The Kitsap County Planning Commission met on the above-stated date at the Silverdale Community Center, 9729 Silverdale Way NW, Silverdale, Washington. Members Present: John Ahl, Mark Flynn, Monty Mahan, Lary Coppola, Chair, John Taylor, Tom Nevins, Deborah Flynn. Absent: William Matchett, Mike Gustavson. Staff Present: Kamuron Gurol, Kelly Robinson, Laura Ditmer, Renee Beam, Mike Barth, Jason Rice, Stephanie Pawlawski, Rick Kimball, Jeff Smith.

9:07 A.M.

Meeting Called to Order – Introductions and Agenda Review.

➢ Approval of Minutes as corrected from July 1, 2003 minutes.

A corrected copy had not been provided for review prior to the meeting. The matter was continued to the next scheduled meeting, with the corrected, July 1, 2003 minutes to be provided prior to that date.

➢ Approval of Minutes as corrected from July 15, 2003.

A motion was made by Mark Flynn and seconded that the Planning Commission approve the Minutes of July 15, 2003 as corrected.

Vote: Aye: 6, Abstained: 1 (John Ahl). Motion carried.

➢ Approval of Minutes as corrected from June 3, 2003, Work Study Session and Public Hearing.

A motion was made by John Taylor and seconded by Deborah Flynn that the Planning Commission approve the Minutes of June 3, 2003 for both the 4:00 p.m. meeting and the 6:48 p.m. meeting.

Aye: 7, Opposed: 0, Abstained: 0. Motion carried.

➢ Agenda for joint meeting between Board of County Commissioners and Planning Commission on August 26, 2003 at 3:00 p.m. in the Public Works Building, 3rd floor conference room.

Staff was developing an agenda to bring forward to the Board of County Commissioners for the joint meeting. Agenda items to-date are:
1. Discuss establishing the purposes and goals of future joint meetings. The frequency should be determined, such as quarterly or annually, possibly establishing an annual meeting date.

2. Discuss the Board of County Commissioners’ priorities for the upcoming year that will come before the Planning Commission.

3. Discuss a format for submitting the Planning Commission’s recommendations. The format could be revised to a Majority or Minority Report, could continue in the existing Findings of Fact format, or in some other form to be determined at the joint meeting.

The Planning Commission was asked if there were any other items they would like included on the agenda.

John Ahl suggested discussing a retreat for the Planning Commissioners to review the Planning Commission’s operation, charter language, current regulations, procedures, bylaws, decorum and other related matters. This would not be a joint meeting with the Board of County Commissioners, with discussion primarily to be among the Planning Commissioners. Staff input might be incorporated into the retreat regarding legal and social issues. Tom Nevins suggested that, with changes in the Planning Commission, this could be done every two years, with the frequency left as one of the areas to be addressed at the retreat.

It was noted that Mike Gustavson had sent an email regarding the joint meeting agenda with Laura Ditmer noting she would review the email for potential agenda items.

- Invitation for the Planning Commission to attend the Annual Short Course on September 16, 2003.

This Course is sponsored by the County with the State Office of Community Development attending and providing a presentation. Hearings Board decisions and updates will be reviewed. There will be several community and citizen groups in attendance. City jurisdictions will be invited, with Port Townsend expressing an interest in attending. The Course will include a variety of groups, organizations and jurisdictions. The Short Course would occur in the evening at the Givens Center with Staff to provide specifics prior to that date.

- Comprehensive Plan Amendments (Phase I) for deliberation and potential decision, continued from August 5, 2003 Public Hearing: Interim Rural Forest.

Monty Mahan noted that Staff and some of the stakeholders had been working together to resolve the Interim Rural Forest language, with Commissioner Mahan participating primarily as an observer. Proposed language, referred to as Proposed Hybrid Language dated August 18, 2003, was distributed with copies available to the public. This language was suggested as a good compromise for all parties. The proposal includes a permanent protection status for a portion of the land, as well as options for the
landowners for developing their property. Clustering continues to be an option, allowing the landowner to get some return on their property if they’re willing to work with the Planning Staff to protect other portions of their property. There are four options with the proposed language:

- Continue utilizing the land in the same manner with no changes.
- Divide the property into 20 acre parcels and sell them off.
- Choose the 25% development option.
- Choose the 50% development option.

Commissioner Mahan expressed a preference that on Page 3, conservation easements be held by a third party, similar to a land trust.

The Planning Commissioners were asked to adopt the proposed language. County Staff would continue to work with interested parties to continue clarifying the issues and ensure everyone is onboard to the greatest extent possible.

Kamuron Gurol, Director, had emailed the proposal to all members of the Interim Rural Forest Committee the night before this meeting, as it had only been completed that day. Three of the large landowners had met with Director Gurol with some of that discussion included in the hybrid language. Staff has a responsibility to listen to all sides and try to create language that satisfies the varying interests. Although this proposal may not satisfy all parties, it has been and continues to be a process where reasonable minds are weighing in and may not agree. This is, however, an attempt to draw the best alternatives from materials and input received. Although the document is new, the information included has been reviewed extensively by the Planning Commission in previous meetings. While considering an additional Public Hearing, timeframes should be considered with regard to forwarding the material to the Board of County Commissioners for their Public Hearing and allowing time for it to be decided on and included in this year’s Comprehensive Plan Amendment cycle.

John Ahl noted this is new information for the Planning Commission and Public. He recommended that the hearing be continued to allow the Planning Commission and public to absorb the information. Lary Coppola, Chair, questioned whether stakeholders and landowners had seen, or been involved in development of, this proposal. It was confirmed that the Committee established to address this matter had not reviewed the proposal. The Committee had not met formally since around mid-July. Since that time written and oral testimony had been received which led Director Gurol to readdress the matter. The Committee meetings had not resulted in policy language that reflected everybody’s interest. The proposed language attempts to be a hybrid, taking statements from the second Staff proposal, the major landowner proposal and other written and oral testimony.

