
9:01 A.M.

Meeting Called to Order – Introductions and Agenda Review.

Previous meeting minutes were not adopted as they had not been completed and reviewed by all appropriate parties. It was stressed that this process was being streamlined with minutes anticipated by the next scheduled meeting.

9:15 A.M.

➢ Work Study on proposed amendments to the Kitsap County Zoning Code.

Kelly Robinson distributed workbooks to the Planning Commission related to code amendments, with this meeting being the first of two work study sessions scheduled on the matter; the second being scheduled for May 20, 2003. The current, tentative schedule calls for an early public hearing in June or July 2003 when there should be a final discussion and decision. It was stressed that there was no need to rush any final decisions. He noted that the Board of Commissioners had approved the list and requested that the Planning Commission work with the existing 35 items. They were not asking that everything be approved, only that the Planning Commission review all items and provide a recommendation on each one.

The Board of Commissioners also indicated that they would like to act on these amendments by the end of the summer in order to have an annual cycle of code
amendments that operated concurrently with the Comp Plan cycle. This would allow ordinances to be developed that would be necessary for any Comp Plan amendments. Input from today’s meeting would be incorporated into the draft ordinance and posted on the County’s website. On May 20, 2003 the Planning Commission would meet again to discuss the issues in more detail and prepare a Hearing Draft, also to be posted on the website. The draft would remain on the website until the Public Hearing, tentatively planned for June.

The workbook includes 35 items that have been broken into broad, general categories as follows:

- Procedural Changes
- New Definitions
- Simple Substantive Changes
- More Complex Substantive Changes
- Non-Housekeeping (Major policy changes)

Each item is covered individually with basic information provided at the top of the page and the actual changes underlined and in red. Kelly provided a basic summary to allow for any immediate comments or reactions, with more substantive changes to be covered at the May 20, 2003 meeting.

1. Adds authority to apply plan policies in project review. Although staff has been legally advised that they currently have this authority, it was suggested that some simple language be added in the Purpose Statement of land use review, which specifically addresses adopted goals and policies of the Comp Plan.

2. Staff currently interprets code only if specifically requested such as when there is a difference of opinion between Staff’s interpretation and an applicant. At that point they would prepare a formal document detailing their interpretation and the applicant could then appeal to the Hearing Examiner. This change would give Staff the authority to initiate code interpretations on their own. If interpretation were deemed necessary by Staff, they could prepare internal rules or policies, submit them to the Planning Commission and then the to Board of Commissioners on their own, without the need for public hearings and actual changes to the code. Any approved changes would be posted and published with the code. This process would help eliminate inconsistencies in interpretation with the primary change being that the process could be initiated by Staff.

3. The Hearing Examiner requested this change, which relates to objections after a decision. It would apply if there were found to be errors in the initial information used to make the decision. It is less than a full appeal and is referred to as a Request for Reconsideration. It was previously included in the Code but was removed for unknown reasons. The purpose of this revision is that, should it be determined that there was inaccurate information or missing findings at the time of a decision, there would be a free period of time when the decision could be appealed with a Request for Reconsideration. The Hearings Examiner would stay the beginning of the appeal period until a new ruling was made based on any corrected information, after which the matter would be open for appeal as a separate process.
4. This revision would enable the County to obtain a third party review when there is conflicting testimony from experts from opposing sides of an issue. The County would have the authority to hire a Consultant to prepare a report, review each version provided by the conflicting experts, and provide their independent opinion. The Applicant would be billed for this Consulting service.

5-11. These items are a series of definitions that are currently lacking for terms that are currently in use. These include Private Recreational Facilities which is not currently defined; Guest House, an additional building on your property that does not meet the requirements of a dwelling (i.e. no kitchen) and is solely for the convenience of visitors, unlike an accessory dwelling unit; Guest Quarters are additional quarters built into the house; Rural Inn is not currently defined; Residential Hotel is not clearly defined; Home Day Care and Child Day Care Center are cross references, which are already defined but require further clarification and distinction.

12. Through some oversight, fire stations are not allowed in rural residential zones. A simple way to fix that is to add them to the uses under Public Facilities.

13. Setback requirements for assembly occupancies are the same whether they are in urban growth areas or rural areas. It is being recommended that the setback be more generous in the rural areas to help protect the rural character. Language has been added that increases the setbacks by 50% if these assembly occupancies are outside the Urban Growth boundaries.

