
9:09 A.M.

Meeting Called to Order – Introductions and Agenda Review.

A motion was made by Monty Mahan and seconded by Tom Nevins that the Planning Commission approves the Minutes of April 15, 2003.

Vote: Aye: 5, Abstained: 3 (John Taylor, William Matchett and Mark Flynn due to nonattendance). Motion carried.

Laura Ditmer clarified the Agenda and provided a memo regarding input and information received at the Public Hearing which would be included in Staff presentations. Staff also addressed a letter from Jerry Harless stating that the Comprehensive Plan was limited to one amendment per year and that had already occurred with the March 17, 2003 population allocation. Although the population allocation was a portion of the process, as defined by ordinance, Comprehensive Plan amendment included multiple areas, such as tax amendments, appendix amendments, language revisions and other items. All of the various processes would be folded into one formal Comprehensive Plan amendment process.

Continuation of Public Hearing for deliberation on Comprehensive Plan Amendments (Phase I) Interim Rural Forests (IRF)

Director Kamuron Gurol represented Staff regarding the Interim Rural Forest program. He provided a memo completed the previous evening, noting it had also been emailed and faxed to individuals who had participated in the process. The Interim Rural Forest Committee met this spring, consisting of various landowners, stakeholders and interested parties to help advise on the second phase of the Interim Rural Forest process as describe in the Comprehensive Plan. The Committee minutes and recommendations were used by Staff to prepare a proposal for the Planning Commission’s consideration. Through subsequent oral and written testimony at the Public Hearing, Staff has been able to revisit those initial policy recommendations. The memo provided at the meeting highlights important issues and revised policies to be considered as the Planning Commission proceeds with development of policies. Due to
the lack of prior review of this information, Staff understands the Planning
Commission will need time to review the information and may want to receive
additional oral or written testimony on the revisions before deliberations and submittal
of a final recommendation.

Director, Kamuron Gurol, noted that there are two major issues to be considered when
developing policies of this type. Landowners have legitimate expectations of an
economic return from their lands. Kitsap County can look at programs and experiences
of other jurisdictions while determining how to proceed within our County. Kitsap
County is one of the few areas where large, intact parcels of land still exist, even though
many have already been divided into 20-acre parcels. A variety of techniques have
been developed to encourage involvement in the Interim Rural Forest program. The
policies fully clarify the long-term goals for growth management, particularly long-term
conservation, and a more detailed goal emphasizing incentive programs to provide an
economic benefit to landowners. The revised policy still includes clustering with the
same bonus densities, with a greater emphasis on additional techniques. One

technique is the Transfer of Development Rights (TDR) that had been considered for
Kitsap County in the past. Kamuron Gurol is a proponent of the TDR program, having
worked on related programs in King and Snohomish Counties.

The policies referenced in the memo reflect developing an incentive that uses market
based techniques to understand land values and build an attractive program for
potential users. That must include both the “sending” area; land the county is
preserving, and the “receiving” area, where people would purchase the right to develop
at more intense densities. The TDR process takes time to develop but appears to be an
area of interest with the stakeholders and others who participated in the Interim Rural
Forest process. There are other policies relating to assessment of values that are being
worked on. The process requires intensive planning and a need for the policy to be an
ongoing effort. The original policy also referenced the lead agency status for ongoing
forestry activities with proposed revisions being presented with this new material.

Mike Gustavson noted that parcels through the county have different locations and
attributes that would result in different motivations relating to selling, transferring, etc.
Mike verified the options provided to the landowner were:

1. The property could be divided into 20-acre parcels and sold as it is currently
   zoned.
2. The property could be developed at 1 unit per 5 acres, clustering on the dirt if
   that’s appropriate.
3. The owner could get the TDRs and sell them, noting he was still unclear on the
   economic advantages for all parties with that option.
4. The parcels could be purchased with tax money as permanent open space.

Mike noted the options did not include the original 20-year window proposed by the
owners on the remaining 75% of Interim Rural Forest. Kamuron Gurol noted that
policy had been excluded to ensure long-term/permanent retention of those
forestlands. It was agreed that different property owners would have different goals,
which was why Staff was attempting to offer a variety of tools for the property owner to
choose from. King County was used as an example of the variety of techniques utilized
which included everything from land exchanges, TDRs, clustering and development at
very low densities, etc. Any of the options could be applied based on the property
owner’s needs.

William Matchett was supportive of the TDR program but noted there should be a
Public Hearing on the revisions before a decision was made. It was also clarified that
the one unit per 5 acres related to clustering, not placing one home on five acres.

Monty Mahan liked what was presented based on his initial review while agreeing there
should be additional Public Testimony on the revisions. He also noted that these
policies would allow for other State and Federal Programs to be applied with this
program.

Deborah Flynn stated the policies were a good start, recommending that the 1 unit per 5
acres require half the density allocation be applied to the TDR with the other half used
for clustering on the site. That would take the process further into the countywide and
Comprehensive Plan goal of encouraging development in Urban Growth Areas while
reducing rural development. Otherwise rural forestland is no different from the rest of
the rural areas in the county other than the requirement that the 1 unit per 5 acres be
clustered.