Tom Nevins suggested that, due to the complicated and ever changing process for this program, perhaps the entire Interim Rural Forest program should be excluded from the Comprehensive Plan to allow time for proper development and understanding of the impacts. That would also allow time for development of other incentive programs, such
as Transfer of Development Rights. Additionally, putting numbers into the Comprehensive Plan results in expectations that are difficult to overcome with specific concern as to how developing 25% of the property would look and impact surrounding areas. There are some key pieces missing, such as how many buildable lots are available in unincorporated rural areas. Staff did not have those figures available at this time.

Laura Ditmer noted that the Planning Commission had the option of providing more than one recommendation to the Board of County Commissioners. Different alternatives or options could be sent before the Board of County Commissioners for their ultimate decision. It was noted, again, that this document was new but the content was an attempt to bring all the information and testimony that had been received together into a policy. The Planning Commission also had an option to move the policy portion forward today and continue on with the more specific regulations.

John Ahl stated that both Staff and the Planning Commission were under pressure to get something to the Board of County Commissioners. The proposal has some good ideas and concepts but the Committee had worked hard to come up with what they did and he would have to vote for no action if a vote were taken at this meeting. There are too many issues that need to be considered such as what would be the policy development for infrastructure? What is the impact on growth allocations in Kitsap County? The amount of testimony, oral and written, as well as what appears in the newspapers, indicates this is of high interest and will affect Kitsap County for the next 20 years or so.

Deborah Flynn agreed with John Ahl that there are a lot of pieces to be considered and this was not ready for action to be taken at this time. A part of the hybrid language had come from a meeting with the large landowners, although it was unclear whether other interested parties would support the language, as well. Input from other parties was critical before any decision could be made. Additionally, there was no time to review the proposal in detail with it received the day of the meeting. Although there have been complaints about lengthy processes, such as Manchester, by taking the time necessary to do it right, the end result is a better process with more agreement, fewer lawsuits and less contention.

Monty Mahan stated the thought of postponing the entire issue for another year with no certainty that it would get anywhere with that postponement was bothersome. As an alternative, Commissioner Mahan suggested it be postponed until the next meeting to allow the public and Planning Commissioners to review the proposed language.

John Taylor indicated the volume of material received on the Interim Rural Forest. With new material coming in at each meeting, the Planning Commission never had a chance to review all the information completely. If the matter were postponed to the next meeting, it was requested that a cutoff be established before the meeting to allow for review of all written testimony. Commissioner Taylor supported getting this done during this amendment cycle and would support attempting to complete this process at the next meeting.
Deborah Flynn clarified that the reason she recommended no action was that there appeared to be a time constraint for getting this before the Board of County Commissioners. If there was time to review the materials and get input on the new proposal, it should still be included in this year’s process. It was also unclear how the 50% is preserved as permanent open space, as well as whether the density bonus would create more homes in the rural wooded areas than in most rural residential areas.

Lary Coppola, Chair, verified that there was no potential recommendation at this time with regard to Interim Rural Forests. Based on that, it was recommended that the Interim Rural Forest issue be separated from the other Findings of Fact. This would allow those to proceed while the Planning Commission continued to address the Interim Rural Forest issue. The Interim Rural Forest could be continued to the September 2, 2003, meeting. The Findings of Fact on all other issues could be presented to the Board of County Commissioners at their September 8, 2003, meeting with a continuance on the Interim Rural Forest to the Board of County Commissioners Public Hearing on September 22, 2003.

John Ahl noted that there was a significant variation from the last proposal and there should be another Public Hearing on the matter. Lary Coppola, Chair, verified with Staff that there was sufficient time to provide notification of a public hearing before the September 2, 2003, meeting and for the Board of County Commissioners to address the matter on September 22. It was agreed that written testimony should be accepted no later than August 26, with oral testimony accepted at the September 2 meeting and a potential decision to follow on that same date. The proposed language would be prepared by Staff based on input received up to and including the September 2 meeting. Commissioner Mahan stated the proposed language should be kept intact as much as possible and move forward.

Lary Coppola, Chair, stressed that this matter had been discussed since 1998 and supported moving forward with a recommendation at the September 2 meeting.

The motion was made by John Taylor and seconded by Monty Mahan that a Public Hearing be scheduled for the September 2, 2003 Planning Commission meeting regarding Interim Rural Forest with a potential decision, vote and recommendation to be forwarded to the Board of County Commissioners. Written testimony would be accepted no later than August 26, 2003 to allow time for review prior to the Public Hearing. The Interim Rural Forest issue will be separated from the other Comprehensive Plan amendment Findings of Fact so that those may move forward.

Deborah Flynn is comfortable with postponing the issue and having a hearing. Public testimony is essential before passing a recommendation on to the board. The option to vote for no action was still available.

A letter from William Matchett dated August 19, 2003, with regard to Interim Rural Forest was entered into the record in his absence.
Kitsap County Planning Commission – August 19, 2003 – Cont.

Aye: 7, Opposed: 0, Abstained: 0. Motion carried.

- Comprehensive Plan Amendments (Phase II) continued from August 5, 2003:
  - Olmsted map correction to the Comprehensive Plan Land Use Map and Zoning Map.

Based on requested clarification of the code enforcement issues, Jason Rice noted the issues related to expansion to the north and Code Enforcement was waiting for the rezone before proceeding. After the rezone the Planning Staff would meet with the property owner to address the issues associated with enforcement action zoning.

Tom Nevins noted that violations to code enforcement should not require any action by the Planning Commission before moving forward on any violations. Additionally, it would appear that approving a rezone at this point would reward the existing violations. Staff noted that this rezone was not considered a reward, as the landowner appeared to be unaware of the zoning on their adjacent parcel prohibiting expansion.