14. This item is presented due to the restrictiveness of preplanning requirements. For example, a preplan is required for any building permit application inside the urban growth boundaries. There are hundreds of building permit applications and the preplanning rules currently require some property owners to develop their land more than what they are requesting (i.e. to meet density requirements). This item removes the preplanning requirement out of the building permit process. It would still be required in the event of a short plat, but not for basic land improvements such as adding a garage, etc.

15. Currently when a number of businesses share a common access or building, like a strip mall, and they set up a monument sign as allowed in the code, we do not have any way to compel them to share that sign among the businesses. This would add a provision for that.

16. Stump grinding is an new industry, essentially created by burning bans, with a lot of large machinery involved. Due to the size involved with some of the stump grinders the process cannot be done on site. We have added them into the code, although a final definition is pending and is not included in the current draft. This equipment, however, would be allowed as a conditional use in the interim growth forests and in the forest resource land zones, which are far enough out that they won’t disturb neighbors. They would also be allowed in the industrial and business park zones as in a site plan review.

17. The County currently requires a front yard setback of 50 feet and side/rear yard setbacks of 20 feet in rural areas. Inside the urban growth boundary it is generally 20 feet in the front and 5 feet for the back and sides. The problem occurs when there is a corner lot and it becomes a “double yard set back rule.” This item proposes that there should only be one front yard and it should generally be from the point of access. Any other portion should be treated as a side yard with appropriate setbacks. This has been written, however, so that it does not apply inside the urban
area because there should still be at least 20 feet, even in the side yard set back, from an approved county road.

18. Contractor advertisement signs at construction sites are being recommended as conditionally exempt signs without a permit requirement. They would, however, have the requirement that they be removed within 30 days of the final inspection for the building.

19. There is a loophole with regard to measurement of sign area where it relates to neon lighting. Since neon lighting is not specified, it has been argued that it is exempt from the measurement requirements. This wording would clarify that situation.

20. There is currently a discrepancy between state and county playground requirements, with the County requiring 100 sq. ft. per student and the State requiring 75 sq. ft. For the purpose of consistency the county requirement is amended to match the state standard. Additionally, clarifying language has been added stating that “capacity” refers to the playground, not the school since not everyone is on the playground at the same time.

21. Current code allows for Contractor Storage Yards where there is at least 100,000 sq. ft. (approximately 2.2 acres) with a house on the property to store up to ten (10) heavy equipment vehicles there. It is Staff’s opinion that this is out of scale and therefore it is being proposed that this be changed to seven (7).

22. There is a currently a prohibition in site plan review standards against operating a business outside an enclosed structure. While that is generally a good principal, it should not apply to things like auto sales, lumberyards, etc. where the nature of the business requires that products be placed outside. This is proposing a language change requirement that it only be in a partially enclosed structure or other manner in which to screen items that are stored out on the site.

23. There is an error in the code stating that you need a parking space for every 20 sq. ft. of gross floor area for a skating rink and dance hall; this is being corrected to one parking space per 200 sq. ft. of gross floor area.

24. In the past there was a provision relating to the percentage of space allowed for home businesses. Some of the rules for obtaining a permit to run a business out of your home have been provided in this handout, and it is a relatively simple process. However, more people are requesting permits where only a small portion of their home will be used as living space, with the remainder to be used for business purposes. We would like to go back to the original rule that limited home businesses to 50% of the gross floor area.

25. We currently have an interlocal agreement with the City of Poulsbo in which, within their Urban Growth Area, the County has adopted the City of Poulsbo’s development standards, zoning and subdivision codes. Permits are issued in the County based on that agreement. However, in March the City of Poulsbo rewrote and adopted a new zoning code, leading to two zoning codes; the one that we adopted inside the urban growth boundary and the City of Poulsbo’s new one. We had inquired as to whether we could just make the necessary changes based on the interlocal agreement but were advised that the agreement stated we would only “consider” any changes. Therefore, this needs to go through the normal process and be submitted to the Board of Commissioners at the end of the summer. The new code is formatted differently, actually more similar to the County Code, and there are a lot of housekeeping changes requested in this item.
26. There is a need to determine whether cell towers have more than moderate visual impact. If they do, there are multiple items that need to be addressed. If these can’t be mitigated with a conclusion reached where it is no longer less than a moderate visual impact, the County needs to recommend an alternative. In the current code, the SEPA Special Determination Process determines this. SEPA is looking at the Critical Areas Ordinance and has their own rules and considerations and is not necessarily prepared to deal with visual impact. The Code states that visual impact and mitigation shall be determined through the State Environmental Policy Act process until such time as the department adopts specific criteria. We are therefore submitting criteria and are proposing that they adopted. The new criteria do not just deal with the area in one mile as they do now. They deal with four different areas and immediate foregrounds, middle ground and background clear off to the horizon.