Tom Nevins noted the worst-case scenario could result in clustering developments on
25% of the Interim Rural Forest lands, spreading housing throughout the County.
Kamuron Gurol noted if clustering were the only technique utilized for every single
parcel that could happen. Based on what had occurred in other counties, however, it
was unlikely that all property owners would select the same program. Tom noted that
most of the techniques were almost ready to implement with further work needed on
the TDR program. He recommended that none of the techniques be implemented until
the TDR program was complete. It was his opinion that delaying the other options
would provide an impetus to finalize the TDR program. The pressure to get the TDRs
finalized will be less if we move ahead with the up-zoning. There will be more interest
in moving forward if everything is initiated at the same time. This would also ensure
the owners had the full range to choose from at the same time.

It was agreed that the TDR should be developed properly and in a manner that allowed
public participation, which would assist with developing confidence in the program.
Kamuron Gurol noted that the entire process, done properly, could take 9-18 months
depending on how much staff effort and assistance was available for development of
the program. All of the techniques would need further work with regard to
development of regulations, writing code, etc. which will take a few months. It’s up to
the Planning Commission to decide if they want to implement the incentive programs
one at a time or all together.
Lary Coppola, Chair, was concerned about the timing of this, noting it had been on the agenda for quite some time and now they’re being told it may be another 9-18 months to put the TDR program in place. Taking 10 years to reach this point didn’t seem to be very fair to the landowners, and now they would be asked to wait an additional 18 months. Kamuron Gurol stressed he was not asking the Planning Commission to delay the entire process. Staff was recommending the policies be adopted with this year’s amendment cycle. The only delay in actual implementation would be with the TDR program. Based on his experience in other counties, he knows it is a process that takes time if it’s to be done properly. It will be resolved as soon as possible with the resources available. Laura Ditmer noted the Rural Resource Land section of the Comprehensive Plan where it specifies ways to maintain resource land such as TDR programs and clustering. The County is developing related programs with Staff setting up policies and evaluating the various options and requirements for that development process. This is the first step and includes Staff’s attempt to be consistent throughout the plan. If the process were adopted this year, the landowners would be able to use any parts of the incentive program in place at that time except the TDR that was still being developed. Staff intended to have all the techniques in place as soon as they can, following guidelines from the Board of County Commissioners relating to Staff’s rural work program. Staff was allocated resources based on their priorities and this program was deemed a high priority.

Mike Gustavson asked for written clarification of the economics of the TDR program, with examples of how it benefits the landowner, developer and still maintains affordable housing. Staff agreed this information was needed for both the Planning Commission and the Public. Until that could be provided, it was recommended that the King County Website, Department of Natural Resources, could provide a substantial amount of information on this type of program. Kamuron Gurol also noted he would provide information from some books on the subject to the Planning Commission.

Deborah Flynn noted she liked the idea of permanently protecting 75% of the forestland, particularly given the length of time necessary to grow trees. She likes seeing the TDR program as a potential technique but wanted to ensure all the receiving opportunities aren’t given away in urban areas. TDRs need a place to go, but if they continue to expand urban areas with higher densities, it could affect the individuals already in the urban area, requiring the purchase of a TDR in order to develop. Kamuron Gurol agreed, noting there was probably not enough time to discuss all the information at this meeting and the Planning Commission should possibly consider continuing the matter. Lary Coppola, Chair, verified that Kamuron Gurol would have additional information on the TDR by the 8/5 meeting.

The matter of Interim Rural Forests was continued to August 5, 2003 at which time the Planning Commission would also receive additional oral and written testimony only relating to Interim Rural Forest issues.

- Continuation of Public Hearing for deliberation and possible decision on Comprehensive Plan Amendments (Phase I) Initial Docket Limited Areas of More Intense Rural Development (LAMIRD)
Jason Rice addressed the Initial Draft Docket that included proposed policy, textual and appendix changes, including general text amendments discussed during the last Work Study. Policy Revisions are followed by specific amendments for each chapter of the Comprehensive Plan. Laura Ditmer asked that as they go through this, it would help Staff in determining how to proceed if they knew whether or not there was a consensus.

Deborah Flynn noted Page 7, Policy 4, specified a minimum impervious surface as opposed to a maximum. Staff had previously been asked to clarify the reason for establishing a minimum with other Planning Commission members agreeing it made more sense to establish a maximum. Laura Ditmer stated she would go back through the paper trail to determine who had made the proposed change and the reasoning.

Mike Gustavson noted that the use of low impact development standards was not included as mitigation for tradeoff although it had a lot to offer and could have a significant impact on numbers.

Mike Gustavson noted Page 2, Item 3 contained language “comprised of elected officials.” This implies Tribal representatives are elected officials and he felt they did not qualify as such. Monty Mahan noted that they could just strike the word “elected.” Susan O’Sullivan, Suquamish Tribe, noted that Tribal representatives are elected officials, just like County elected officials and Bremerton elected officials. William Matchett agreed they are elected officials of the tribe. Mike Gustavson argued that sovereign nation rules and regulations don’t apply to a nation that is not sovereign.

Laura Ditmer asked that Staff be allowed to review the language and modify it based on the concerns expressed, noting it was relevant that elected Tribal representatives be clarified.