Rick Kimball noted that under zoning with the new Comprehensive Plan, the owners could have expanded their business, although the applicant was unaware at the time of expansion that actual zoning did not allow for the expansion. When the enforcement issues came up, Staff discussed the matter with the landowner. Those discussions resulted in the Staff recommendation that the landowner apply for a zoning change. This rezone and the expansion would have been allowed in the past and it appeared that the landowner was unaware that current zoning prohibited the expansion. Additionally, the zoning that had been in place was not related to any environmental resource issues. It was based on surrounding land uses without consideration of the existing, ongoing use. The zoning was not intended to prohibit expansion.

Lary Coppola, Chair, noted that the original reason for delaying a decision on this property was to determine whether the code enforcement issues could result in the landowner having to tear down existing development. It was clarified that most of the violations were away from the creek with minor stream issues. The code enforcement issues would not result in removal of any existing buildings, with the owner being allowed to mitigate any impact.

Rick Kimball noted that this would not necessarily reward or encourage future violations. The owner appeared to be unaware of the rezone at the time of expansion.

Gary Lindsey, representing the owner, noted that there were two pieces of property involved, with any development along the stream being considered a grandfathered use. In 1998 zoning was changed, removing the landowner’s option to expand to the north, although it was allowed prior to that. There are no environmental issues with this rezone request. There may be some drainage issues, which will be addressed with Staff. Permits were required for the expansion, but the owner had not obtained them.

A motion was made by Tom Nevins and seconded by John Taylor that the rezone request be denied.
A motion was made by Mark Flynn and seconded by Monty Mahan that the rezone request be approved.

Aye: 4, Opposed 3 (John Taylor, Tom Nevins, Deborah Flynn), Abstained: 0. Motion carried. (5 votes required for passage)


Kelly Robinson stated that of the 35 Code Amendments, only two areas had substantive testimony: gun ranges and accessory dwelling units.

Accessory Dwelling Units:
Kelly Robinson stated that the proposed change would limit future applications for accessory dwelling units in rural areas outside the Urban Growth Boundary to a lot size of five acres or more based on the size requirement of the zone. Substantial testimony was received against this change. One argument was that when the areas outside the Urban Growth Boundary were downzoned property owners were compensated to some extent by allowing accessory dwelling units. It was also noted that accessory dwelling units serve important social purposes, by allowing familial use. The accessory dwelling units could also be used as a rental to offset landowner expenses. Accessory dwelling units are limited in scale to 900 square feet, with various other requirements. County Staff has received and approved approximately 25 applications since the new rules were written into the Growth Management Act. Approximately 15 of those applications were on nonconforming lots, with the majority of rural residential lots being less than 5 acres. Approximately half of the applications are for rental properties, the others are for flexibility to provide an alternative family living arrangement. The argument in favor of this amendment is that accessory dwelling units allow the density to be doubled outside the Urban Growth Area and is not consistent with rural character. Staff does not have a recommendation on this. The current rules appear to be working well, with the number of applications seeming to indicate there will not be a significant impact on the density of the rural area.

Lary Coppola, Chair, clarified that the accessory dwelling units would be allowed on a minimum of 5 acres, however there would only be one accessory dwelling unit allowed per parcel, even if the parcel were larger than 5 acres.

John Ahl believes the problem with accessory dwelling units is that they aren’t being used for family but are used more as a rental unit. Additionally, they may be starting off as the primary residence while a secondary, larger home is built with the primary residence then becoming the accessory dwelling units and the larger home becoming the primary residence. Kelly Robinson verified that does occur in cases where land is purchased with a small historic house or cabin and the owner intends to build their own house. There is a process whereby the landowner can concurrently go through the conditional use permitting process with the smaller home designated as an accessory dwelling units when the main house is approved for occupancy. If the process is not
completed in time, the smaller unit must be removed. Of the 25 applications, there
were approximately 5 where this was what occurred. There have also been instances
where the proposed accessory dwelling units is larger than 900 square feet, resulting in
a portion of the home being closed off and having outside access to make it into a
storage area, although that is not the preferred solution and has created some tension
with the Hearings Examiner.

A motion was made by Deborah Flynn and seconded by Tom Nevins that
the Staff’s Development Code Amendments to accessory dwelling units be
adopted.

Deborah Flynn, in support of her motion, noted this moves the County in the direction
of implementing the Growth Management Act. There is still the opportunity to put
accessory living quarters in the home to address social needs on parcels less than five
acres.

John Taylor clarified that by approving the motion, one accessory dwelling unit is
allowed to a minimum of five acres, with a maximum of one accessory dwelling unit per
piece of property. As it stands now there is no minimum lot size and this motion would
support the change to a minimum lot size of 5 acres.

Monty Mahan noted this seemed like a reasonable amendment.

Aye: 6, Opposed 1 (John Taylor), Abstained: 0. Motion carried.

Gun Ranges:
There are a series of questions that the Planning Commission needs to answer in order
for Kelly Robinson have clear guidance on recommendations to be forwarded to the
Board of County Commissioners.

1. **Do we agree that rules regulating the siting of gun ranges should be
   moved from Title 10 to Title 17?** Title 10 is part of County Code that deals with
safety issues with gun ranges included as part of the establishment of no shooting areas
for hunting. Title 17 contains zoning rules which is the area that would be referenced if
a landowner were looking for rules regarding ranges, permit processes, etc.

   The Planning Commissioners agreed.

2. **Should gun ranges be allowed in designated no shooting areas?**
Existing rules prohibit gun ranges in no shooting areas and Staff feels this prohibition
should be removed. A conditional use permit would, by definition, indicate the area is
safe for shooting. The no shooting areas were established based on State law that
requires the County to find that failure to establish a no shooting areas would be a
danger to persons or animals in that area. No shooting areas relate more to hunting
and such, with gun ranges being required to comply with numerous requirements to
ensure safe operation. There are also concerns with regard to due process. If a gun
range is in the preapplication stage, neighboring residents can get a petition and submit
it to the Board requesting the area be designated as a no shooting area. The Board of
County Commissioners has indicated that this could be addressed by language stating that once an application is submitted, a no shooting area cannot be established. Staff still feels that any type of public discussion at the preapplication level would allow ample time to obtain a no shooting designation before an application was formally submitted.