27. Espresso stands are currently included in the code, but we don’t have any rules for how we process them and this recommends some rules that are pretty simple and straightforward. Most of the rules would be dealt with as part of the site-plan review.

28. School portable rules require that when a school is being built the site plan must show and receive approval for future portable sites. There are instances, however, when that was either not done or it was changed after approval. This item would provide clarification on how to handle those circumstances.

29. The County Code has strong language protecting grandfathering. Over the years, however, changes have been made without evaluating their effect on existing requirements. This item is basically just to clean up the language, eliminate contradictions and eliminate deadlines that have expired. There are no real substantive changes.

30. With regard to private and public gun ranges, rules are currently included in Title 10, which is the Public Safety Section of the Code, under Weapons and then an article called No Shooting Areas. This information is complete and applicable, but we are recommending moving it into the zoning code where it would be more appropriately referenced. Public Gun Ranges would be put into the Use Tables, which would eliminate a lot of confusion that we have encountered in the past.

31. Our existing planning ordinance does not provide any provisions about amending a plat. When this is requested, Staff has to refer to RCW, quote state law and attempt to follow those rules. We are proposing simply taking an RCW rule, shown in italics in the handout, and implementing that into a new chapter in the Plat Code. This could be simplified and would also be used to address how fees are to be paid, etc.

32. This is a potentially controversial issue relating to boundary line adjustments and the Planning Commission’s guidance is being requested. There are many instances when adjoining properties have encroachments or other issues and the owners want to make a boundary line adjustment to resolve the problems. Sometimes boundary line adjustments are requested simply to make the property boundaries more convenient for the existing owners. There is a process in State law, cited in the handout that states property does not have to be subdivided to make a boundary line adjustment. There are no specific guidelines at this time on how to address this situation. The recommendations we have made have to do with determining whether or not any adjustments would take away the right to build on any of those lots or other such limitations in the future. Wording needs to ensure that once a boundary line adjustment is recorded, any future owner will not be in a situation where they cannot
build on the property because it is landlocked. The County has developed a series of
tests internally with a couple of matrices to test for whether they are meeting minimal
lot size requirements. I will bring those to the next meeting for review. If a property
passes those tests, the boundary line adjustment is approved. Staff can provide a letter
that can be recorded and used when applying for building permits stating that it is a
buildable lot and does not require an elaborate internal review. It needs to be
determined whether or not to codify these rules or, if internal rule-writing authority is
given, that process covers it, with changes as deemed necessary. A comparable issue
had been addressed two or three years ago but was never resolved due to lack of
agreement in the end. We are now asking that the Planning Commission determine
whether to codify these rules or how to proceed and we can discuss that in more detail
at the next meeting.

33. This item addresses a potential major change in the county’s policy
regarding accessory dwelling units. Accessory dwelling units now are allowed in all
residential zoning in the county. Inside the Urban Growth Boundary an accessory
dwelling unit only requires a building permit; outside the Urban Growth Boundary it is
a more costly and extensive process, including having to testify before the Hearings
Examiner, but it’s still done frequently. A number of people have indicated that they
think this is being abused and that it’s actually increasing the density in the rural areas
of the county. We are proposing that this could be resolved by requiring that accessory
dwellings only be permitted on fully conforming rural residential lots. In County Code
that means that it must be five acres and that it cannot violate the skinny lot rule
(having a width or a length that is more than twice the other). This conforming lot
requirement would severely limit the number of eligible accessory dwellings.

34. Another item related to public gun ranges, once it has been moved over to
zoning and added to the Use Tables, is the need to establish special site considerations
for them. Under this proposal they would be allowed as a conditional use in all five
rural zones, anywhere in the countryside. There would then be footnotes to the table
with special rules for public gun ranges. These would require a minimum of 40 acres
with the range itself allowed to occupy no more than 15% of the site. The presumption
is that there would be mostly woods around it. Additionally, there would be the
requirement that no houses could be closer than 500 feet from the boundary line of the
site. This would ensure that the peace and tranquility of surrounding areas is not
interrupted.

35. This was a late item added by the Board of Commissioners. A number of
years ago auto related uses were removed from neighborhood business zoning and
neighborhood commercial zoning; this includes service stations and car washes. It has
been repeatedly noted that neighborhood convenience, as defined by modern society, is
having gas stations and smaller grocery stores in those areas. It is being proposed that
those be brought back under strict guidelines as conditional use permits; just gas
stations (which may also sell groceries, etc.) and car washes.

