The Kitsap County Planning Commission met on the above-stated date at the Silverdale Community Center, Silverdale, Washington. Members Present: Tom Nevins, Mark Flynn, Deborah Flynn, Lary Coppola, Monty Mahan, John Taylor, Michael Gustavson, Dean Jenniges, Not Present: John Ahl, Staff Present: Kamuron Gurol, Eric Baker and Holly Anderson, Secretary.

9:00 A.M.
1. Chair Tom Nevins Called the Meeting to Order
2. Introductions
3. Approval of Minutes

January 13, 2004

A motion was made by Michael Gustavson and seconded by John Taylor that the minutes of January 13, 2004 be approved. The vote: Aye-5; Against-0; Abstain-2. Motion carried.

4. Appointment of Vice Chair

A motion was made by Michael Gustavson and seconded by Monty Mahan that Mark Flynn be appointed the 2004 Vice Chair of the Planning Commission. The vote: Aye-6; Against-0. Motion carried.

5. Public hearing to consider a draft ordinance and potential amendments to the County Code addressing regulations for Agriculture and Equestrian activities.
Review of the existing ordinance and County Code was a yearlong public planning process. In 2002, the County noticed irregularities in the Code that seemed overly prohibitive to the equestrian community. Additionally livestock allowances had some discrepancies. The Board of Commissioners formed a Committee comprised of 12 citizens affected by changes to the Code. This Committee met 11 times with County staff who then made recommendations to the Planning Commission. Baker thought it was a beneficial process. He addressed some of the proposed major changes to regulations for the Planning Commissioners. These included:

- Agricultural structures regarding setbacks
- No distinction of what was to be housed in a structure
- Code used many terms frequently and interchangeably without defining. New changes will define terms
- Size of animals
- Riding stables
- Animal densities.
- Homes and drainfields
- Acknowledgement of the Conservation District Farm Plan
- Bulk regulations changed to one livestock per 1-½ acres.
- One animal needs one acre of land to sustain them. With Farm Plan, that number can be increased or decreased, depending on land
- Distinction between confinement areas and pastures; anything greater than 20,000 sq. ft. is considered a pasture
- Setbacks from streams and other wetland areas are required for confinement areas
- New regulations do not apply to large pasturelands currently having access to streams
- Manure storage areas also require setbacks
- Existing Code most lacking for regulations regarding riding stables. All were designated commercial if any money exchanged hands and required a $2,500 Conditional Use Permit
- New regulations propose only necessary for riding stables defined as stable or arena facility open to the public in which horses or other livestock are used for boarding, training, riding lessons or rental.
Only land use necessary in proposed changes is if property is less than 2 ½ acres in size or where riding facility is less than 50 feet from a property line or 100 feet from dwellings on neighboring properties.

Anything not meeting any of the above three criterion, does not necessitate land use and must adhere to other sections of the County Code; i.e., waste management, parking, traffic, etc.

The Committee approved all changes to the current regulations unanimously. The Committee felt the Conservation District Farm Plan is essential. In summary, the Committee members are excited about working with the County to provide their assistance.

Planning Commission members asked questions and expressed opinions about the following:

- Grandfathering of existing facilities
- Private vs. public riding stables
- Monitoring of dust, noise and odors
- 2,000 complaints annually not all regarding livestock activities
- Building setbacks from existing fences
- Any exceptions to rules, i.e., if a structure is placed closer than allotted, possibly next to DNR land
- Do equestrian activities have an appeal process

Baker responded:

- Newly proposed regulations are less restrictive, thus grandfathering will be used less. Anyone in compliance with today’s Code, does not need to adhere to new regulations unless something specific changes on their property
- Wanted to remove commercial entirely from code. Need to look at impact of activity. Impacts judged by transportation of noise and dust. Issue surfaced because of a series of neighborhood complaints. If no complaints, no one checks. Kitsap County enforcement activities are complaint driven
- County receives over 2,000 complaints annually
- Approximately 95% of all complaints are mitigated, leaving only 5% when a citation or further enforcement is necessary
- Health District does some monitoring
• County monitors dust and odor
• Clarity of regulations is necessary
• If fence was pre-existing to structure, property owner needs to alert County to avoid future problems
• Farm Plan has flexibility for locating structures
• Appeal process for equestrian activities is first to the Hearing Examiner, then to the Board of Commissioners and finally to Superior Court