It was clarified that no shooting areas are already established in most urban areas. Anything less than five acres in size is automatically considered a no shooting area. Shoreline areas and about 15 lakes in the County are designated as no shooting areas. The language does not differentiate between indoor and outdoor ranges, in prohibits all ranges from no shooting areas.

Deborah Flynn suggested that perhaps the language could be revised to specify indoor or outdoor ranges. Lary Coppola, Chair, agreed, noting that an indoor range would not pose a danger to anyone outside the building.

Although current code would prohibit any gun range, one of the proposed amendments specifically allows indoor shooting ranges in urban areas.

It was verified that there were multiple enclosed ranges in the County in a variety of locations such as rural and industrial zones. Typically ranges are combinations with outdoor skeet and trap shooting and indoor pistol and rifle ranges. The indoor ranges sometimes may not have a roof, but are considered enclosed as they are walled on all sides.

John Ahl noted no-shooting areas were designed to address hunting and such, not gun ranges. The conception of the no-shooting area is that it addresses areas that are not necessarily densely populated.

The Planning Commissioners agreed.

3. Should the Review Committee described in the existing code be replaced with an ad hoc Technical Gun Range Safety Committee? Current language establishes a committee, with Staff recommending there be a technical gun range safety committee established on an ad hoc basis whenever a gun range application is received. Staff would choose from a preapproved list of certified technical experts established by the Director. There are different industry standards depending on the type of range, with experts certified in various areas. The committee would change each time and be dispersed after providing their input on the specific application.

The Committee would consist of: two certified, technical experts; two citizens who currently live near an existing gun range who could advise on noise and other impact issues that might not be addressed by the Technical experts; a representative from the Sheriff’s office; and the Department of Community Development Director as the Chair of the committee.
John Ahl asked if usual business hours included the weekend with Bill Gochicoa, from the audience, noting usual business hours for a gun range in Gig Harbor specified operation was 7 days a week from 10:00 a.m. until 10:00 p.m. State law regarding regulating noise specifically exempts gun ranges during their normal business hours, with Kelly Robinson understood was until 10:00 p.m.

Kelly Robinson verified these ordinance revisions were unrelated to any pending application. For the record he noted there has been a preapplication meeting for a gun range with a Summary Letter sent to the applicant stating the application, as submitted, cannot be accepted because the boundaries of the range, the 120 acres proposed, overlap two no shooting areas. The ordinance revisions were not intended to bail out any application, particularly as there was no formal application pending at this point. Any potential application is just something that is occurring as a separate process. When and if a formal application is submitted, it will be considered with whatever rules are in place at that time.

The Planning Commissioners agreed.

4. Should we add a single performance standard for all new ranges that they be designed and operated so that no projectiles leave the site; combined with the need to consider and recommend conditions relating to: a) screening and buffers; b) proximity to residences; c) noise; and d) hours of operation.

John Ahl felt that the County could not guarantee no projectiles would leave the site. Gun ranges would be designed to industry standards to ensure safety, with substantial information from the NRA regarding range operation incorporated into the development standard. Commissioner Ahl still felt that it was impossible to enforce this standard. It was suggested that the wording be more in line with requiring that the range be developed in accordance with industry standards. Kelly Robinson noted the standards would be required with this wording being used as the fundamental, underlying performance standard. Design and operation are addressed, to include the requirement that rules be in place regarding range operation. The language being moved from Title 10 to Title 17 specifically addresses applying state of the art design standards. Commissioner Ahl still had concerns with the wording and that it would appear that what was said was that under normal operating conditions, projectiles won’t leave the site with Kelly Robinson noting that it was not just under normal operating conditions, but also was based on design standards.

With regard to noise, it was confirmed that gun range noise could not be regulated through the Noise Ordinance. Noise would be addressed through the conditional use permitting process. For example, conditions could be established regarding the orientation of outdoor shooting such as skeet and trap. Or it could be a condition that a dirt birm be in place to protect a certain row of property owners from the noise. Tests would be required on the site that the community could observe from their homes. Also, the citizens on the committee would be involved and could state if there was an unacceptable level of noise. Although noise cannot be regulated, it does not mean noise cannot be considered when establishing conditions. State law does not mean noise
can’t be taken into consideration as an impact from a range. An example would be using the State Environmental Policy Act to say a use is an egregious violation of the habitat standards of a certain stream. The Act would be used to require a mitigated determination of nonsignificance even though there might not be a specific rule that applies to that. The wording is walking a line, but there are things that can be done to help Staff and the applicant to agree on a set of conditions to take to the Hearings Examiner.

**BREAK 10:40 – 10:50**

**Gun Ranges Cont’d:**

4. Gun ranges must also comply with the performance standard which clearly states they will consider items a, b, c and d. There appears to be a consensus among the various groups on these considerations, although there may need to be further clarification on how to condition for noise when it can’t be regulated. This would be addressed through the conditional use permitting process. If a use is allowed as a conditional use in the Use Tables in the Code, it’s a presumption of law that if the Staff and the Applicant and the Hearings Examiner come to a consensus about a set of conditions that apply, those conditions don’t necessarily have to derive from or need to be fully consistent with the actual regulations of the code. Most applicants want to be good neighbors and are likely to make concessions even though the County can’t make it a requirement.

**John Ahl did not agree with the “no projectile shall leave the site” wording. Kelly Robinson agreed to change the wording to “built to the most current industry safety standards.” All Planning Commission members agreed.**

5. **Should gun ranges be allowed in all five rural residential zones, or only in the Interim Rural Forest (IRF) and Rural Protection (RP) zones?**

The five zones are Forest Resource, Interim Rural Forest, Rural Protection, Rural Residential, Urban Reserve.