Tom Nevins, acting Chair, asked if there were any questions.

Mike Gustavson indicated that it was his understanding they were to bring their own
list of items to the meeting, which he had done.
Tom Nevins, acting Chair, stated that the Board of Commissioners had specifically requested the Planning Commission not add to or delete from the submitted list.

Mike Gustavson stated that it was his understanding that they were to help the County in identifying persons and organizations who should receive packets and that they were to bring those to this meeting as the distribution list previously used by the County was deemed incomplete. Additionally he had brought a list of items to the meeting relating to zoning that he felt needed to be evaluated further.

Tom Nevins, Acting Chair, indicated that we had previously gone through a process that reviewed zoning codes and that had been the time to address these issues. It was his recommendation that the Planning Commission proceed with this year's batch and address any other items, including Mike Gustavson’s, with next year's process. He then asked for input from the other Planning Commission members.

John Ahl wanted to know how long it would take to go over the items on Mike Gustavson’s list and whether there would be an opportunity for the general public to also submit recommendations.

Tom Nevins, Acting Chair, stated that if there were additional public input in addition to the submitted items, the entire process would be delayed further for the year.

Mike Gustavson stated that it was acceptable for the information to be addressed as part of the following year's item, just that it needed to be addressed at some point.

Tom Nevins, Acting Chair, suggested that the July 15 meeting be used as the decision point on this matter and that they could begin collecting input for the next cycle at that time.

Mike Gustavson agreed. He would also like to start another candidate list at that time and share that with the Board of Commissioners to prepare them for the fact that there were items already on deck for the next annual cycle.

William Matchett stated that the Board of Commissioners had provided a closed list and that it should be brought to the Board of Commissioners attention that there are other items that had not been included on their list.

Monty Mahan asked that they be allowed to see the rules on boundary line adjustments, the sooner the better, in order to make a more informed decision.

Deborah Flynn asked if the Planning Commission would be given a list of the organizations and persons who were currently given packets regarding meetings and could the Planning Commission add to that list?

Kelly Robinson asked that they provide individual lists which would be merged with the existing contacts; cities, survey groups, purveyors, fire districts, and fire Marshall’s office, which is a sort of self-serving list for the County since they deal with them regularly. At the last meeting the Chair had suggested that they add homebuilders and
real estate interests in the county; were there any other groups that the Planning Commission felt were missing?

Recommendations made by the Planning Commission included the Kitsap Alliance of Property Owners (KAPO); major developers such as McCormick and Pope & Talbot; major parcels that have been approved by Kitsap County before the Growth Management Act should be contacted; West Sound Conservation Council (WSCC); North Kitsap School Board; Stillwater; libraries should receive postings; and that everything should be posted on the County Website, as currently occurs, which should help to ensure that smaller property owners were advised, as well.

Tom Nevins, Acting Chair, asked if there were any other questions.

Deborah Flynn wanted to clarify, regarding Item 2, that the Planning Commission would have the opportunity to review rules before the Board of Commissioners.

Kelly Robinson stated that they could, but that the intent was to try and make the process as low key as possible, allowing for code interpretation requests to be made directly by the county.

Mike Gustavson stated the public needs to be involved rather than leaving it up to the bureaucrats, stressing that there is enough evidence of the need for their involvement in current regulations.

Kelly Robinson responded that they didn’t want the authority to write their own rules and publish them; just to write the rules with some public review. The rules are less than codified ordinances, but as rules they have portions that are critical to the way the county does business. If the county determines a need to revise the rules and there is a consensus, they would like to be able to complete the process in a couple of months rather than current code changes which currently take a couple of years.

Deborah Flynn stated that this could be discussed in more detail at the next meeting once everyone had the opportunity to review the material in more detail.

➢ Work Study and possible decision on the Kingston Sub-area Plan.

Tom Nevins, Acting Chair, indicated that the public hearing portion of this item had been closed and that the Planning Commission was ready for a decision. At the Kingston meeting, they had been offered some alternatives and received a recommendation from Staff that they postpone the decision until a new population allocation is delivered. There were also some very site-specific requests that had not been heard by all of the Planning Commission. He invited Shannon Bauman to bring the Planning Commission up to speed.

Shannon Bauman, Department of Community Development, had two items to hand out to the committee. The first was a public comment letter that was received after she mailed the meeting packet to the Planning Commission. The second was something that might be helpful; it was from people who came forward at the public hearing who
were requesting a change in land use designation for their properties. This handout
was an attempt to summarize those requests. Additionally, Shannon noted that,
although there were issues to be discussed, there was not a quorum at the meeting
today. There were not enough members present who had also been at the previous
meeting to represent a quorum.