PUBLIC TESTIMONY

Donald Todd – Seabeck – Objected to what appears to be a move toward everyone with 5 acres or more being deregulated yet with more restrictions on property less than five acres. He owns 2-½ acres with two horses. Said a 20,000 square foot pasture cannot support a horse. Also objected to a possible conflict of interest in that everyone on the Committee having five or more acres and riding/boarding facilities. Asked staff to check into this matter. Asked how many of the 2,000 complaints were dog and cat issues. Does not want a health issue and can see no stipulation in the proposed new regulations for people who take good care of their large animals.

Louis Romo has owned 2 ½ acres with horses since 1970. He feeds them in conjunction with grazing. Has seen abuse by owners with five or more acres.

Vince Romo noted a 200-foot area of land in Olalla with goats, llamas, a donkey and horses on it. Said it is a big mess. Why propose to penalize good caretakers of animals and land yet such issues as this are not handled.

Sue Mahchack left Kitsap County with her horses. Does not think the County encourages horses and extra curricular activities. Horses are recreational source. Ms Mahchack does object to not the animal density issue but to the use of one’s land. By choice, she moved her fences 100 feet back from a stream. She believes she has paid for the right to use her land and have animals. People in general love their animals and what the County is proposing is too restrictive.

Sharon Call of the Washington State Horse Council thanked the Committee for working on behalf of horse owners. She thinks the
proposed changes are better than current Code regulations, which have a
negative impact. New regulations will provide opportunity to have animals
while working with the Conservation District. Understands that everyone
loves their animals and with proposed changes, can accomplish and
achieve goal of healthy environment for animals. No regulations
negatively impact neighborhoods. Ms Call expressed concern about the
term, “Confinement area.” Thinks 20,000 square feet is too large. Would
like to see this split up to allow for management of some grass. Suggests
taking pasture right up to fence line with owner’s ability to utilize all of their
acreage. Asked why language allowing either one horse or two ponies is
proposed to be removed from the ordinance. New regulations will allow
opportunity to work with Conservation District to best suit the needs of the
property owner.

Sheridan Kent presented comments from Agricultural Advisory Committee.
It appears that the County feels the current regulations listed are too
difficult and restrictive for agricultural farmers. She feels that the only
proposed regulation that is less restrictive applies to owners of five acres
or more. Asked what makes five acres more usable and thinks an EIS is
needed to support this regulation. Fairness should be applied to all
property owners, whether they have less than five or more than five acres.
She asked how many larger property owners have Conditional Use
Permits. Ms Kent asked that the County reconsider this specific proposed
change to allow small landowners the same rights as larger landowners.
In order to be grandfathered, she thought she did not have enough
livestock to meet the quota but that maybe with a Farm Plan, this will
change. She is signed up for a Farm Plan. However the Conservation
District wants her to sign a contract agreeing to unknown
recommendations. She was also told this is not a binding contract.
Because of this, she has been looking at more acreage in Kitsap County
but cannot afford more in this county. She asked staff and Planning
Commission to please reconsider. Ms Kent also sees inequity between
small and large parcel owners, stating she is being asked to cut her
livestock density in half while there are no limits on five or more acres. It
was suggested that the table for number of animals be changed and that
types of livestock need more specificity. She would like to keep her
existing livestock.