The Board of County Commissioners felt that gun ranges don’t belong in residential areas and should be placed in remote areas where there will be less impact on neighborhoods. Although Staff agrees in part, there are a lot of residential neighborhoods in Rural Residential areas, many of which are at higher densities than the minimum five acres allowed due to historical plats and shouldn’t have to have these gun ranges. Staff and gun club representatives generally support the idea that as long as they meet the requirements of a Conditional Use Permit, they should be allowed wherever they can find a suitable site.

**Monty Mahan would prefer that gun ranges be restricted to Interim Rural Forest and Rural Protection zones. The other Planning Commissioners felt existing restrictions were sufficient and gun ranges should be allowed in all five areas.**
6. **Should new ranges in Rural Residential zones be limited to sites that meet the “40 acre/15% coverage/500 yards” restrictions?**  
   
   Staff generally believes the old rule should be abandoned, although they don’t oppose the language, either. The Board of County Commissioners suggested it makes sense to use the original site restriction rules in the Rural Residential zone. The rule would not apply in commercial or industrial zones, where they would likely be enclosed. Representatives from the existing gun clubs didn’t like the 40/15/500 requirement, stating it was unduly restrictive. Staff doesn’t necessarily agree with that, but also understands it is a very simplistic rule. Staff would prefer it be left open with the real objective being addressed through the previously mentioned conditions. John Taylor noted he would like to strike the 500 yard requirement as it could be construed as trying to control your neighbor’s property. Tom Nevins noted some landowners believed having a gun club in close proximity limits potential uses of their land. It was clarified that the County does not address the matter of potential use, only what is existing when the application is being processed.

   
   John Ahl noted that he believed the Board of County Commissioners’ recommendation to keep the 40/15/500 standards for Rural Residential areas was reasonable. Mark Flynn agreed that the standards should be kept. Monty Mahan agreed with keeping the requirement. Lary Coppola, Chair, feels that requiring a 40 acre minimum and only allowing use of 6 acres of that property was excessive, but feels more strongly that public safety cannot be compromised and would agree with keeping the standards.

   
   John Taylor would like clarification of what industry standards are with Lary Coppola, Chair, asking if they were more onerous than the 40/15/500 requirement. Kelly Robinson noted that this 40/15/500 requirement would be in addition to having to meet industry standards. The gun club representatives feel the industry standards and the requirement for establishing range rules was sufficient. Lary Coppola, Chair, noted the 40 acre restriction really restricts gun ranges. The argument from the Board of County Commissioners is that these requirements would dissuade placing gun ranges in Rural Residential areas. Deborah Flynn noted that it would seem that Rural Ranges was referring to outdoor ranges and suggested that the wording be clarified to specify indoor or outdoor ranges. Lary Coppola, Chair, questioned whether an indoor range in a rural area would be held to the same 40/15/500 requirements. Deborah Flynn stated that without a distinction between the type of range, she tended to be more conservative and say that rural sites need to meet this requirement. Monty Mahan noted that the proposed wording states “in addition, these outdoor ranges will be held to the original proposed siting criteria.” It would appear with that wording that the 40/15/500 only applies to outdoor ranges. Kelly Robinson agreed to look at how to clarify that language to indicate an indoor range in a Rural Residential zone would not have to meet the 40/15/500 requirement. John Taylor expressed concern that 40 acres is a lot of land, while also being concerned about the impact on property values for existing residences if a gun range were approved. Kelly Robinson noted that the rule would state if there was a house within 500 yards an application would not be accepted.

   
   The Planning Commission agreed to this revision with clearer wording differentiating between indoor and outdoor ranges.
7. **Should new ranges be allowed in all commercial and industrial zones, except Neighborhood Commercial?** There is a broad consensus for this decision.

The Planning Commissioners agreed.

8. **Should new ranges in commercial/industrial zones be limited to fully-enclosed indoor facilities.** There is broad consensus for this decision, including the people who operate gun ranges. They don’t want to try to put an outdoor skeet range in a commercial zone. It’s reasonable to put a small pistol or rifle range in; there have been cases where they were placed under parking lots.

The Planning Commissioners agreed.

A motion was made by Monty Mahan and seconded by Tom Nevins that the Revised Attachment C, Alternative Proposals for items 30 and 34, be approved with the following revisions:

- Page 5, Item (e) All ranges will be designed and operated to conform with current industry standards for range safety as established by the National Rifle Association (NRA).

- Page 5, Item (g) Strike the first sentence in blue. In the second sentence, strike the word “however.”

- Page 6 on the Use Table, adopt the red “c” and strike the blue “x” areas. At the top of Page 6 it specifies that the 40 acre/15% usage/500 yard requirement only applies to outdoor ranges.

Aye: 7, Opposed 0, Abstained: 0. Motion carried.

Continuation from June 3, 2003 Public Hearing: **Kitsap County Emergency Flood Ordinance - Revising Kitsap County Code Title 15: Flood Hazard Areas.**

Rick Kimball asked that the Planning Commission adopt the final Flood Ordinance changes. The Emergency Ordinance was developed as a placeholder under pressure from the Department of Ecology to show good faith that the County was moving forward. The Planning Commission was not being asked to adopt the Emergency Ordinance. The changes would replace the existing ordinance reflected under the Flood Section of the current Critical Areas Regulations. There is no relation between this Flood Ordinance and the Department of Ecology Storm water manual. This will allow the County to continue to have preferential flood insurance rates under the Federal Emergency Management Agency. There have been questions relating to the County’s ability to get Federal Grants which will be resolved with this revision. Finally, this will help the County to comply with the pending updates to the Critical Areas Ordinance. The new language was developed through discussions with the Department
of Ecology and Federal Emergency Management Agency. The language meets their requirement that the County be compliant with their rules to retain the ability to have preferred flood insurance rates throughout the County.