Tom Nevins, Acting Chair, restated that both Mike Gustavson and William Matchett
had offered to recuse themselves and there had been no objections, therefore providing
a quorum.

Shannon Bauman stated that she believed the majority of the members had to have
been at the public hearing, prompting Monty Mahan to ask if this was an attempt to
delay the decision. Shannon Bauman stated that they had no intent to delay the
decision but that Staff wanted to ensure proper procedures were followed.

Tom Nevins, Acting Chair, stated that it was his understanding that if a Planning
Commission member was absent from a Hearing but had either listened to the tapes or
otherwise familiarized themselves with the materials, they could offer to recuse
themselves. If there were no objections to their participation, they were eligible to vote.

Monty Mahan, William Matchett and Mike Gustavson indicated that they had reviewed
the materials from the Public Hearing and asked if there were any objections to their
participating.

Tom Nevins, Acting Chair, asked if there were any objections to their participation with
no objections made.

Shannon Bauman then stated that she wanted to address the issue of site-specific
requests that had been presented at the Public Hearing. With the Kingston sub area
planning process underway, when Staff has been approached, they have advised the
public that changes needed to be addressed in the context of the sub-area plan. If
individual property owners wanted to request something other than what was already
in the process, they needed to present it to the Planning Commission for review. At this
point she asked if there were any questions or comments from the Planning
Commission on those site-specific requests.

William Matchett, asked if the Staff had any recommendations regarding these requests
as they have often provided their recommendations in the past.

Shannon Bauman stated that there were no Staff recommendations at this point. They
wanted to get a feel from the Planning Commission. They were asking the Planning
Commission to determine if it was appropriate for those matters to be referred to the
Planning Commission for review.

Tom Nevins, Acting Chair, stated that he would like to hear from the other members
before he made any comments.
Monty Mahan stated that he understood the appropriateness of these requests being offered at this time. His inclination is that they are not of sufficient merit to change the proposed Alternative B from its present form.

Tom Nevins, Acting Chair, stated that these items were already within Alternative B but the change was being requested in the designation. Mr. Waggoner and Ms. Bradley were requesting higher density levels; Mr. Chirard was requesting a change to Highway Tourist Commercial from Urban Medium. He further stated that his general feeling on the change from was that although it was not necessary at this time, it could be a consideration down the road. With regard to Mr. Waggoner’s request, there were extensive details to be considered, such as storm water runoff, which also related to Ms. Bradley’s property that appeared to drain onto Mr. Waggoner’s property. He would choose to leave the density as it was currently planned with possible reconsideration at a later date. He stressed that this could be accomplished by taking no action and just accepting Alternative B as presented. If, however, any of the other Planning Commission members would like to propose an action, they were free to make a motion and see how it proceeds.

William Matchett stated that he was a little confused on the mini storage facility since it already exists and is grandfathered in. He inquired as to why they were requesting a change.

Tom Nevins, Acting Chair, clarified that part of the owner’s objection in his printed material is that the terminology “conditional use” was not favorable to lenders and other institutions. Perhaps in next year’s plans a change in verbiage that would make it more acceptable.

Mike Gustavson referred back to the previous statement regarding storm water issues. He had recently attended a presentation that showed impressive manners in which to handle this situation effectively with depressed plantings. He made this point to indicate that the storm water issue may not be as substantial a problem as perceived.

Tom Nevins, Acting Chair, agreed that there were ways to resolve the problem, but that he felt further thought and planning needed to be given the matter before any decisions were made and that it should not be dealt with at this late date.

Mike Gustavson stressed that the demonstration he had seen was in the same league as the proposed development and that he agreed it could be addressed as part of comp plan changes at a later date.

Tom Nevins, Acting Chair, stated that it was not necessary to have a motion to deny these items; just not act on them.

Deborah Flynn moved that the Planning Commission recommend to the Board of Commissioners that they adopt the Kingston Sub Area Plan Preferred Alternative B.

John Ahl seconded the motion.
Tom Nevins, Acting Chair, stated that the motion has been made that the Planning Commission proceed with Alternative B Sub Area Plan and been seconded. He asked if there was any discussion on this matter.

Monty Mahan referred to Staff’s request that a decision be postponed pending receipt of population projections to 2025. His inclination was that in recommending approval of this Alternative they are basically approving quadrupling the size of Kingston. If in the near future it should grow even more, a lot of the studies and groundwork would already have been completed and it would not take a lot to make any necessary amendments. He felt that the Planning Commission should proceed with the Alternative B in its present form.