Mike Gustavson noted Page 5, Item 4, has language that appears to require greenbelts or urban separators, which he did not believe had been discussed by the Planning Commission. Jason Rice clarified that was part of the current text of the County Comprehensive Plan and was not a revision. The Planning Commission could choose to request a change in that language and Staff would review it further at that point. Mike Gustavson suggested the wording “or planned in greenbelts or urban separators” be eliminated. Mike felt it should not be mandated, particularly since it took value from the landowner. Tom Nevins preferred it be left in. Although they may not be critical areas, the County is looking for designation of areas identified as greenbelts or separators. Mark Flynn supported the proposed language. Mike Gustavson noted that if a landowner were required to put a boundary across their property as a greenbelt, it would cost them money. It might look nice, but there was no payment for the loss of property. Monty Mahan felt the existing language should remain. William Matchett. Deborah Flynn and Lary Coppola, Chair, supported the concept and existing language. It was noted that there should be some form of compensation for the landowners if this applied to their property. Laura Ditmer noted the tax aspect of the Comprehensive Plan was also proposing new policy language in addition to the amendments before the Planning Commission.

William Matchett noted Item 5, in the old policy specified allowable uses. The proposed revisions stated, “based on demonstrated need” which was rather vague. Lary
Coppola, Chair, noted this had been questioned in previous meetings with a request for specifics on how it would be quantified. Kamuron Gurol noted it was a legislative call by the Board of County Commissioners, usually based on a proposal put through the system for a Comprehensive Plan change, zoning change, etc. Areas considered included population allocations and the amount of commercial space necessary to accommodate the needs of the community. William Matchett stressed that based on public testimony there was a lot of conflict as to what was considered a “demonstrated need.”

Mike Gustavson Page 6, Item 1, Line 4, should have the last word "physical" deleted.

Laura Ditmer noted some areas may need further clarification. If, however, the Planning Commission were to address textual changes other than the red lettered amendments, it could require a continuation and potentially an additional Public Hearing. She asked that, initially, the Planning Commission consider only the proposed amendments. It was not Staff's recommendation that the meeting be postponed, only that the discussion be kept to the red letter changes at this meeting. If there were other changes in preexisting text, those should be addressed separately.

Page 7, Chapter 5, had the original language at the bottom of the page struck with new language included on Page 8. Mike Gustavson felt the Committee was essential for allowing community input on how to provide affordable housing. Deborah Flynn asked if there was a background or reason for this change with Laura Ditmer noting there were too many Committees requested in the Comprehensive Plan for Staff to manage. Considering the Sub-Area Plan process, site plans, Interim Rural Forests and all the other areas, it is difficult to have a Committee for every single process. Formation of a committee for areas that were not even being addressed at the moment seemed unrealistic. It was noted that last year a lot of commitments to include expired dates and committees were removed from the Comprehensive Plan, and this revision was consistent with that intent. Mike Gustavson noted if there's one topic that hits everyone in the community, it's affordable housing. A Committee including the building industry and other citizens would bring good ideas to the County and Planning Commission. Laura Ditmer stressed the County wasn't eliminating the potential for such a Committee, only that it was not essential for the issues currently being addressed in the planning process. Staff is committed to form Committees as they go through the applicable processes. Mike Gustavson felt this should be appropriate as a Standing Committee with Larry Coppola, Chair, agreeing. Laura Ditmer agreed affordable housing was important, noting that both the Housing Authority and Economic Development Council address that issue while working with Staff. Mike Gustavson's experience in dealing with the Housing Authority is that they provide the least affordable housing at the taxpayer's expense. Low income housing developed through the Housing Authority costs $200k paid for by taxes. Additionally, that approach to affordable housing related only to subsidized housing, not free market development, which was a totally different concept. William Matchett noted that the history is obvious. The Comprehensive Plan is filled with issues that cannot be dealt with in the specified timeframes, with language revised stating it will be dealt with in the future. This has occurred before and is being done again. While acknowledging
Kamuron Gurol clarified Staff's position. There is an emphasis on housing affordability with Staff moving in that direction as directed by the Board of County Commissioners. Staff agreed that a Committee was an appropriate way to assist with this process. The intent, however, was to avoid loading the Comprehensive Plan with work programs but have it address specific issues. Staff felt establishing a Committee for affordable housing was more of a policy issue. If a Standing Committee was deemed a necessary tool, Staff could proceed with that. If affordable housing was to be top priority, it would help Staff if the Planning Commission transmitted that recommendation to the Board of County Commissioners. Staff could then receive direction from the Board of County Commissioners to form a Committee or provide whatever tools the Planning Commission deemed relevant to addressing this issue. It was noted that the Committee wasn't the only problem, there was also the matter of the one year requirement. By having work programs in the Comprehensive Plan, it often results in the County being noncompliant with their own policies. Lary Coppola, Chair, confirmed this had been revised multiple times, which just confirmed there was a problem. He would like to leave the original language in and strengthen it to ensure something without further postponement.

