn’t work. It got lost in the process. It has gotten lost in the process this time. They were directed by Staff to do it one way; they are willing to do it in whatever way is deemed appropriate, but they would like to do it in 2003 because they have been working on it for a long period of time.

Chair Lary Coppola asked for clarification of the term “lost.”

Linda Niebanck stated that they were told to bring it to the Planning Commission. They are willing to apply for a site specific amendment although regretful for having to do it at this late time. If it is not appropriate to go to the County Commissioners without having been heard as part of the SKIA plan, they would prefer that it be heard as part of a site specific amendment and let it go forward. They have the information, have done all the work and just want the process available to them.

Michael Gustavson stated that last year they went through quite a series of amendments to the process; all very site specific. There were other kinds of uses, all very specific, which were discussed and then went forward.

Linda Niebanck stated that this was fine with them. They were following the process they were directed to do after a preapplication meeting with Staff. She stated that the lost time didn’t matter at this point, if it can be corrected now she would like to have it corrected.

Deborah Flynn asked when was the deadline for Comprehensive Plan amendments?

Linda Niebanck stated they had met it with their preapplication meeting.

Darryl Piercy stated that the deadline had passed. There was a process for preapplication meetings which McCormick met. They had indicated in their preapplication response that the site specific process was not the appropriate process based on the resolution that was passed by the Board of County Commissioners; but
they left the option open that they sought clarification of that issue because it was questionable in terms of what the process was necessary to proceed.

For clarification, Darryl Piercy explained that during the course of this process they had talked about additional mineral resource overlays, but also talked about the criteria that were necessary to establish those within the sub area plan. That criteria was provided at the last public hearing. Staff feels it is too late to meld the process into the sub area plan and that doing so would delay the process, preventing it from being included in this year’s Comprehensive Plan amendments. Staff are also working on a resolution of Comprehensive Plan amendments that specifically states a piece of property located in an area affected by an ongoing sub area planning process, the Board would not entertain site specific requests for that property. The intent of this is that, if there is an opportunity to work with an issue within the sub area plan, that would be the appropriate venue. In this case, it cannot be worked with in the sub area planning process at this time because, for all intents and purposes, the public process has been closed. Staff are, therefore, looking for clarification from the Board and legal counsel.

Deborah Flynn asked whether the sub area plan had been adopted by the board.

Darryl Piercy stated that it had not been adopted; they had held public testimony, have reviewed it, and accepted it by motion. They can only adopt it as an element of the Comprehensive Plan amendment cycle coming to conclusion mid-2003. Staff does not anticipate the opportunity at the Planning Commission level to take public testimony on the plan itself.

Chair Lary Coppola asked whether there were any other issues remaining other than the mineral resource overlay issue?

Darryl Piercy stated that there were not.

Michael Gustavson asked whether the mineral resource use was allowed within SKIA.

Darryl Piercy stated that it was and that material could be extracted currently. The mineral resource overlay would allow for the processing the material on-site. Nothing prevents them from moving the materials to a processing site, and there is an operation next door that does that. The problem is placing a plant on that site that screens, washes, etc. which would be covered by the mineral resource overlay. Current zoning does not prohibit extraction of the materials.

John Ahl stated that it seems that except for the mineral resources overlay, which the property owner has stated they were willing to pull out and treat as a site specific plan, there were no other issues.

Ron Ross reiterated his previous objection that the Business Center zoning utilized in SKIA would be adopted countywide. If that is the case, the public has not been made aware of the fact that there is a new zone being developed for Kitsap County.
Laura Ditmer stated that, at this time, Business Center Zoning was for SKIA. If it were to be used throughout the county, it would have to be in the context of another sub area plan and addressed at that time. Right now it is applicable only to SKIA.

Ron Ross stated he had no further objections provided Business Center zoning related exclusively to the SKIA plan. He also commented further that the entire process has become so complex that everyone, including the Planning Commission, has trouble following it. He makes a living dealing with it and finds it overly complex, as shown by the 32 page documents related simply to changing from 4 lots to 9. The process should be simplified rather than continuing to add thick layers.

Ken Attebery, Port of Bremerton, concurred.

Michael Gustavson stated he would like to see the issue resolved with regard to setbacks on industrial buildings with fencing that still required landscaping. If there is a fence on the property, why would landscaping be required. He acknowledged that it may be more aesthetic, but there certainly was no return on the dollar.