Monty Mahan stated his complete agreement. He stressed that there will always be reasons to defer a decision but at some point you just have to get things started.

William Matchett thinks that if we start saying we can’t act because we might have different circumstances in the future, we will be paralyzed.

Deborah Flynn thinks that it is a good plan. There are things in there, like the Urban Village, which will enable Kingston to move forward economically. Putting the Alternative B on hold would put that economic development on hold, as well. It would be a lot easier in the future to amend the Urban Growth Boundary rather than waiting now to adopt the whole plan over again. UGAs are frequently expanded for a city, if needed, as well.

Tom Nevins, Acting Chair, asked if there was any further input. There was none.

Vote: Aye: 6; Nay: 0. Motion carried.

10:05 – 10:15 A.M.

Break Was Called.

- Public Hearing – Decision Only – on Proposed Final Revisions to the South Kitsap Industrial Area Sub-area Plan

Tom Nevins, Acting Chair, opened the discussion by stating that there was no sign up sheet for the Public Hearing portion but stated that they were prepared to hear any testimony on South Kitsap Sub-area Plan.

Tom Donnelly stated that he did not have a good analysis of all the details but that he was concerned with the mathematics used to compute industrial land usage; some of which is already developed, some is airport and runway, with some pending development. When critical areas were deducted from the total available acreage, it did not appear to him that roads and public facilities were included. This had been taken to the Hearing Board with some corrections made. He expressed concern that we were
making the same types of errors. Additionally he indicated that the anticipated
increased need for industrial areas was not in line with actual growth figures. 
manufacturing employment level in the county has been 3% for 20 years and hasn’t 
changed in the last 10 years. With the discussion for the need for more industrial areas 
it has also led to adding more residential elements. Overall he disputes there will be 
the amount of industrial growth anticipated in the plan.

Tom Nevins, Acting Chair, acknowledged Mr. Donnelly’s points and noted that the job 
in front of them was to look at implementing of the ordinance or making any change 
recommendations.

Deborah Flynn noted there was a letter from the Port Of Bremerton dated March 20,  
2003, which was the same date on the plans. She referred to a list of recommended 
changes and asked for clarification on Items 2, 3 and 4 since they didn’t refer to a 
specific plan. She asked whether they were being implemented or what action was 
being requested before making a decision. She stated that it was difficult for her to 
determine which were changes being implemented or which were made. The confusion 
was due to the documents having the same date.

Laura Ditmer reviewed the material provided by Deborah Flynn and stated that it was 
her understanding the changes were to be made. They were primarily clarification of 
language, not substantive. She would advise the Planning Commission if it turned out 
there were any substantive changes to be made; there was nothing sensitive that she 
was aware of.

Tom Nevins, Acting Chair, asked if there were any other comments.

Mike Gustavson stated that this was a combination of the two items, South Kitsap 
Industrial Area Plan and McCormick. He would like to know what the transportation 
plans were for getting from McCormick to the South Kitsap Industrial Area; what 
would the commute route be from the population center and work center.

Tom Nevins, Acting Chair, stated that there was an extensive transportation analysis 
that addresses that which was provided in the documentation. Final determinations 
would depend on development rates, etc.

Transportation plans were included in the ULID #6 plan, which cites the county’s 6-
year and 20-year plans. They show major road improvements between the two 
elements with much of the funding already coming from different impact fees, etc., 
revenues that are generated by development in most areas. It was also clarified that 
this would include Old Clifton Road, which would be widened substantially, Sunny 
Slope Road and Highway 3.

Tom Nevins, Acting Chair, asked if there was anything further on the implementation 
ordinance for the South Kitsap Industrial Area Plan.

Attention was called to Page 6, Storm water Compliance, Item I which had verbiage 
stating “to replace naturally occurring biofiltration functions of site vegetation.”
Although this would be a worthy goal, the language should be rewritten as there is no way to replace naturally occurring biofiltration.

Mike Gustavson suggested wording to the effect of “taking advantage of technology as it evolves.”

John Ahl stated that he understood previous comments regarding possible overplanning for industrial areas. It leads to the question, however, of whether having more industrial land and adjacent residential property will increase jobs. The issue can be discussed extensively but there is only one way to resolve the matter. By proceeding with the plan, those parties who have stressed the need for more industrial land will have the opportunity to prove or disprove that theory. Essentially the “gauntlet has been thrown.” He acknowledges individuals’ concerns, but feels that the best course would be to proceed with the plan.