James Kent representing Deputy Sheriff’s Guild, expressed concern about
the way in which the Committee conducted its activities. Fairness was not
shown to property owners with less than five acres. He believes that many
property owners with five or more acres do not have a Condition Use Permit and that they exceed the maximum number of animals allowed. Currently, everyone can have two animals per acre. This disappears under the proposed new regulations. The Guild finds this suspicious and unfair. Asked for proof that a specific area of land can support a specific number of animals. Issue is impact. No fair to give large land owners a free ticket. Health District already has regulations for solid waste control. Conservation District has no enforcement authority. Entire process does not represent all animal owners in the County.

Dale Bourgeois expressed concern over wording in proposed changes to Code that property owners with less than five acres must adhere to new regulations. He said he was forced to give up 25 feet of property as a setback, putting his property now under five acres because of the County’s required setback. If including a grandfather clause in Code amendment, needs to be well documented. Mr. Bourgeois has had structures on his land since 1917. Questioned if property stays in family, would it be grandfathered? What about transfer of title. Did not like time for this meeting because many people are unable to attend during the daytime. Unrealistic forum to receive all comments.

Ron Ross objected to the three-minute time limit on speaking. Relative to grandfathering, he recommended asking for pictures showing the number of cattle on one’s property. Perceives a lack of clarity on how to grandfather existing parcels and at what time should this be done. He said there was no forum to incorporate grandfathering issue into a public record. (The grandfathering issue was brought up only as an avenue for people who would be out of compliance with new proposed regulations). Things needing defined: small animals; gross acreage; whether wetlands are part of the discussion; and equestrian impact activities. Suggested specific language changes for the Planning Commission to consider.

Linda Heath lives in an equestrian community. Some lots are five acres, some two and a half. This property was developed as an equestrian community. When and if she sells her home, wants to be able to sell as equestrian property. Questions if new regulations will penalize her rights on the equestrian designated land she originally purchased. Wants to keep rural, rural.
Amber Stewart said having five acres does not make the land more usable. More problematic are citizens who do not take care of their animals than a need to regulate how many animals per acre. Rules need to be fairly applied to all. Even though she has five acres, she thinks the County should reconsider implementing new regulations.

Sue Boblet shared some Comments about the Conservation District. She warned people to be careful about giving them too much power. She said she had volunteered to have a Farm Plan drawn up, but there was no way to implement it. The Conservation District wanted her grass to be six inches long, all year long. The District wanted small paddocks constructed to house the horses then let the horses out to graze when the grass was over six inches. She said this is unrealistic if you know how horses graze. The grass would never be over six inches and the horses would be housed most of the time. The District also recommended an expensive manure storage facility be engineered for them. This was something she could not afford.

Doug O’Donnell, a veterinarian on the Committee, wanted to bring science into the process. He looked at much professional information. The Committee was concerned that if regulations were extended past five acres, the Board of Commissioners would never enact the Code amendments. He does have a Conservation District Farm Plan that has helped him with water problems. The Committee did not base guidelines on multiple criterion. If large tracks of land are considered in the Code changes, they would be very difficult to regulate.

Nadean Ross did not think that a Conservation District Farm Plan should affect what you can do with your land. Standards are needed but the Conservation District should not be required to be involved. It is grant supported. This is an inefficient way to regulate legislation. With regard to stream setbacks, fencing should be a voluntary option with grandfathering.

Diane Ramsey owns 10 acres and attended many Committee meetings. She felt they worked hard and came up with a good working draft. She did not recommend considering this to be a final draft because it needs many changes. Some of these changes relate to animal density, size of property and lack of science or rationale to Committee work. Thinks it is important to have standards to give County the authority to write citations for violators. Believes the intend is to protect non-animal people from animal owners. Thinks people need to adopt philosophy that if you move into an
agricultural area, that agriculture will be the character of the community. The responsibility should not be placed on the Conservation District whose main concern is water quality. In short, this draft ordinance needs more work.