Kamuron Gurol agreed there was a consensus among the Planning Commission and Staff that this was a high priority. With regard to priorities, however, he noted the same thing had occurred with TDRs and the other issues. If the Planning Commission decided there should be a Standing Committee, Staff asked that they consider whether that would be more appropriate as a Policy Statement. Policy Statements are usually along the lines of “Housing affordability is an important priority for Kitsap County and the County shall undertake... measures to ensure compliance.” Staff was not asking for a decision at this time, only that the Planning Commission consider what was the appropriate mechanism: a Policy Statement or the Comprehensive Plan. Mike Gustavson acknowledged Kamuron Gurol’s intent, but noted that every rule affects the price of housing. The wording specifically states that the Committee would review the policies and provide input on the potential impact on affordable housing. It was agreed by everyone that this was needed, the only decision needed at this point was whether or not to include it in the Comprehensive Plan or as a Policy Statement.

A motion was made by Mike Gustavson, seconded by Mark Flynn that Page 105, HS-24, retain the original language with the following modifications: That the word “Standing” be inserted between “A” and “Committee” in the first line and the words “within one year” be deleted and inserted in its place “upon the adoption of the 2003 Comprehensive Plan Amendments.” The red paragraph on the following page should be deleted.

Deborah Flynn agreed with the priority of economical housing, as well as that the Comprehensive Plan should not be loaded up with policy statements. The Comprehensive Plan should not be set up with a lot of dates and commitments that couldn’t be met. Policy should be kept crisp, specific and provide a broad range of tools.
Tom Nevins thinks the proposed revision would still allow for a Committee to address affordable housing and the Planning Commission could do so whenever they deemed it necessary.

Laura Ditmer asked that Staff be allowed to make proposed changes to the redlined items to reflect the Planning Commission’s concerns. The Planning Commission could make their decision on all the revisions at that time. It was noted that the changes were not expected to be substantive and should not require another Public Hearing.

Mike Gustavson has a hard time with the concept with there being too many committees and stressed committees should not be cut back too far. Committees, in general, serve a good purpose and concept that should be retained.

Lary Coppola, Chair, asked Mike Gustavson if he was withdrawing his motion to allow Staff to revise language and have the Planning Commission readdress this on 8/5/03.

The motion was withdrawn by Mike Gustavson relating to language on Page 105, HS-24, with Staff to present amended language at the meeting on August 5, 2003.

Laura Ditmer asked that the Planning Commission begin considering priorities for 2004, as well as work plans coming up later this year, with potential discussions on prioritizing those items over the coming weeks.

BREAK 10:12 – 10:26

Jason Rice provided the presentation on behalf of staff, referencing a memo from Laura Ditmer, regarding LAMIRD boundaries in conjunction site specific amendments.

BJARNSON:
Staff recommended approval of specific options discussed at the previous work study with a decision anticipated at the 8/5/03 meeting. Public Testimony, both oral and written, had been provided to the Planning Commission with no change in Staff recommendations. Jason Rice noted there were five potential options for the Planning Commission which were outlined in Laura Ditmer’s memo:

1. Recommend denial of both the rezone and LAMIRD, with neither being found appropriate for the area.

2. Recommend denial of the rezone and keep LAMIRD boundaries extremely tight with only pre 1990 development including North Sound Bank from last year.
3. Approve the rezone without a LAMIRD boundary determination. If the site were located outside the final LAMIRD boundary, this option would allow for further, additional development of this site.

4. Approve the request as proposed with wetlands identified to the north, to be addressed in a manner consistent with the North Sound Bank application.

5. Approve the request subject to modifying boundaries to reflect pre-1990 developments at Country Corner intersection, keeping the boundary relatively tight and reducing potential development due to wetlands with a small portion of the property being high and dry. There is a July 9, 2003 letter from the Department of Fish and Wildlife that clarifies the property is in the Miller Creek Watershed.

Option 1 was noted as an option that did not assume approval of the LAMIRD. The Planning Commission was being given options that combined the site plan with the LAMIRD or addressed them separately. For clarification, it was noted that a portion of the property was located within the potential LAMIRD boundary.

Tom Nevins noted this property didn’t meet the pre-1990 development standard of a LAMIRD and for consistency he tended toward denial of both items. Although this opinion may not be reflected in the final outcome, he wanted to note his position.

William Matchett felt there were properties that should be excluded from the LAMIRD due to the pre-1990 development requirement and this application did not warrant being excused from that LAMIRD requirement.

Mike Gustavson felt Option 4 was redundant with regard to wetlands as those would be addressed as part of the development process. Staff clarified it was included in an attempt to be consistent with other applications, such as the North Sound Bank application. Mike Gustavson additionally noted that all four corners should look the same rather than some being left out.

Deborah Flynn noted, before Albertson’s was developed, the Board of County Commissioners stated there would not be any additional commercial development at that intersection. She voted against North Sound Bank last year because of that and doesn’t think commercial developments should be allowed to continue in the area. Albertsons was a large enough development for the Hansville or Port Gamble vicinity and only a short distance from Kingston. Additional commercial development would be competing with Kingston. Jason Rice noted once the LAMIRD boundary was established, it would prevent additional commercial development outside that boundary. LAMIRD establishes a boundary that prevents further expansion through rezoning.