Mike Gustavson stated that realtors have claimed a loss of clients because of the lack of suitable property. Additionally, at 6%, the current growth rate will be substantial over a 20 year period and if the land is not set aside now it could lead to lost opportunities down the road.

Deborah Flynn stated that this is an implementing ordinance for a plan that has already been adopted and that the other matters have already been addressed.

Monty Mahan also stated his respect for the previous testimony. He does, however, feel that when industrial and economic growth happen, we need to be in the position to capture some of it because it’s going to happen quickly.

Monty Mahan moved that the Planning Commission recommend approval of the implementation ordinance for South Kitsap Industrial Area dated March 20, 2003.

Deborah Flynn seconded the motion.

Tom Nevins, Acting Chair, asked if there was any further discussion.

Mike Gustavson stated concern over some items that may be a problem later, specifically aggressive setbacks, that property owners could possibly address that those at a later date.

Tom Nevins, Acting Chair, stated that he would be abstaining in this vote as he was the sole dissenter, voting against the plan to begin with.

Vote: Aye: 5; Nay: 0; Abstained: 1; Motion carried.

Public Hearing on proposed final South Kitsap Urban Growth Area: **ULID #6 Sub-area Plan** and proposed final Revisions to the **Kitsap County Zoning Code** to implement in the Final Sub-area Plan.
Tom Nevins, Acting Chair, stated that this was a public hearing and asked if there anyone from the public wanted to testify.

Mr. Donnelley stated again that there was more industrial land than we need. He went on to say that Kitsap Citizens for Responsible Planning agreed at the time and still agree with the unanimous Planning Commission no-action recommendation. The proposal can be reevaluated when the population growth has been allocated based on competent land analysis, full public participation and high probability that the project will significant help the county to achieve Growth Management Act goals. He also stated that the land analysis came under significant fire at the Kitsap Regional Coordinating Council meeting that was still going on. With regard to urban buffers or rural buffers and how we finally evolve as a county under the Growth Management Act it seems that matter is on its way to closure. He would like it on record that he felt the planning should be done correctly from the start, not piecemeal. It is the same as his issue with the industrial areas. All the industrial land will be next to Belfair. What are we going to do when there is a demand for industrial land in Kingston or Hansville. We have to have a comprehensive planning process at work that can be used. He still objects to proceeding with the current plan, but understands that at this point it probably will not have an effect.

Tom Nevins, Acting Chair, asked if there was any further input and there was none. From this point he stated that procedure was that the meeting had been billed as a Public Hearing and there is no call for action on this item. Therefore, since the pubic hearing had been completed, there should be a move for adjournment.

Mike Gustavson had read the McCormick documentation and on the cover sheet it stated 1700 dwelling units, he thought that that the target was over 4,000. This was clarified to 4,172; including the 1, 139 that were already there. This was clarified as a typographical error on the cover.

Monty Mahan asked if, given that there was no public testimony, could the Planning Commission vote on the item?

William Matchett stated that they could not vote unless it was noted on the agenda.

Laura Ditmer stated that it was not announced that there was a potential decision.

Monty Mahan asked if it had to be pre-announced to make a decision.

William Matchett asked again if we could act if there had not been an announcement that they were going to be making a decision.

Laura Ditmer stated that it would be prudent to postpone making a decision until public notice was made that they were going to be making a decision.

John Ahl moved that all public testimony be closed.

Monty Mahan and other parties seconded that motion.
Monty Mahan stated that he thinks it’s time to rule on this thing. If there was a delay until the next meeting due to procedural issues that was fine but that he had not seen any substantive changes in the document in over thirty days. He stressed that Staff should publish this item as being scheduled for a final decision.

Although Laura Ditmer stated that there may not be any legal issues, it was stated by William Matchett that a decision had been made previously which had to be redone because there had been no public notice.

Vote: Aye: 6; Nay: 0; Motion carried to close public hearing on this matter.

Deborah Flynn stated that she was not overall comfortable with everything. First there were smaller items. On their McCormick Land Packet, it says under separate action they request changes in the proposed design requirements in the county Zoning code. She asked if there is an attachment to the Kitsap Zoning Code, are they required for that development or are they not required; as an attachment to the code does that make them a requirement?

Tom Nevins, Acting Chair, stated that the way he reads the document from the sub area plan, as far as this Urban Growth Area is concerned, the guidelines can be either met or exceeded. Whatever is done in this area must be at least equal to the guidelines.

Deborah Flynn stated that at this time what the plan does is leave the requirements in and take the guidelines out. She just wanted to know if the guidelines were attached if that meant they were something that had to be followed or if they were just extra information that could be ignored.