Mike Barth noted there were only a few changes. There were some problems with the interpretation of what qualifies as a basis and this was not addressed in the June materials. The definition of a basement complies with Federal Emergency Management Agency and agrees with other definitions within the Kitsap County code. To address Federal Emergency Management Agency concerns, a definition was added for subgrade crawl spaces. That redefined what Federal Emergency Management Agency was trying to prohibit, which is an enclosed space under a building that was lower than adjacent grade. Subgrade crawl spaces are prohibited under the Residential Construction section.

The wording mobile homes was changed to manufactured homes.

The Utilities section was reworded with a few modifications to reference it’s the same standard as in the Washington Administrative Code (WAC) for wells and septic systems. An additional item was included which, essentially, references back to the Kitsap County Code Sections that regulate those.

The verbiage in the Code of Federal Regulations (CFR) has very specific requirements that have been used in this document.

The section previously referred to as Anchoring has been changed to Structural Systems as applies to anchoring of manufactured homes as well as site-built structures within a flood hazard area. The intent was to encompass all structures.

Coastal High Hazard zones was unchanged, with Staff understanding there were no such zones identified in Kitsap County at this time. The wording was kept in order to comply with Federal standards.

Recreational Vehicles may obtain a permit for up to 180 consecutive days. The permit can be obtained again the following year. Federal Documents wanted to prohibit Recreational Vehicles in all flood zones. Kitsap County zoning allows for the temporary use and the Federal Document does have a specific exemption for anything less than 180 days. This mirrored that exemption to satisfy the Federal requirement while not conflicting with our zoning ordinance.

Renee Beam clarified that what was being done was adopting amendments to minutes to Chapter 15 of the County Code. The Planning Commission was not being asked to adopt amendments to the Critical Areas Ordinance (CAO).

A motion was made by John Ahl and seconded by Monty Mahan that the Flood Ordinance be adopted as amended.

John Taylor clarified that the purpose of these revisions is to bring the County Ordinance into compliance with Federal Rules.
Aye: 7, Opposed 0, Abstained: 0. Motion carried.

- Public Hearing to consider testimony on Kitsap County Tower Height Emergency Ordinance Amendment - Revising Kitsap County Code Title 17: Wireless Communication Facilities - Site Development Standards.

Jeff Smith, the Department of Community Development, noted Kitsap County Central Communications (Cencom) is requesting an exemption from the County Code that regulates the height of lighting for the Public Emergency Communication System. Cencom needs to replace an existing 80 foot tower on Gold Mountain with another tower that would be 260 feet tall. The Federal Aviation Administration requires lighting on towers that exceed 200 feet in height. Kitsap County Code, Section 17.47.050 does not allow any towers with lighting that exceed 200 feet. This is based on reducing visual impacts on the significant viewscapes and any territorial views. Staff is recommending amending the Code to exempt 911 towers. The recommendation is to develop standards that would not allow lighting on any support structure except for those included in permanent 911 public safety communication facilities, including fire, police and emergency medical response services, and located at ground elevations above 700 feet and more than one-half mile from any residential area. A map is attached to the proposed ordinance delineating those areas through the GIS system as far as identifying residential areas and the elevations of 700 feet. Any 911 towers would be required to meet all other regulations that are already in the code with regard to permitting, with County Code requiring a conditional use permit for any new tower. Additionally, the area on Gold Mountain already has approximately half a dozen towers.

Ron McAffee, Director CenCom, noted that the Board of County Commissioners adopted an emergency ordinance on July 28, 2003. This Emergency Ordinance was for 60 days and is due to expire September 22, 2003. Staff is recommending a decision be made at least by September 2, so this can be on the Agenda for the Board of County Commissioners before the expiration. Cencom has filed paperwork for a preapplication conference and that will occur over the next week or two.

A map was distributed indicating the location of existing and proposed towers to improve public radio systems in Kitsap County. The map shows a diagram of a larger plan which is referred to as the Kitsap County Emergency Communications Plan. It shows the location of existing towers and new, proposed towers to improve the public safety radio system in Kitsap County. Cencom started as the single, consolidated 911 center for the entire county, which includes the police, fire and emergency medical dispatch center for the county. There are numerous areas of the county, particularly in areas like the Holly-Seabeck area, in the Olalla area, Hansville, Indianola, along most of the shorelines of the Hood Canal and Bainbridge Island, that have poor to nonexistent radio signals. Simply stated, this means that a police officer, firefighter or medical aid crew cannot speak to or get back to Cencom on their portable radio. In a lot of areas they have a difficult time getting back to Cencom on their mobile radios in their vehicles. The difference between the two is that mobile radios transmit at 25 watts and
portable radios only transmit at 5 watts. The system being put together is designed to improve the plight of police officers, firefighters, and medical personnel who go into these remote areas. The existing tower on Gold Mountain was purchased as used equipment in 1975 and it needs to be replaced. This tower is the linchpin to the communication system, being at the highest elevation in the County with a direct line of sight to virtually all of the other towers. The existing tower does not, however, see over Green Mountain into the Holly-Seabeck and the Navy area. To reach those areas, a 260 foot tower is needed. The exemption to the Ordinance is being requested for public safety only, the 911 dispatch system, on top of Gold Mountain only with wording designed specifically for this location by the elevation requirement and half mile distance from residences. That essentially excludes any other locations in Kitsap County, except perhaps on Green Mountain. The new tower will be among numerous other towers ranging from 700 feet down to 300 feet with Gold Mountain being, essentially, a tower farm.

John Taylor asked if there had been any public testimony on this matter and was advised that Sam Evans was present to testify on the matter and had also testified at the Board of County Commissioners Public Hearing when they passed the Emergency Ordinance. Other than that, public testimony was received when the ordinance was originally created as well as a Committee of about 20 individuals. Unfortunately, the Cencom tower was included with the cellular telephone companies, which was what ordinance was primarily designed for. Development of the tower is being restricted, in Staff’s opinion, by an ordinance that was intended for a commercial enterprise, such as a cellular telephone company.