Darryl Piercy stated that landscaping requirements relate to a number of things; aesthetics are one of those. To some degree sound continuation is another, although the solid fence is far more workable for doing that. Where the setback referred to is required is only in those areas where there is an interface between industrial or business center zoning and residential or rural zoning. It is not required between industrial zoned properties. There are certain minimal landscape requirements contained in the proposal that allow for the minimal element of landscaping to appear within the site. There is clearly a need for that in terms of general appearance, feelings of well-being for employees, and in terms of storm water having some type of area that is not a solid impenetrable surfaces. The 25 feet appears to be a very workable number that historically has been effective within these types of areas.

John Ahl asked whether there have been public complaints against this landscaping requirement.

Darryl Piercy stated that he was not aware of any and that it seemed to be an acceptable element as presented.

Michael Gustavson stated that 75 foot setback was outrageous and that standards did not include storm water being handled by landscaping.

Darryl Piercy stated that the storm water issue was addressed within the existing storm water manual. This was not addressed in the plan because the County is working on developing an update to the storm water manual, as well as an expanded idea of low impact standards as an element of that. Since this proposal ties into that storm water manual, any updates or changes would be applicable to the plan as well.

Darryl Piercy also addressed Mr. Ross’ comments regarding Business Center Zoning and whether that would be implemented countywide. The Business Center Zone was developed specific to SKIA. It was the intent to develop a zone that worked within this
sub area plan. If there were development of another large scale industrial site, the Business Center zoning may be used as a model to see how it fits into the new plan. At the present time, however, there is no other Business Center zoning in the county and no other plans to utilize this zone. It is intended to be specific to SKIA.

Ron Ross asked whether he would be allowed to apply through the County for the Business Center zoning on a piece of property in Silverdale, because it’s an existing zone within the county?

Darryl Piercy stated that he would be allowed to apply, but did not believe it would be supported or meet the criteria.

Ron Ross wanted to comment regarding problems with the 75 foot setback. He stated that there might not be any problems that the County is aware of, but he deals with it on a regular basis. There are instances where people do not purchase properties because the setback limits the amount of land that can be used. It’s an existing regulation so they don’t request changes, just live with the rules and try to find property that is more accommodating. It is very detrimental; on a 20 acre parcel the setback requires the loss of about 4 acres.

Linda Niebanck asked whether the ordinance included a variance procedure?

Darryl Piercy stated that a fence or solid wall reduced the setback to 25 feet. From there you could apply for a variance, but would need to go through another process.

Chair Lary Coppola asked what that process was?

Darryl Piercy stated that the Hearing Examiner would rule on it. There is an allowable variance of 10% at the Director’s discretion; anything else was ruled on by the Hearing Examiner.

Ron Ross clarified that this would take a public hearing with neighbors getting involved, using a ball field as an example of how difficult the process could become.

Chair Lary Coppola redirected the subject to SKIA.

Deborah Flynn stated that on Page 7 of the ordinance, Item 5 of that section, at the top of the page no new or imminent onsite septic systems will be required; she knew there were language issues earlier on that and it was not really clear to her.

Darryl Piercy stated that there had been no testimony on that and therefore it appeared to be well accepted. There was some difficulty in determining language for when onsite septic would be permitted and what the requirements would be. The language is outlined and all parties have agreed to it: the Health District, Staff, property owners and operators of treatment facilities who also recognize there is a need for onsite septic system during an interim period. That is reflected in the language and it does go back to the subarea plan with actual policies that were developed as part of that. Although
policy language could be put in as part of regulations, he feels there is adequate coverage by referencing those.

Deborah Flynn stated she was not asking for policy language to be included in the regulations, but she still had concerns whether regulation language was clear enough.

Chair Lary Coppola asked if there was any other public testimony; there was none.

Chair Lary Coppola requested clarification of whether the mineral resource overlay even relates to implementing this ordinance as it would occur regardless of the final outcome of the mineral resource overlay issue.

Darryl Piercy appreciated that addition in the motion to clarify for staff as they sort through details of site specific details.

Chair Lary Coppola stated that discussion was closed.

Vote: Aye: 5; Nay: 0. Motion carried.

9:35 — Break Was Called

On reconvening at 9:45 AM, Laura Ditmer stated that testimony from the last public hearing is being processed and Staff is working through the details. She suggested that the design guidelines be kept. Architectural guidelines may be something we wish to further consider and decide whether or not to keep those. In terms of the site design and that kind of thing, it was recommended that they be retained. Materials from Port Orchard and all written testimony received by the Department were distributed to the Planning Commission. Clarifying issues from the last public hearing were still being sorted through.