Tom Nevins, Acting Chair, stated that on Page 14 of the proposed amendments stated how to use the design criteria.

Eric Toews clarified that the request from McCormick Land Company is twofold. The desired action that they are requesting is that both design requirements and the guidelines are a point of reference for developers to use, but not as an actual code requirement. Essentially an appendix to the code.

William Matchett asked if they would be called requirements but not be required?

Eric stated that they would be model provisions that developers might use in crafting design guidelines for specific areas of a master plan. The other part of the McCormick request was that the Master Plan revisions be amended to actually require developers to submit proposed design requirements and guidelines as part of the master plan, which would then be reviewed and approved by the County. This would provide a specific design requirement that would apply to each area of the master plan of the county. Failing that, though, they are requesting in the event the requirements are adopted at this time, the guidelines be pulled out and put in an appendix to the code,
rather than cluttering up the code text with pages and pages of graphics and suggested
approaches to achieving the requirements.

Deborah Flynn also asked about a point added to the Growth Management Act on Page
19 relating to the area contiguous to Bremerton. On the Sub-area Plan it appears that it
is contiguous to Bremerton but not developed. She wasn’t sure, without the language
in front of her, whether the requirement was actually that the additional growth be
adjacent to additional urban growth or if it could be adjacent to other urban village
areas. That may be an important point in later years.

Laura Ditmer asked to clarify whether Deborah Flynn was requesting that they
consider that as additional language.

Deborah Flynn said that first she needed someone clarify it for her.

Laura Ditmer stated that the City of Bremerton, even though that area is undeveloped,
is considered an Urban Growth Area just by its very nature. That’s what the Growth
Management Act is looking at, not whether it is contiguous to areas that are already
developed.

Eric stated that his basic understanding of the tiering requirements set for in Section
110 of the Growth Management Act, is that urban growth first should be located in
urban areas that are provided with a full range of public services; areas that are
characterized by urban growth. Secondly, cities and incorporated areas are defacto
urban and urban growth should be located in areas that are characterized by urban
growth but have the potential for or have planned urban services within the planning
horizon. Third would be any remaining areas. So, first are areas that are served, that
are characterized; second are areas that are characterized but not yet served but not yet
served but plan to be served; and then third are all remaining areas.

Deborah Flynn said she didn’t know if it was necessary to change the language in the
plan or not; it all reflects her discomfort with the whole thing that the Planning
Commission rejected this as an Urban Growth Area over a year ago and that it still
feels that way.

Eric stated, for clarification, that they had two existing urban areas that predate the
preparation of the Sub Area Plan. Both this watershed area within the incorporated
area of the City of Bremerton, as well as the South Kitsap Urban Growth Area
comprised of McCormick North and McCormick Woods. The Hearings Board upheld
each of those as permissible Urban Growth Areas. The Sub Area Plan chose to address
these and the entire existing unincorporated area, as well as propose and accomplish
expansion of the existing Urban Growth Area to encompass the McCormick West area.
Therefore this should be considered as an already existing Urban Growth Area.

Laura Ditmer clarified further that we couldn’t go back to a prior decision designating
an area as an Urban Growth Area.
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Deborah Flynn stated that they had received a comment letter that the Urban Growth Area wasn’t really established until the Sub Area Plan is adopted.

Monty Mahan stated that the issue was getting side tracked. The Planning Commission was not being asked to approve the boundaries of ULID #6; the County Commissioners had already made that decision. Although the Planning Commission could be displeased that their recommendations weren’t followed, what’s there is there. The Planning Commission was only being asked to provide input. Another point is that the whole concept is up to question. There may be legal challenges, but at this point past decisions cannot be changed. The same situation applies to the ordinance; it has already been passed. The Planning Commission is essentially only being asked to approve changes. They are only being asked to approve or recommend changes.

Monty Mahan moved that the meeting be adjourned.

Deborah Flynn seconded the motion.

10:55 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>
</tr>
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<tbody>
<tr>
<td>A.</td>
<td>Code Revision Requests – Kelly Robinson</td>
</tr>
<tr>
<td>B.</td>
<td>Opinion Letter from Martin P. Hayes dated April 28, 2003</td>
</tr>
<tr>
<td>C.</td>
<td>Summary of Requests for Land Use Revisions to Kingston Sub Area Plan</td>
</tr>
</tbody>
</table>

MINUTES approved this __________ day of ____________________, 2003.

________________________________________
Lary Coppola, Chair

________________________________________
Planning Commission Secretary