In an attempt to determine other ways to solve the problem, a computer program was utilized that indicates at various tower heights, different locations and elevations what the radio signal coverage prediction will be. As indicated on the map that was provided, there are a total of ten towers throughout the county. All of the other towers, with the exception of the Suquamish tower, are under 200 feet and placed in locations to specifically cover that general area. The Gold Mountain Tower is used as an overlap to provide signal to a lot of those different areas where no other tower can. As far as alternatives go, the only alternative would be to put up at least ten more towers somewhere throughout the county in order to gain the same radio signal coverage this one tower will provide.

Tom Nevins questioned other locations along the Hood Canal and questioned whether alternatives had been aggressively looked at. Ron McAfee indicated there was a single tower on Teal Lake which covers the Hood Canal area but doesn’t reach the Holly-Seabeck area or into the northern Hansville area.

Ron McAfee noted two towers on the opposite side of the Hood Canal, owned by American Tower Corporation and Verizon Wireless, had been considered. Those towers are, however, regular sized telephone towers that won’t support the kind of equipment that the Public Safety personnel need to have on their towers. When available land was considered, the Teal Lake property, located on Olympic Resources land, was the only location available that was agreeable to the community. It was reiterated that this is not for commercial use and is for Public Safety only. In order for
Cencom to be able to receive from portable radios carried by Police Officers, Firefighters and Medical Personnel, the receiving antenna needs to be at the top of the tower. The transmitting antenna, which goes from Cencom back to the portable radios, is 40 feet below that to prevent interference. The higher the receiving antenna on the tower, the better the receipt from those portable radios. It was also clarified that this was unrelated to the Indianola tower and that site did not meet the 700 foot requirement.

John Ahl verified there were existing towers on the site over 200 feet that were lit. Deborah Flynn asked if there was an opportunity for Cencom to get a variance rather than changing the ordinance and was advised that a variance would create a hardship with a five part test required for that process.

Sam Evans distributed a letter dated August 19, 2003 regarding potential amendments to the Code regarding communication tower lighting. He then read the letter, Exhibit 9, into the record. In summary, Mr. Evans expressed concern about the possibility of erosion of the Land Use Code relating to the lighting of towers. There were two primary issues: one regarding potential impact on the local economy and the other related to public security. Since this site has been identified as a tower farm, Mr. Evans noted his concerns may not be applicable.

The Federal Aviation Administration requirement for warning lights and Kitsap County Code Section 17.470.050 were read into the record. Mr. Evans stated that the County Code is a step toward maintaining the quality of life for County Residents. Maintaining the quality of life will be a key factor for Kitsap County to attract industries and skilled workers to the area. Any erosion of the Land Use Code could put that quality of life at risk and potentially limit the economic expansion of Kitsap County. In July 2003, Cencom had decided to continue with their plan to pay 75% of the construction cost for a 300 foot lighted tower on property owned by the Suquamish Tribe. Now Cencom was looking for another exception to the Code. Towers are designed to last from fifty to a hundred years and will have an impact on two to three generations of citizens.

Another concern would be for Homeland Security. The Homeland Security Act of 2002 requires protection of critical infrastructure, which would include the County communication network. Since 9-11 there are new factors that need to be taken into consideration. To have a critical aspect of countywide emergency personnel communications placed in high visibility with blinking lights would make it an easier target for attack. This could result in disruption of communications at a time when they are most needed. With the need for systems to be reliable during times of greatest and unpredictable stress, why should a key element be placed in a highly visible location with beacons?

There is always more than one good solution to designing a system. One possibility would be to place more towers, although the argument against that plan has been the added cost. From a safety standpoint, more towers, rather than fewer, offers safety in redundancy without flashing lights to attract potentially unwanted attention.
Monty Mahan noted if there were concerns about visual impact, an aerial photo could be provided, putting in the new tower. It was noted that was part of the Conditional Use Permitting process.

Lary Coppola, Chair, noted where the Kitsap County code addresses the quality of life, public safety is a quality of life issue. With regard to the 300 foot tower on Suquamish Tribe land, the County has no jurisdiction over that land. The alternative presented in Mr. Evans’ letter was that additional towers be built. To get any tower built resulted in a lot of public resistance and additional towers may not be perceived as improving the quality of life. On Gold Mountain there are no homes within half a mile or more. This tower would be no more visible than the other towers existing at that site.

John Taylor received clarification regarding the direction and shielding of the proposed lights. The lighting that will go on the tower is medium intensity and up-tilted at approximately 10 degrees. The purpose of the lighting is to mark the tower for aircraft. Shields will also be in place to prevent the light from going straight down. The lights will still be visible from other locations. There will be a medium intensity strobe light on top during the day and a steady red light (not a strobe light) on top and in the middle at night. Lary Coppola, Chair, received clarification that the antenna extended 20 feet above the top of the tower.


NOTE: Discussion on this agenda item began prior to the Flood Ordinance item. Due to the time anticipated in resolving concerns, it was moved to the end of the meeting after partial discussion. During this delay, Staff revised text as indicated below to address Planning Commission concerns.

Lary Coppola, Chair, reopened the Public Hearing on Comprehensive Plan amendments, requesting a motion to approve the Findings of Fact to recommend to the Board of County Commissioners for the Comprehensive Plan, excepting the Interim Rural Forest issue. Jason Rice noted that this was referring to Findings of Fact to be delivered to the Board of County Commissioners.

Concerns addressed as part of the earlier discussion included:

- Tom Nevins expressed concern over wording stating “the Planning Commission unanimously approves” when there were instances where it was not unanimous.
- Deborah Flynn questioned the accuracy of Item 26 with regard to the number of corners developed prior to 1990.
- John Taylor noted the date in Item 5 should be September 3, 2002.
Jason Rice presented revised Findings of Fact for the Planning Commission to consider which were intended to clarify issues and address concerns of the Planning Commissioners.