Monty Mahan asked if LAMIRD boundaries could be modified later. Jason Rice said they could not, with Laura Ditmer clarifying there was some potential for expansion of the boundary through the Comprehensive Plan amendment process. Lary Coppola, Chair, verified they could decide against this now, and potentially readdress it in three years and decide whether it’s appropriate at that time. Mike Gustavson felt if that were
the case, the Planning Commission should just address it as a site specific amendment and exclude it from the LAMIRD. Staff noted that was one of the options provided to them. Mike Gustavson noted, essentially, it was a matter of looking at growth management or growth stoppage.

BURGESS:
Laura Ditmer’s memo outlines information from the Public Hearing. It was stressed that the application is for Manchester Village Commercial Zoning. A petition had been provided with 400 signatures, but the petition only related to one, specific use. It was not known whether those same residents would support or oppose a different use that might be allowed within that designation. Additionally, there was concern that the residents of Manchester weren’t notified. Although the only legal requirement related to notifying areas within 400 feet of the site, Staff would post signs in the community for any site specifics going forward.

Examples of what was allowed under Manchester Villager Commercial were provided to include stores with 5,000 to 25,000 gross square feet, restaurants, drinking establishments, espresso stands, farm and garden services which included nurseries, offices, and many others, even zoos. Automotive related businesses, however, were prohibited. If a convenience store were put at that location, it would not be allowed to serve as a gas station. It was noted that the owner could submit a site plan for one intended use and then change it to any of the options available under the revised zoning.

There had also been a Survey provided which was noted to have no signatures and therefore was not considered a relevant document for the Planning Commission. Lary Coppola, Chair, noted that his name appeared on the survey, although he was not a participant, which further confirmed the irrelevance of the Survey.

William Matchett, while sympathizing with the landowner, noted the Manchester Plan had only recently been approved. He was not prepared to break it without dealing with the people who made the plan. The goal should be to find a use that wouldn’t upset Manchester while providing some development opportunity to the landowner. He asked if a park and ride would be allowed, with Jason Rice noting public facilities are allowed in any zoning. Mike Gustavson noted that if the Planning Commission or Staff recommended the owner use the property as a park and ride, she may decide there was more net gain selling the site as 5 lots. It was noted that, although there was that possibility, it was unlikely the site would appeal to a developer or future homeowner based on the amount of traffic. The residences surrounding the property were in place when traffic was less of an issue and were, essentially, built on a country road. Laura Ditmer recommended postponing further discussion on this application with the potential need for further deliberation to determine a workable proposal. William Matchett felt a zoning change allowed for too many options.

John Taylor thinks the Planning Commission was participating in micromanagement, which was not their job. The landowner has a piece of land she has been trying to do something with for years and he supported a rezone. Laura Ditmer stressed the Planning Commission should not only look at the use being requested; once it was
rezoned it was open to any of the uses allowed with that designation. William Matchett also expressed his hesitancy to break the Manchester plan the first time they’re asked to do so.

Jason Rice noted Dusty Wiley, a former Manchester Committee Member, had testified that the Committee discussed a commercial boundary and decided to keep it in the downtown area. That decision resulted in rezoning many existing commercial properties, which were now grandfathered. The Committee’s decision was that commercial zoning be specifically prohibited outside their established boundaries. Staff was asked if they were going to do physical postings within the community on this matter. Laura Ditmer noted that Public Testimony had been closed and the postings within the community would not occur until the matter went before the Board of County Commissioners in September. For additional information and review, Staff noted they would provide the Planning Commission with information on existing zoning in the vicinity of this site, as well as the range of uses.

CHOI:
Nothing relating to this amendment was in Laura Ditmer’s memo and the Planning Commission had no comments or questions.

KITSAP TRANSIT:
This application was formally withdrawn as a site-specific amendment to the Comprehensive Plan.

LOCKHART:
The memo outlined concerns regarding this site. Although there was a railroad in proximity to the site, Staff noted it belonged to the U.S. Government and the applicant would be required to obtain permission to use it for transporting materials. Another option was Sherman Heights Road that served the existing quarry. John Taylor said the applicant had testified that they would use the railroad to transport the material. Staff noted one of the stages of the site-plan review would identify which method would be used to transport materials and it would not necessarily be the same method being proposed at this time. Lary Coppola, Chair, asked if the Planning Commission could specify the access or transport method and was advised that was not within their authority.

LONGWELL:
Nothing relating to this amendment was in Laura Ditmer’s memo and the Planning Commission had no comments or questions.

MCCORMICK LAND COMPANY:
Staff verified that, as noted at the Public Hearing, wetlands had not been delineated to date. That would occur as a later part of the site plan review process.

OLMSTEAD:
The property abuts Clear Creek and part of the review process for any potential expansion would automatically include storm water and setback issues. The effect on
adjacent properties with this rezone and potential future expansion were addressed in the Staff Report.

SEDGWICK JOINT VENTURES:
At the Public Hearing concern was expressed that the Staff Report Recommendation was inconsistent with the Findings. Staff clarified they were not recommending denial or withdrawal of the application, only that it be considered as part of the Joint Planning Process with this property likely to be included within the identified boundaries. Once the Joint Planning Process Committee formally established those boundaries, this property would become ineligible as a site-specific amendment. The Planning Commission could proceed with this year’s process and make a recommendation to the Board of County Commissioners, anticipating a decision in November or December. That process was acceptable, provided no formal boundary had been established by the Joint Planning Process Committee before that decision. Once the boundary was formally identified, this application would be folded into the process with recommendations from the Committee. Those recommendations would then come before the Planning Commission as part of a larger overall process for inclusion in next year’s Comprehensive Plan amendment cycle.

