
A. Chair Nevins called the meeting to order and made introductions. He explained the order of procedure for today’s meeting as follows:

The Planning Commission’s Recommendations on the Comprehensive Land Use Plan Docket and Amendments, Phases I and II.

B. WORK STUDY

Chair Nevins - Receipt of public testimony was accepted through yesterday and new material must first be reviewed. He asked that cooperation and patience be shown and differences of opinion be respected. He recommended that personal opinions on any item by an individual Planning Commissioner, be put in writing and brought to the July 20, 2004 Planning Commission meeting for attachment to the packet containing the Planning Commission’s recommendations to be forwarded to the Board of County Commissioners.

Order of Items:

• GMA Compliance
• George’s Corner potential Commercial LAMIRD
• North to South for 2003 deferred and new 2004 Site Specific requests as follows:
Recusal, if needed, in compliance with the Appearance of Fairness Doctrine was explained and will be addressed on the site-specific applications. Chair Nevins noted that this is a work/study session to deliberate on the entire 2004 Comprehensive Plan Amendment process, Phases I and II. Work/studies were held on both Phases, public hearings were held on both phases, at which time the public commented and expressed their thoughts. Today, no further testimony will be taken. This meeting is recorded and minutes will be prepared. The sequence in which the items are taken should have no significance.

1. **Growth Management Act (GMA) Compliance**

The Washington State GMA (RCW 36.70A.130) requires Kitsap County to review, and if needed, revise the comprehensive plan and implementing development regulations to ensure compliance with the GMA.

Discussion began using the most current version of staff report dated July 8, 2004.

**Prologue**

No concerns
Kitsap County Planning Commission –July 9, 2004

Critical Areas

• Dean Jenniges thinks the County is in conflict with this, specifically regarding wetlands.

• Michael Gustavson – Number 1, Page 4. He is not aware of any connective wildlife corridors required in the County.

A motion was made by Michael Gustavson and seconded by Dean Jenniges that the term Connective Corridors be left out.

• Deborah Flynn – Believes they are needed, the language is good, will be voting against the motion.

• John Taylor – Agrees with Deborah Flynn. There is ongoing work in all districts to build connecting trails. He gave examples.

• Jenniges – Disagrees because connective corridors reference wildlife and it is his understanding that the trails in progress currently are for humans, not wildlife.

• Gustavson – Agrees that the trails are for people and this clause has a potential impact on private property. Sees no justification for it in science.

• Chair Nevins – This is a policy and the goal supports the language.

JoAnn Vidinhar – Department of Community Development staff, stated RCW 36.70A.160, allows for each county and city that is required and chooses to prepare a Comprehensive Land Use Plan to identifies open space corridors. Under RCW 040, it states, “...shall identify open space corridors within and between urban growth areas. It shall include the land useful for recreation, wildlife habitat trails and connection of critical areas as defined in RCW 030.” Via this policy under discussion, the County is trying to comply with the RCW.
• Jenniges – Vidinhar used the word “chooses” indicating it is not a definite requirement.

Vidinhar – Since Kitsap County is required (not a choice) to prepare a Comprehensive Land Use Plan, there is not an option for compliance.

• Jenniges – Asked for definition of a wildlife corridor.

Vidinhar – “It shall not restrict the use or management of lands within the corridor for agricultural forest purposes.”

• Jenniges – Too vague.

Jason Rice – Believes it is each county’s discretion as to what takes place within these corridors.

• Lary Coppola – Concerned about an individual property owner’s right to use his land if wildlife corridors are identified on the property.

Vidinhar – This is a policy for the Comprehensive Plan and the development regulations that are the update and revision of the CAO have not come before the Planning Commission yet. A policy is a generalized statement.

• Coppola – Is the Planning Commission being asked to make a decision based on incomplete information?

• D. Flynn – Policies are general and believes the Planning Commission needs to decide if it agrees on the policy. If the policy passes, then when the CAO comes before the Planning Commission, that will be the opportunity to make detailed changes to the staff’s recommendation.

• Coppola – Recommended deferring this until the CAO comes forward.
A motion was made by Lary Coppola and seconded by Michael Gustavson that the Planning Commission recommend to the Board of County Commissioners that action on OS-1 be defer until the CAO is presented and discussed at a later date.

Vidinhar – Staff’s concern is that if adoption of any such policies is deferred, the County may not meet its compliance deadline that is due to the State by December 1, 2004. There is also a 60-day review period required by the State.

The Vote: Yes-4; No-4. Based on lack of a majority vote, OS-1 remains as stated. There will be no recommendation forwarded to the Board of County Commissioners.

- Jenniges – Asked for definition of Performance-based development.

- D. Flynn – It is in the Zoning Code. It replaced the Planned Unit Development a couple of years ago.