John Ahl verified that the plan was not complete yet in terms of resolving issues that had been brought up.

Laura Ditmer stated that all the issues provided at the last public hearing were limited. The only remaining issue before the Planning Commission was consideration of the design guidelines.

Chair Lary Coppola asked if there were any other questions?

Bob Johns, Attorney for McCormick Land Companies, responded to the Suquamish Tribe’s letter, stating that all of the issues raised had previously been resolved. Additionally, they had been trying for several months to get the Tribe to meet with them regarding their specific concerns about the subarea plan. To-date they had been unable to get a response from the Tribe. Additionally, Staff had tried as well with no response to-date. Therefore, the letter may be the only comment from the Tribe.
regarding the plan. The Tribe’s position as set forth in the letter is an attempt to undo a lot of history. Regarding the ULID #6 not being part of the Urban Growth Area, this was resolved in hearings 4-5 years ago with the decision that the South Kitsap Urban Growth Area is acceptable, appropriate for the size, and could include McCormick West as a planning area. The Tribe’s objections had been previously taken into consideration and are not appropriate for reconsideration. The Tribe also repeats an argument that the process should be delayed until the buildable land inventory process is complete. That issue was also decided by the Hearings Board, stating that it was an ongoing process and the buildable lands inventory was to be used at the time of the first mandatory update of the Comprehensive Plan, which is not 2003. The Board specifically determined that the planning process did not have to be held up for that information. Finally, the Tribe argues that ULID #6 is not adjacent to Port Orchard and is not appropriate for urban development. The Growth Management Hearings Board previously indicated that it only needs to be adjacent to a city; not specifically Port Orchard. Being adjacent to Bremerton would be sufficient to be part of the Urban Growth Area and the process could proceed. All of the items addressed by the Tribe have previously addressed and are only provided again in response to their letter.

Deborah Flynn asked whether the property was adjacent to Urban Growth or the watershed that was adjacent.

Bob Johns stated that the north boundary is continuous with the south boundary of Bremerton’s area, northwest corporate campus, industrial zoned part of Bremerton’s Urban Growth Area.

Chair Lary Coppola clarified that the letter states the Urban Growth Area lies within a usual and accustomed fishing area. When was the last time the Tribe fished in McCormick Woods?

Bob Johns asked if the Chair was familiar with the usual and accustomed fishing area. He then described the area covered, basically most of western Washington, and essentially everything in Kitsap County is within that area.

John Ahl stated that it could not be ignored as it had gained legal status.

Bob Johns stated that it meant the Tribe had a right to comment on what occurred there.

Michael Gustavson stated that he would expect other Tribes to be involved in comment in that area.

Bob Johns stated that there is overlap.

Linda Niebanck stated that it had just come to her attention that materials delivered to the Planning Department on 4/4/03 have not found their way to the Planning Commission. She had delivered 13 copies of this packet which was created to put all applicable materials in a cohesive order for easier review. The included items presented at the last meeting, as well as a history and an excerpt from the 1998 plan.
Although there was nothing “new” in the packets she was attempting to, for once in that process, provide everything in good order with a historical and current review of all the information. Part of the information was presented at the Board of County Commissioners in March and February, which led them to the decisions that they made and which the Planning Commission has not had the benefit of reviewing. There was an analysis done by a planning consultant comparing how this worked with One Thousand Friends of Washington’s Smart Growth Outline. There was an analysis and chart of how it works with The County’s smart growth goals. She had hoped that the Planning Commission would have this information all in one place and would have had the opportunity to absorb the information. She was, therefore, requesting that they continue the matter until such time as everyone could review the material and the Chair of the Planning Commission could be present at the meeting.

Deborah Flynn noted at the Kingston meeting on 4/8/03 the Staff had recommended postponing a final decision until population projections were received through 2025. Although she did not necessarily agree with that postponement, she would like to know if Staff was requesting the same delay in this process.

Laura Ditmer stated that they have not discussed that. The subarea plan was developed to address growth without looking at further populations and Staff is not planning on recommending more population in that area at this time.

Laura Ditmer also addressed Ms Niebanck’s concerns regarding the undistributed packets. She had been on vacation the first week of April and had not yet seen the packet. She also noted that Darryl Piercy had not seen it. They will track it down and send it out to the Planning Commission.