If the site specific amendment were approved during this Comprehensive Plan amendment cycle, it could still be included as part of the Joint Planning Process next year. It was also confirmed that the City of Port Orchard had agreed to provide all services to the applications currently being addressed in the Sidney/Sedgwick area. Mike Gustavson noted this property seemed appropriate for a master planning process to ensure a quality development and prevent losing further tax revenues to Pierce County.

Lary Coppola, Chair, asked Staff for an overhead or map showing the three locations proposed in the South Sidney Business Park vicinity on one map, as well as the fourth location, if possible. Jason Rice was able to modify an existing overhead to show the three proposed locations. Staff noted they would provide one map reflecting all the site specific amendments by the 8/5 meeting. The surrounding area was identified as having homes, Gray Chevrolet, a church and a school that led William Matchett to note it would seem the entire area needed to be part of a Joint Planning Process.

BROWN-RICE-KRUEGER:
The property is surrounding by commercial zoning. Mike Gustavson asked if the area was being master planned with Staff noting that was an option, but was not how it was being presented at this time. Drainage basins were also not included as part of the site specific amendment process, but could be addressed as part of the Joint Planning Process.

The issue of LAMIRDs and Site Specific Amendments to the Comprehensive Plan was continued to 8/5/03 for a possible decision at that time.
Continuation of Public Hearing for deliberation and possible decision on Comprehensive Plan Amendments (Phase II) Map Corrections to the Land

Use Map and Zoning Map

BIG O DEVELOPMENT:
There was a commercial development on this site during the 1998 Comprehensive Plan process that was not picked up as part of that development. It was zoned Urban Low Density despite the existing Commercial use with the owner requesting and meeting the requirements for a map correction to Commercial.

BRASS RING:
There was a commercial development on the property zoned Business Convenience in the 1990s which was not picked up. Staff is requesting a map correction to Highway Commercial.

SUN AE CHOO:
Zoning on an existing home and an existing business was switched inadvertently and this correction would switch the zoning back to Residential for the home and Commercial for the existing convenience store. The homeowners have not been advised of the intended change in zoning and it was unknown if they had been paying commercial taxes. Staff would research the tax situation with the Assessor. Staff also agreed to notify the homeowner of the proposed zoning change to confirm there was no opposition from the homeowner to the map correction.

EDGEFIELD BALLFIELD:
The property is owned by the Parks Department and currently has a Rural designation. The map correction would change it to a Parks designation to be consistent within the Comprehensive Plan.

FW OUTLOOK APARTMENTS LLC:
This property is part of other problems relating to the Ridgetop Master Plan. This parcel has an existing apartment on the site and is zoned as Urban Low Density. The map correction would reflect the Master Plan and existing use by changing the designation to Urban High Density.

KITSAP COUNTY GENERAL:
The property used to be the Hansville Landfill and is owned by Kitsap County. It is zoned as Rural Protection even though it was not intended for rural development. The map correction would change the designation to Public Facility, reflecting its current use as a transfer station site and drop off site for garbage.

PILGER:
In 1978, this was a single parcel with a portion of the property rezoned from Residential to Agricultural for the specified use of Dental Clinic. At that time Mr. Pilger was full owner in the Dental Clinic but was now a co-owner in the Dental Clinic property. As part of the specific use, the property was segregated off with the remainder designated Rural Residential. Due to other commercial uses adjacent to the northern strip of the
property, the owner is requesting a map correction. Staff does not feel it qualifies as a map correction since the initial rezone was for a specific use on a specific portion of the parcel, with the segregated portion having no existing commercial use and no indication that there was any intent for a commercial use to be placed on the remaining parcel. Multiple questions and recommendations were presented by the Planning Commission.

The possibility of zoning the front strip as commercial and leaving the southern portion as Rural Residential, particularly considering the adjacent Rural Residential property to the west was owned by Mr. Pilger. It was noted, however, that having two different zones on one parcel would result in problems down the road.

It was asked if there could be a map correction separating the northern strip from the southern portion and rezoning just the strip to the north. Jason Rice noted that would require a land use review with Mike Gustavson feeling there was a precedent for that.

Doing a boundary line adjustment was discussed in detail with Kelly Robinson noting Staff could not support a boundary line adjustment because it would be across two different zones. The boundary line adjustment could still be completed and recorded, however, without the Department of Community Development’s approval. Mike Gustavson recommended a boundary line adjustment combining the southern, rural portion with the adjoining parcel already owned by Mr. Pilger, then separating the northern strip and zoning it commercial.