Page 7, Line 12, the word “proposed” will be inserted to make the statement “includes proposed changes” and does not imply that these are changes.

Page 7, Line 34, the location of development prior to 1990 is not accurate. The paragraph has been removed and replaced with:

Georges Corner LAMIRD Considerations: In brief, as the Growth Management Act requires, there was built development with infrastructure prior to July 1, 1990 on the Northeast corner, one lot removed, and the Southwest Corner. Additional development has occurred since 1990 on the Northeast corner, leaving the Northwest and Southeast corners undeveloped.

Page 7, Line 39, the wording “on site” is deleted, with wording revised to “and there are two major arterials which bisect the properties.”

Page 7, Line 45, is revised to read:

The Planning Commission was divided as to the appropriate location and placement of a logical outer boundary that met the criteria established under RCW 36.70.A. After examination of the Staff findings, the Planning Commission determined that pre-1990 development of the northwest corner was one lot removed and didn’t justify establishing the logical outer boundary at this location. Therefore, the Planning Commission found that having only one corner of the crossroads development constructed prior to 1990 failed to qualify this area for a LAMIRD designation at this time.

Page 8 relating to Pioneer Way was also amended to capture what was done with George’s Corner. The wording was revised to state:

The Planning Commission was also concerned with establishing a LAMIRD at this location, as was noted in the previous Finding. Again, the Planning Commission determined that this area didn’t meet the necessary criteria to establish a logical outer boundary for this location. Further, it was noted that the Planning Commission recommended that the County undertake a Comprehensive analysis of potential LAMIRDs countywide because of their proximity to existing neighborhoods and existence prior to 1990.

Page 8, Lines 38 and 39, Deborah Flynn noted that under Bjarnson it was illogical to include what happened last year with North Sound Bank. They are unrelated issues.

It was clarified that “Discussion” portions were only included when there was a difference between Staff Recommendation and the Planning Commission Recommendation. The Planning Commissioners noted that if the Discussion portion were included, it should support the recommendation made by the Planning
Commissioners. Jason Rice noted on Bjarnson he could delete the discussion portion altogether. The discussion could remain but the discussion should reflect the reason for denial was that the only thing supporting the application was that if it were in the LAMIRD it would be okay. With denial of the LAMIRD there was no reason for approval. Jason Rice noted he would review the minutes to determine the reasoning for the Planning Commission’s denial.

Page 9, Line 38, should be revised to reflect the actions of this meeting.

Page 10, Line 31, it states “should / should not” and one of those should be deleted.

Page 11, Line 5, also states “should / should not” and one of those should be deleted.

Tom Nevins noted that generally the aim of the Discussion portion would be to support the decision. Since only one person was signing the Findings of Fact it was not a problem for him. If, however, it were a situation where all the Planning Commissioners had to sign it, there would be a problem. The less discussion included in the Findings of Fact the better, to make it easier for the person who may be opposed to the wording. John Taylor noted that the minutes could always be reviewed, as well as the tapes. Tom Nevins noted that using the word “unanimously” should also be avoided unless that was actually the case.

A motion was made by John Ahl and seconded by John Taylor that the Findings of Fact be adopted as amended.

Aye: 7, Opposed 0, Abstained: 0. Motion carried.

Other Business.

John Taylor requested an updated schedule from Staff including the remainder of August and through September. This would include the Short Course the evening of September 16 meeting at the Givens Center, a meeting with the Board of County Commissioners on August 26, Mark Flynn noted there would be a State Housing Conference held in Spokane from September 8-10, a Planning Commission meeting the morning of September 16.

Deborah Flynn requested that Agendas be provided to the Planning Commissioners in advance. That had been occurring until the last few meetings. Receiving the agenda in advance helps determine what material to read before coming in. Lary Coppola, Chair, noted that some of the material is received at his office and some at his post office box. All his mail relating to the Planning Commission should go to his post office box, as previously requested.

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

12:35 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>
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<tbody>
<tr>
<td>A.</td>
<td>Planning Commission Agenda dated Tuesday, August 19, 2003</td>
</tr>
<tr>
<td>B.</td>
<td>Exhibit 1 - Proposed Hybrid Language dated August 18, 2003</td>
</tr>
<tr>
<td>C.</td>
<td>Exhibit 2 - William Matchett letter dated August 19, 2003</td>
</tr>
<tr>
<td>D.</td>
<td>Exhibit 3 - Kelly Robinson Development Code Amendments dated July 29, 2003</td>
</tr>
<tr>
<td>E.</td>
<td>Exhibit 4 - Draft Findings of Fact dated August 2003</td>
</tr>
<tr>
<td>F.</td>
<td>Exhibit 5 - Ordinance No. ______________ relating to Flood Control</td>
</tr>
<tr>
<td>G.</td>
<td>Exhibit 6 - Jeff Smith Memorandum dated August 13, 2003 regarding 911 Emergency Communication (Public Safety) Tower Exemption</td>
</tr>
<tr>
<td>H.</td>
<td>Exhibit 7 - Emergency Ordinance No. 305-2003 relating to zoning and exempting certain 911 Public safety communication facilities from certain lighting standards applicable to wireless communication facilities</td>
</tr>
<tr>
<td>I.</td>
<td>Exhibit 8 - Cencom Tower Map</td>
</tr>
<tr>
<td>J.</td>
<td>Exhibit 9 - Sam Evans letter dated August 19, 2003 regarding proposed amendment to Kitsap Land Use Code Section 17.470.050 relating to lights on communication towers</td>
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MINUTES approved this ______________ day of _____________________, 2003.

________________________________________
Lary Coppola, Chair

________________________________________
Planning Commission Secretary