Ron Griffin, a resident of Kingston and owner of more than five acres, thinks livestock numbers should apply to all acreage. He discussed pasture vs. confinement area and setback criteria. Does not think regulations should be solely based on size and that the new draft does not look at use of land. Did not think the Committee encompassed differing viewpoints of the community. He also addressed manure storage and question of scale. Said Conservation District Farm Plans support but do specifically look at water and groundcover. The proposed changes to existing regulation eliminate Conditional Use Permits on five or more acres. Suggested that when a new facility is proposed to be built, that a review process be implemented allowing for public comment. He said Kitsap County is changing and growing, with still much undeveloped land and mixed zoning. Whatever regulations are considered, they should be the most constrictive. Farm Plans are considered private documents until finalized. If used as planning tool, Farm Plans should be reviewed outside of party requesting.

Regina Twidwell questioned pasture size and confinement. She felt that confinement space is for exercise and for the animal’s health and that the area should be between one-fourth and one-third of an acre. The proposed setbacks make it that much more difficult to maintain a healthy animal. 20,000 square feet is an unrealistic number and should be revisited. Ms Twidwell wants to use every square inch of the property she purchased if not, then she thinks a reduction in property taxes for land taken for setbacks is reasonable. She mentioned that a lot of dollars are brought into this county by equestrian activities. The equestrian community will be forced to leave the County until the regulations are more reasonable and less restrictive. She has lived in Kitsap his entire life and like the rural character and respects for farming activities. She expressed concern over too many government restrictions. A more sensible approach is needed. She also mentioned that manure storage needs are different, depending on the type of animal.

Michelle Heinz, a member of the Committee, understands all comments heard today and respects all points of view. A focus on rules and regulations needed for people moving into the area. The Committee saw
things that could be improved by working with the Conservation District. Staff needs to be able to provide standardized regulations and assign numbers to assist new people coming to the Department counter. Changes will not satisfy everyone but the Committee’s goal was to try and protect Kitsap County and to keep it rural and keep pollution down. There are still many that do not take care of animals and some that do not like animals. It is everyone’s responsibility to participate in this difficult process.

Six minute break.

Planning Commission Deliberation

The Commission members began to discuss staff comments and testimony received and to formulate a possible recommendation.

John Taylor was prepared to make a motion and speak to it.

Dean Jenniges thought the matter needs to go back to staff for consideration of additional issues.

A motion was made by John Taylor that this matter be sent back to the Committee for further review with emphasis on owners of property less than five acres in size vs. owners of property five acres or more and differing regulations proposed for each. Further, he moved that additional emphasis be placed on the composition of the Committee.

A friendly amendment to the motion was made by Dean Jenniges that the Committee needs to address concerns regarding livestock, areas of confinement, animal density, small animal designations, with consideration given to areas of concern addressed in today’s public testimony.

John Taylor approved the friendly amendment.

Michael Gustavson seconded the motion.

John Taylor had hoped to hold a joint public hearing with the Board of Commissioners on this issue.

Tom Nevins noted that the issue of joint meetings is still under legal review.
John Taylor continued, stating he appreciated comments from the citizens today, especially on the issue of less than five acres vs. five or more acres. He thinks that one set of rules for everyone removes any flexibility and that government needs to use more common sense.

Mike Gustavson recommended the following changes to the draft ordinance:

Page 1.
7.110.179, delete Confinement Area, in concept
17.110.472, Pasture, delete clause “greater than 20,000 square feet in size”
17.110.643, delete entire section
Add a definition for small animals. Questions gross acreage impact density

Page 2
17.432.020, delete clause “less than five (5) acres”
The Committee should strongly review the entire Animal Densities Table,
17.432.020

Page 3
Subparagraph B. Delete “Confinement Areas along with setbacks”
Delete entire paragraph above “C. Pastures”
D. Manure Storage Areas – Need to be sure that manure storage does not become a nuisance issue

Page 4
Does not understand sentence stating “Manure storage areas must be fully covered (tarp, roof, etc. from October 1st to April 30th.”