Vidinhar – Kitsap County Code, Chapter 17.425, allows for flexibility in design in creative site planning while providing for the orderly development of the County. “Performance Based Development (PBD) is to allow for the use of lot clusterings in order to preserve open space, encourage the creation of suitable buffers between incompatible types of development, provide for increased efficiency …utilities and other public improvements and to encourage the use of creative techniques for the development of land. Performance Based Development is to allow for mixed uses subject to the density limits of the zone in which the Performance Based Development is located.”

- Gustavson – NS-26 on page 5. We continue to ignore the effects of road run-off into streams. Public Works needs to become a player in the water quality of this county. It is not a part of this document.

- Coppola – Agreed with Gustavson.
• Gustavson – Suggested after word development, include the words “including Roads.”

• Coppola – Public right-of-way may be better wording

Dave Greetham – All new road projects are required to go through full stormwater review. Newer projects have much larger bio-filtration swells, detention ponds, etc.

• Ahl – Does not think it is necessary for Planning Commission to address this issue.

Discussion was held among Planning Commission members about new paving project requirements, existing problems and possible solutions.

• D. Flynn – Suggested this issue might be better addressed in Policy SW-12.

• John Taylor – Based on staff’s comments, it appears this is already covered.

Vidinhar – Clarified a definition of road development. County Code, Title 17, “Development means any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavating or drilling …”

• A motion was made by Michael Gustavson and seconded by Dean Jenniges that the Planning Commission recommend to the Board of County Commissioners the following language changes: Policy SW-12, after the word agricultural, add the words “including public rights-of-way” and in NS-26 after the word “development” add the words “including public rights-of-way” and change word “is” to “are.” The Vote: Yes-6; No-2. Motion carried.

• Coppola – Policy NS-29 – “County’s GIS system should map wetland streams. . .” Thinks wildlife corridors should be added here.
A motion was made by Lary Coppola that the Planning Commission recommend to the Board of County Commissioners that connective wildlife corridors be added to Policy NS-29.

- Jenniges – This is not practical.

- Ahl – This is inappropriate, if not impossible, a task for the GIS system. Protection of these trail systems should be done on a site-by-site basis.

- Mark Flynn – Asking staff to take action to do something that once opened up, they will need to keep doing. Has a problem with that.

Shelley Kneip, Deputy Prosecuting Attorney – Clarified requirement. Staff agrees that each County required to plan, shall identify open space corridors within and between urban growth areas. It is not countywide or wherever an animal walks. It is a provision through the Planning process required through GMA. It is an open space plan, not just in critical areas.

Greetham - All wildlife corridors are not critical areas.

- Chair Nevins – The question is whether the Planning Commission would like to add to the list of things GIS should map but are not required to do so.

- Gustavson – Seems the GMA staff in Olympia makes suggestions and guidance to county staff, not requirements. Specific to the subject at hand, wildlife corridors could, in the future, stymie all development. Supports that GIS should map all corridors.

- D. Flynn – The County has an Open Space and Greenways Plan. There may already be a policy in this plan that clarifies open space wildlife corridors. Suggested the Planning
Commission wait on this recommendation until more is known about the plan.

- Jenniges – Already have designated open space in development.
- Chair Nevins – Clarified vote on the floor.

Greetham – The Department of Fish and Wildlife is currently undertaking its own study, leading to such a map.

A motion was made by Lary Coppola and seconded by Michael Gustavson that the Planning Commission recommend to the Board of County Commissioners that connective wildlife corridors be added to a list of items that GIS should map. The Vote: Yes-3; No-5. Due to lack of majority vote, the motion died. There will be no recommendation forwarded to the Board of County Commissioners.

**Essential Public Facilities**

Vidinhar – At the July 6, 2004 public hearing, testimony was heard from Jerry Harless stating that he thought proposed policies 5.1 and 5.2 mix essential with capital public facilities. She referenced page 7 of the revised staff report that addresses the County’s response to Harless’ concern. Policies 5.1 and 5.12 have been changed. Essential public facilities have been removed and new goals added and put into Chapter 4 of the Public Facilities Plan under Coordinate Capital Improvements with Land Development. These will become goals 4.1 and 4.2. For part of Goal 4.2, Gurol recommended using language found in parenthesis. It will read, “The KRCC is lead agency for inventory.” Kitsap County’s proposal was read as “In cooperation with the County, the KRCC shall develop and maintain a list of capital facilities.” Mr. Gurol requested that this be changed and substituted with, “Kitsap County should participate through the KRCC process to develop an inventory of essential public facilities.” Although both statements are in compliance with the GMA, the County would support either version. The Planning Commission needs to delete one of the sentences. With the Essential Public
Facilities, the County recognizes that its Capital Facilities Plan was not in compliance with the GMA, but the CPPs are in compliance. Staff decided to substitute the language existing in the CPPs for existing language. The goals set forth in the staff report are from the CPPs.