Mr. Pilger addressed the Planning Commission, noting he was willing to work with them in any way to solve this problem. His original intent was to use the northern strip as access to the Dental Clinic. The back parcel, if it retained its residential zoning could be accessed from Woods Road. This was originally proposed as a site specific amendment that resulted in almost $10,000 for the original division of the land. Lary Coppola, Chair, noted that expenditure would have been required for the rezone and development of the Dental Clinic, regardless of the parcel they were addressing. Mr. Pilger noted the builder was now deceased with Mr. Pilger relatively recently becoming aware of the fact that it was not segregated in the manner he intended. A letter was referenced which advised him to do a map correction and then he was told to do a site plan. The letter, however, was noted to be from the initial rezone. The strip being discussed for a commercial rezone could not be combined with the Dental Clinic property because the existing partners did not want to participate in that process. Mr. Pilger confirmed that the northern strip was large enough to develop further, noting he had established access in a manner to ensure there was sufficient space for another commercial building. The problem had been addressed through a binding site plan with the County directing him to do a short plan. He was now 2-3 years into the process and would like to know what he should do to resolve this problem. Approving the mapping correction as presented would, essentially, solve the problem, although Lary Coppola, Chair, questioned whether it was appropriate to rezone the entire four acres. Mr. Pilger stated he didn’t want the whole parcel rezoned, just the northern strip, with it clarified that the request for a map correction included the entire parcel.
Staff pointed out that the history behind this situation was in the Planning Commission binders. The property had been rezoned for one specific use with the remainder of the property segregated off. Kelly Robinson presented a couple of options. The owner could do a boundary line adjustment and then follow up with a site specific on the remaining northern strip. That was not a complicated or lengthy process, only requiring a surveyor to designate the area. Another option was to rezone the front piece and commit to a boundary line adjustment combining the southern Rural Residential properties, both of which he owned. William Matchett felt that was a good solution with the northern strip adjacent to commercial properties and the southern portion adjacent to residential properties. Mike Gustavson was concerned the boundary line adjustment would violate the five acre minimum. The combination of the two, southern residential parcels would result in 8 acres that would be surrounded by 1 to 1.5 acre lots. Although the owner felt that 8 acres should be developed at a higher density than one home, Kelly Robinson noted there was a requirement that lots not be subdivided into less than 5 acres.

It was clarified for the owner that this matter would be considered with a potential decision at the 8/5/03 meeting. In the meantime, Kelly Robinson provided information to the owner and met with him outside of the meeting to provide further clarification of the options discussed.

**RIDGETOP:**
This was the same situation as Outlook Apartments, where zoning had occurred without consideration of the Master Plan. There were numerous properties involved, with map corrections requested to reflect what currently existed on the properties.

**SCHOURUP:**
This property was rezoned Light Industrial prior to adoption of the 1998 Comprehensive Plan. The property currently had an assembly shop in operation and a map correction was requested to reflect the previous zoning and existing development.

**SEHMEL:**
This property had been operating as a Cobbler’s Shop and was being taxed commercial. The map correction was requested to reflect the existing use.

**STEINMAN:**
This property was rezoned to Business Convenience in the early 1990s with an existing home converted to an office. The zoning/mapping was to have been corrected as part of the 2001 Comprehensive Plan amendment process but was missed. John Taylor noted the color coding of adjacent properties and wanted to know if this could be considered spot zoning with Jason Rice stating it was not. The correction was requested to reflect changes by the Board of County Commissioners during the 2001 Comprehensive Plan amendment process as well as to reflect the current use.

**WOOD-PRO CABINETS:**
This business has operated on this site since the 1980s, initially being zoned Light Manufacturing. The property was currently zoned Rural Residential with a map correction to Industrial zoning requested to reflect the pre-existing use.
The matter of map corrections was continued to the 8/5/03 meeting with a possible decision at that time.

**BREAK 11:57 – 12:08**

- Continuation of Public Hearing for deliberation and possible decision on Development Code Amendments

Kelly Robinson noted that there were essentially two areas of major concern at the Public Hearing: accessory dwelling units and gun ranges. Those would be addressed first, with other code amendments to be discussed as needed.

**ACCESSORY DWELLING UNITS:**
One letter was received after the Public Hearing within the allowable time for written testimony and had been entered into the record. This letter was identified as Attachment D to materials provided to the Planning Commission last week. This letter appeared to be the only document supporting the proposed Code Amendment regarding accessory dwelling units. Deborah Flynn wanted to clarify that there were at least four other letters received, all supporting the code amendment. Tom Nevins noted he supported the Code as the amendment was written, disallowing accessory dwelling units on less than 5 acres. It was noted that the Planning Commission had letters supporting the Code changes that had not been provided to Kelly Robinson. Since all materials came through the county, it was unclear why this had occurred but would be addressed by Staff to ensure all appropriate parties were included when materials were distributed.

**GUN RANGES - GENERAL**
At the Public Hearing the gun community stressed that they felt they were excluded from the process, that the County was required to form and consult a committee, and that the amendments were designed to make existing ranges nonconforming and prevent future expansion. This had led to meetings with the gun community with development of a process for simplified performance standards with more flexibility to make safe ranges. After meeting with members of the gun community, an alternative set of proposals had been drafted and was forwarded to the Planning Commission last week as Attachment C. Since that time there had been additional revisions with a new proposal distributed at this meeting based on the Board of County Commissioners’ input. To assist the Planning Commission with the review process, revisions based on the gun community’s input were in red and revisions based on the Board of County Commissioners’ input were in blue. Alternative proposals to gun range issues were now combined into one document. The Code Amendments relating to gun ranges has come a long way from the initial proposal and now requires further input and direction from the Planning Commission on the following issues:

1. Staff has recommended on Page 3 that language be removed prohibiting gun ranges in no shooting areas. The Board of County Commissioners has suggested leaving the language in place but softening the process with the addition of language
stating that once an application for a gun range is completed, the establishment of a new no shooting area on the property proposed for a gun range would be prohibited.