Monty Mahan was opposed to remanding this issue back to the Committee. They have worked hard on this document and opportunity has been given to all for Committee participation. It is now time to open the issue to the broader community. The hard work is now up to the Planning Commission to make its recommendation.

Lary Coppola agreed with Monty Mahan. He suggested sending back to staff to consider edits based on today’s testimony.

Deborah Flynn also agreed with Monty Mahan. She said that sending it back to Committee assumes that the Committee is willing to continue working on this issue and attending meetings. She thinks it is now time for staff to respond to the testimony heard today. Also, the Committee work
was to establish standards on land use and protect neighbors from mixed activity.

Dean Jenniges did not care who revisits the proposed regulations. It at least needs to go back to staff to re-address issues for another public hearing.

John Taylor was willing to send draft ordinance back to staff with a 30-day deadline for additional public input and 90 days to bring back to the Planning Commission for further deliberation.

Mark Flynn agreed that it is the Planning Commission’s responsibility to assure the changes are acceptable and reflective of staff and citizen input.

John Taylor withdrew motion and a new motion was made by John Taylor and seconded by Michael Gustavson to send back to staff to readdress issues heard in testimony and that the Planning Commission re-hear this matter, if necessary in 90 days, with a 30-day comment period for the public to provide additional comments to staff. An actual public hearing is continued indefinitely. The vote: Aye-8; Opposed-0. Motion carried. (Written comments due on or before March 11, 2004).

Kamuron Gurol stated, for clarification, stated that a 90-day window for this issue to be re-heard by the Planning Commission, with a 30-day comment period left open for the public to provide input to the staff, was reasonable and fair. Staff will provide color-coded changes for the Planning Commission to consider.

It was decided that an additional work/study is needed before this matter goes back to public hearing. The matter will be set on the March 9, 2004 Planning Commission agenda for Work Study.

Dean Jenniges thought the Commission has sufficient public input and that it should now go back to staff to consider public testimony and staff comments.

Jan Baker from the audience, asked how to determine the Planning Commissioners’ background and qualifications to make this decision (recommendation).
Kamuron Gurol explained Kitsap County’s process being staff recommends to Planning Commission, Planning Commission recommends to the Board of Commissioners that ultimately makes the final decision. He also explained a variety of diverse issues on which the Planning Commissions makes recommendations and that each member is appointed by a County Commissioner to sit on the Commission.

5. **Committee Reports**

Lary Coppola attended the South Kitsap Subarea Joint Planning Committee meeting last week with the Port Orchard City Council and Board of County Commissioners. He said the City is unhappy with the length of time the process is taking. Retaining an outside consultant was suggested. The City is willing to hire a full-time employee to work with the County, but the County is not willing to do so. Best estimate by County is that the process will take as long as 18 months, up to September of 2005. Most felt this was much too long.

Tom Nevins asked Lary Coppola whether anyone who crafted the Memorandum of Agreement to allow ULID #6 to be considered ahead of the Port Orchard Subarea was present. Lary Coppola was not aware of anyone.

Kamuron Gurol clarified that adequate staffing is a struggle in order to complete all projects on DCD’s work plan. He listed highlights of his conversation with the Board of Commissioners about staffing needs specific to individual projects. For instance, the South Kitsap Port Orchard UGA project needs two FTE’s plus a consultant and that the City needs to provide at least one of these. Discussions are ongoing about costs and who will pay for a consultant. He said that given all the issues involved, that September of 2005 was a realistic estimate for completion. Specific direction was not derived from either the City or the Board following the proposed timeline.

**Further Discussion:**

- Plan is desperately needed but sewers are major issue. Infrastructure needs to come first.
- Concerns about too much building around Long Lake and the effects of this long term on the lake itself. Lake area needs to be sewered but it is too far from the City of Port Orchard.
• What areas are included in the Subarea Plan and a need to identify priority areas
• Need for Board and City to approve the study area to get it defined
• Concern about timeline and opposition to discussed study area
• Appeals

Mike Gustavson is no longer on the BAS Committee but responds to issues available to him. No convinced about BAS especially on Shorelines. Kamuron will have Rick Kimball talk with Mike.