Michael Gustavson stated that there appeared to be a distribution problem at the County. He brought up a situation where a one page issue from the City Planner which had been copied and was to have been mailed three weeks ago had not yet been received by the Planning Commission. This was not an isolated incident and they frequently don’t seem to get paperwork that was to have been distributed.

Chair Lary Coppola stated that he also had not received a lot of paperwork, some of which was to have been mailed on 4/1/03. Not sure if it’s Staff, County or US Postal problem, but the entire Planning Commission is suffering from missing information.

Laura Ditmer stated that Staff is working on improving the process after various personnel changes. There was now a person to complete the minutes and, beginning May 1, there would be a full time support person, which had not been available since Karen Halbeck retired.

John Ahl stated that it might be appropriate for the Planning Commission and Staff to have an executive session to discuss their expectations. He volunteered his time to assist with training in this process.

Chair Lary Coppola then redirected the discussion to the ULID #6, asking if there was any additional public testimony; there was none.
Before closing the matter, Chair, Lary Coppola asked whether there were any items that
in the opinion of Staff or owners should preclude recommendation on the proposal.
There were none. He asked Linda Niebanck if there were any issues in her packet that
would be necessary to making the decision; John Ahl stated that they were all very
familiar with the issue. Linda Niebanck stated that they did not need to view it.

Deborah Flynn pointed out that they have new letters that were handed out that would
need to be reviewed.

Laura Ditmer stated that they did not expect a final decision at this time; that they
would have to come back with their revised documentation. They could, however,
come back next time for a decision, findings, etc.

Chair Lary Coppola stated that if there was nothing more to cover, that the matter
would be continued with the public hearing portion to be closed.

John Ahl specified that there would be no more letters or documents accepted with the
exception of those from Linda and Staff.

Chair Lary Coppola stated that there were still issues to be addressed within the
Planning Commission.

Michael Gustavson stated that he felt the architectural guidelines were bureaucratically
driven and should be part of the developers’ plans as they came forward with a project.
If that decision were made by people who don’t have their own money on the table, the
project might never get made.

John Ahl stated that, looking at the worst case scenario, if decisions were made solely
on an economic basis, you could wind up with a vast trailer park rather than a planned
community. He stated that guidelines should be used in such a way that they are
optional if handled right by developers and are designed to establish a foothold for the
county in the event of a worst-case scenario. These would not hamper McCormick
Woods in their efforts to develop their property.

Michael Gustavson stated that the recommended requirements would stress high
density and create an unattractive community. He again stated that the developer
should be responsible for coming up with what would be saleable.

John Ahl asked the owners of McCormick Woods whether they felt they were stymied
by the guidelines. Linda Niebanck stated that the requirements were too literal and
that they should be more flexible from place to place. She stated that the application
for the master plan would require a public hearing and that design guidelines should be
required at a public hearing rather than through an ordinance. She did state, however,
that they could operate within the ordinance.

John Ahl stated that it seems like the idea is that setting up standards would be unfair
to the developer, saying what the answer is without knowing the question. He asked if
there were any particular issues in the onerous details discussed by Laura Ditmer and McCormick Woods.

Laura Ditmer stated that there was nothing standing in the way with regard to the development details.

John Ahl stated that it is not the county’s intent to stymie developers, only to protect its interest in meeting certain aesthetic and functional minimal requirements.

Laura Ditmer stated that was the case at a minimum. To develop bare minimum consistencies with the new concept of a village.

Deborah Flynn stated she is concerned about what would occur if we didn’t’ have standards or requirements. It would be difficult for Staff to decide what was adequate at the time of proposal and how to measure that.

John Ahl suggested that they resolve the remaining sticking points and put them in a final document.

Michael Gustavson stated that, for example, there was a requirement that parking for stores be placed behind the stores. This might sound good at this point but if, going forward, those areas were to become havens for crime, it could leave people afraid to park in the back. That would then leave a developer with property that is at odds with what is practical. What is the plan today may not be workable later and we’ve then built a problem.

Laura Ditmer stated that the requirement he was referring to only related to a town center.

Michael Gustavson stated that the same concern applies to the parking in residential units; it may not be workable economically and the developer may not want to do it. An otherwise successful project may become jeopardized by overlays bureaucracy put into it.

Deborah Flynn stated that developer would be working with the county.