2. There was a misinterpretation among the gun community that a Standing Committee had been established. Language is proposed that would establish an ad hoc Committee whenever there’s an application for a gun range. A list would be established containing technical experts from which two committee members would be selected. Two citizens who currently reside near an existing gun range would also be included in the committee, as recommended by the Board of County Commissioners and supported by Staff. This was clearly addressed on Page 4, but the Planning Commission asked that it be clarified further on Page 3 where it appeared to indicate the entire committee would be comprised of citizens residing near gun ranges. Mike Gustavson suggested that the language be clarified to specify “two local citizens shall be on the committee” or some other clarification. It was also noted that the gun community and emails received by Kelly Robinson indicated a desire for a Standing Committee that deals with broader issues and zoning code changes. Staff does not agree this is needed, noting it would further encumber ordinances and potentially result in a Standing Committee with nothing to do the majority of the time. Staff preferred that the Committee be formed as deemed necessary by the Board of County Commissioners or Planning Commission.

3. A single performance standard is being proposed that eliminates previous standards and simply states that the range will be designed and operated in such a way that no projectile will leave the range.

4. There would be a list of specific considerations when establishing a gun range, with the issue of noise being of major concern. Currently gun ranges are specifically excluded from the noise ordinance. Staff and the gun community agree that should continue to be the case, with the noise ordinance not specific enough to address noise concerns related to gun ranges. It was agreed that noise was an issue which should be dealt with as a special consideration with the Planning Commission referred to page 5(f) of the proposal. This section specifies that in addition to the usual considerations, the applicant must address appropriate screening and buffers between adjacent properties; consider the proximity and potential future residential uses in relation to the gun site; develop appropriate measures to mitigate the noise impacts of the range on surrounding uses; and establish appropriate hours of operation. Staff would prepare a very specific noise mitigation and it would be enforced consistent with other related issues. On receipt of a complaint, the matter would go to the Hearings Examiner with the potential of having the permit revoked. Mike Gustavson felt that this singled out gun ranges regarding noise, noting noise was an issue for anything, including highways. Kelly Robinson noted there is a noise ordinance that covers many other uses, and gun ranges were not the only areas addressed regarding noise.

5. Regarding the different requirements for indoor versus outdoor gun ranges, the Board of County Commissioners has stated that outdoor-only shooting ranges should be allowed only in rural protection and Interim Rural Forest zones with sufficient land available in those areas. The Board of County Commissioners expressed their opinion that outdoor ranges did not belong in residential areas at all, as well as their preference that the original recommendations be retained (40 acres, 15% usable, etc.). Indoor
ranges would be limited to Industrial Zones, to include Industrial Parks, with site plans required. The facility would be required to be completely enclosed in a structure. Indoor ranges would not be allowed in Neighborhood Commercial Zones.

Deborah Flynn requested clarification on the difference between Public Ranges and Private Ranges as they were required to go through a different process. Private ranges were individually owned where the owner wanted to shoot for target practice, etc. with the possible inclusion of guests. It required the same safety review with the NRA often providing assistance to complete the process administratively. Public gun ranges involved memberships and fees.

**CODE AMENDMENTS – GENERAL:**
Tom Nevins questioned the intention of Item 1, Preplanning Exemptions. The language did not appear to reflect the Growth Management Act and potentially violates goals of existing residential language. If the intent was to preserve the low density neighborhoods within the Urban Growth Area, not requiring preplanning of any sort only destined those neighborhoods to remain at low densities and was contrary to the goal of urban growth. Kelly Robinson noted that in a previous Work Study the concern for “preserving existing neighborhoods” was discussed. An earlier draft of Code Amendments addressed two issues: whether to do a preplan for every building permit and how to preserve some neighborhoods by making some exempt from preplanning. The second issue, preserving certain neighborhoods, had been eliminated. Staff had, instead fallen back on the more modest objective of not requiring a preplan for every building permit. There may be some issues that can be addressed, such as the location of a home to allow for future increased densities. Otherwise, requiring a preplan for every building permit was an onerous task for owners and Staff. The time and effort would be better utilized if it were focused on preplanning of subdivisions and such.

Mike Gustavson noted that, on the same topic of the hearing draft, the last word is redundant, “with the initial application application.” Staff agreed to correct that language.

It was confirmed that there was no further discussion on the matter of Code Amendments and the matter was continued to the 8/5/03 meeting with a possible decision at that time.

The motion was submitted by Monty Mahan and seconded unanimously that the meeting be adjourned.

12:30 P.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>
</thead>
</table>
A. Planning Commission Agenda dated July 15, 2003
B. Exhibit 1 – Memo from Kamuron Gurol regarding Interim Rural Forests
C. Exhibit 2 - Memo from Laura Ditmer re: site specific amendments
D. Exhibit 3 – Revised Attachment C from Kelly Robinson

MINUTES approved this ______________ day of __________________, 2003.

________________________________________
Lary Coppola, Chair

________________________________________
Planning Commission Secretary