Mark Flynn has been participating in Land Capacity Analysis group. Greg Cioc is head of the Committee.

6. **Master Planning Ordinance**

Kamuron Gurol said internal review is still ongoing. He explained that last year the County adopted two subarea plans; namely, ULID #6 and SKIA. Feels this will result in a harmonizing approach. Have some time to work with this further. ULID #6 needs some changes but SKIA needs far more work. If any applications are received, will most likely be under ULID #6. Believes County still has two to four months to fine tune the ordinance.

Discussion:

• Planning Commission needs maximum time to review materials after legal review
• Possibility of having materials on next draft to the Planning Commission by second meeting in March (March 23, 2004)**
• Possibility of having both Work Study and Public Hearing on equestrian regulations on same day (Work Study only set for March 9, 2004 Planning Commission meeting)
• Continuing need to have materials ahead of time to be ready for meetings
• Open space map for ULID#6 – different categories as spelled out in most current Master Plan draft

7. **Comprehensive Plan Amendments (CPAs) 2004**

Discussion:
• Request for update on joint public hearings with the Board of Commissioners
• Confusion over whether the discussion with the Board included all public hearings or just CPAs
• Clarification that discussion was relative to CPA process only
• Review of notes from January 27, 2004 joint meeting with the Board

8. Review of CPA process document

Kamuron Gurol presented a draft resolution to the Planning Commission members stating it is now under discussion with the Board. In this latest version, staff recommends considering only certain site specifics, meeting specific criteria and that others be moved to the next round of CPAs. Concern has been expressed for potentially missed opportunities for economic development. Will discuss in more detail with Board at tomorrow’s Work Study session. There will be a special public meeting on February 18, 2004 at 8:30 AM to take public comment and possible decision on the draft resolution.

Discussion:

• Concern about exporting South Kitsap sales tax dollars to Pierce County businesses
• Favorable comment for commercial center at the Sidney/Sedgwick area
• Subarea planning process will address this
• Petition method of annexation and that the courts have reinstated this method
• Annexation issue in general
• Length of subarea process for this year to be 19-20 months
• Carry-over items from last year’s process – four sites

9. Affordable Housing Summit Schedule

No specific schedule yet. Still looking at having a summer event. There are two separate audiences for this summit. Need to decide on the audience by way of the Planning Commission clarifying its vision for this event.
Chair Nevins recommended the Planning Commission members bring ideas to next meetings for discussion.

10. Amendment to By-laws

Continue

11. Old Business

None

12. New Business

Mark Flynn will email Holly with website for media releases from MLS.

Kamuron Gurol discussed hiring a demographer.

Discussion:

• Need for good sound system
• Need for better heating system
• Is coffee a possibility

No more business being hear, the meeting was adjourned at 12:10 PM.

Exhibit No. Description

A. February 10, 2004 Planning Commission Agenda
B. Draft minutes for January 13, 2004 Planning Commission meeting
C. Memorandum dated February 4, 2004, from Eric Baker RE: Draft Agricultural and Equestrian Regulations with proposed code changes attached
D. Sign-in sheet for public comments and attendance
E. Draft resolution – Providing for review and possible amendment of the Kitsap County Comprehensive Plan
F. Revised Timeline for 2004 CPA process
H. Letter to Honorable Secretary of Agriculture, Washington, DC from
   Patriotically yours, I. M. Happy relative to equestrian regulations
I. Proposed addition to Planning Commission Rules and Procedure
   submitted by John Ahl – in legal review
J. Planning Commissioners Journal, Winter 2004
K. Current list of Planning Commission members with pertinent data
L. January 13, 2004 Planning Commission meeting checklist

MINUTES approved this 24 day of February 2004.

________________________________________
Tom Nevins, Chair

________________________________________
Planning Commission Secretary