Michael Gustavson stated that the developer should have input, not be limited by county guidelines. The master plan is the time for these issues to be addressed; not by the County beforehand.

Laura Ditmer stated that the guidelines are more like bookends; just guidelines or a checklist to clarify whether the developer has addressed various items. It does not specifically tell them what they have to do. If the guidelines were not in place things would be done without consideration of ramifications and impact on the community.

Chair Lary Coppola stated that they appeared to be saying the same thing. The master plan is where these items would be addressed. He asked if there was any other areas of discussion; there was none. He asked if there was any other business.
Linda Niebanck asked what date this was being continued to and was advised May 6 was the next scheduled date. The Chair noted that he would be available the month of May. Linda Niebanck expressed her concern over the Chair not being present.

Deborah Flynn asked whether it was being determined that decisions could only be made when the Planning Commission members were present from the applicable area?

Linda Niebanck withdrew her request for an extension.

The Planning Commission in general discussed who would be available during May. It was determined that Chair, Lary Coppola and Bill would not be there. The new member may be present, but would not be eligible to vote. John Ahl stated that the main concern was whether there would be enough members present to have a quorum; without concern for what part of the county the members were from. It was determined that they would try to have the May 6 meeting in order to get everything done quicker and get everything into this year’s Comprehensive Plan, provided there were enough in attendance for a quorum.

Chair Lary Coppola asked if there were any other items relating to ULID #6.

Tom Nevins stated that he had some extensive comments on the process. He finds some problems with the process, particularly what happened after the Planning Commission made recommendations to the Board of Commissioners. They had extensive Findings of Fact, but when the Board of Commissioners voted it seemed to go against those. Going back through the Findings of Fact, the majority of issues are still true. There was a meeting between the Planning Commission and the Board of Commissioners in Port Orchard. At that time the Board of Commissioners indicated a strong sense of urgency based on economic need and financial considerations. The process is political and the vote was marginal to begin with. He expressed concern that this is a sticky situation when even with a unanimous vote we’re not sure we’ve had everything together there.

Michael Gustavson expressed concern that McCormick Woods will have built out a population of one thousand people, with new development having 10,000 in the same number of acres. What happens when the impact of the larger community spills over into the nice, lower density community?

Chair Lary Coppola proposed having the Planning Commission meet with the Board of Commissioners on a quarterly basis. With the Planning Commission’s concurrence, he was going to send a letter to the Board of Commissioners requesting quarterly meetings.

Deborah Flynn stated that at the next Kingston plan meeting, there is a work study and potential decision. She asked whether written testimony had been closed and it was noted that it was not. If they are coming back to this on May 6 there is still some time for further input and she stated that written comments should be allowed up until the
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last moment that would still allow the Planning Commission to receive them prior to the meeting.

John Ahl stated that we should still have a work/study session, even with the requested delay on a final decision until the population projections are received. It was also clarified that the delay for population projections is a request only, with no final decision made at that time as to whether or not the delay would occur.

John Ahl stated that the new Planning Director was expected to be present at the next Public Hearing.

The schedule will be redone to address the Board of Commissioners meeting/executive session.

Chair Lary Coppola asked if there were any other questions; there were none.

11:35 A.M.

No further discussion being heard, the meeting was adjourned.

DOCUMENTS ADDRESSED AT MEETING

<table>
<thead>
<tr>
<th>Exhibit No.</th>
<th>Description</th>
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<tbody>
<tr>
<td>A.</td>
<td>Current Use Assessment Application – Harper Family Trust</td>
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<tr>
<td>B.</td>
<td>Current Use Assessment Application – Jon and Donna Kott</td>
</tr>
<tr>
<td>C.</td>
<td>Current Use Assessment Application – John and Ellen Hough</td>
</tr>
<tr>
<td>D.</td>
<td>Current Use Assessment Application – Charles and Viola Nicklin</td>
</tr>
<tr>
<td>E.</td>
<td>Current Use Assessment Application – Bernard and Julie Ouellet</td>
</tr>
<tr>
<td>F.</td>
<td>Final Bill Report SB 5832, C262 L02, Synopsis as Enacted</td>
</tr>
<tr>
<td>G.</td>
<td>Suquamish Tribe Letter Dated April 2, 2003</td>
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MINUTES approved this ________________ day of ____________________, 2003.

________________________________________
Lary Coppola, Chair

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Planning Commission Secretary