A motion was made by John Ahl and seconded by Deborah Flynn that the Planning Commission recommend to the Board of County Commissioners that Section 4.2 be accepted with the following language change: “Kitsap County should participate through the KRCC process to develop an inventory of essential public facilities”, replacing the sentence, “In cooperation with the County, the Kitsap Regional Coordinating Council shall develop and maintain a list of public capital facilities.”

Coppola – Was told by Shelley Kneip that the definition for public facilities was changed in 2002 and she explained the change.

The Vote: Yes-8; No-0. Motion carried.

Section 3. General Aviation Airports

Vidinhar – Under GMA compliance, the essential public facilities section covers general aviation.

No action required

Section 4. Residential Housing Policies

No action required

Section 5. Consistency Between Capital Budget Decisions and Land Use Plans

No action required
Section 6. Capital Facilities Plan Consistency

No action required

Section 7. Public Participation Requirements

Vidinhar – For the public participation process, the County wanted to further clarify existing language for docketing process to ensure the County retains concerns of the community. At the July 6, 2004 public hearing, Commissioner Endresen asked for further clarification. At the bottom of page 11 a sentence is added to address her concern that reads, “Notwithstanding KCC 21.08.150, the County may propose development regulation amendments any time outside the annual review process.”

A motion was made by John Ahl and seconded by Mark Flynn that the Planning Commission recommend that the Board of County Commissioners approve this language change.

- Taylor – Asked if this sentence conveys surety to the development community that they can operate under existing rules then asked if the County could change the rules at any time.

Rice – Any change to regulations has to go through a public process.

Kneip – This sets up a docketing process for the public to suggest not only changes to the Comprehensive Plan that can only be changed once a year, but also to development regulations. This can happen either during a permit process or if the public in general wants to propose a change in development regulations. These changes would go on the docket. If the Board wants to do zoning changes, there is no restriction in GMA that this can only be done once a year. That is what Commissioner Endresen wanted clarified.

The Vote: Yes-8; No-0. Motion carried.
Section 8. Level of Service Standards for Regional County Highway

Vidinhar – The chart in the original June 14, 2004 staff report applies to areas throughout the region. Staff was tasked to be specific and removing the regional, replacing it with Kitsap County.

A **motion** was made by Michael Gustavson and seconded by John Ahl that a summary vote is taken at the end of the document to accept with changes. **The Vote: Yes-7; No-1. Motion carried.**

A **motion** was made by John Taylor and seconded by Michael Gustavson that the Planning Commission recommends to the Board of County Commissioners that Section 8 be accepted in its entirety. **The Vote: Yes-8; No-0. Motion carried.**

Section 9. Reasonable Measures

Vidinhar – On pages 27 and 28, there was a technical problem with printing, not in color, so that sections 34 through 36 should all be in red as being newly proposed from the June 14, 2004 staff report. The proposals are from Gurol.

- Chair Nevins – Referenced a sentence under Reasonable Measures, page 17, and beginning with “This appendix is not intended to provide an in-depth discussion. . .” He said this is just a list of which some will or will not be workable. There is no need to pick them apart at this time.

Vidinhar – Also some are already implemented through various SubArea Plans.

- Ahl – This is a proposal for a future study to possibly add to the Comp Plan. He questioned the necessity of adding this as an appendix to the Comprehensive Plan at this time if it is simply a suggested list of topics.
Vidinhar – RCW 36.70A.215 requires counties to prepare an analysis and the analysis is part of the Buildable Lands Report. Since this Report was prepared in 2002, staff has received numerous comments that the Report is no longer sufficient and is essentially inadequate. Therefore to allow for additional reasonable measures, staff opines the list is justified.

Kneip – A recent GMHB decision, “Fern vs. City of Bothell.” makes it clear that the statute requires a Buildable Lands Report and also that this Report must identify reasonable measures. This is an identification of reasonable measures but not for adoption. They will only be adopted if the County makes the determination that in lieu of expanding a UGA, reasonable measures should first be adopted. This will be an addendum to the Buildable Lands Report since the 2002 Report does not contain reasonable measures.

• Ahl - Questioned if the GMA Compliance document was the correct location for this section and if it should then become an addendum to the Comprehensive Plan.

Kneip – There is no requirement for this to be an addendum to the Comprehensive Plan, it is a requirement to have reasonable measures identified with the analysis. Buildable Lands are separate and she suggests the analysis be a supplement to the Buildable Lands Report with no need to be a part of the Comp Plan. It is however a GMA Compliance issue because it is a GMA requirement.

• Coppola – Questioned Buildable Lands Report. The 2002 Report only covered the timeframe to 1999. The Planning Commission was informed by staff that the Report would be up-to-date when it received its copy, yet it was three years out of date when received. The Planning Commission deferred making decisions on issues waiting on this since 2000 and beyond. When will the Planning Commission receive an up-to-date version?

Rice – Staff is currently working on an updated Land Capacity Analysis and has taken steps to hire a consultant and proceed

Kneip – Buildable Lands Report is a “look back in time” analysis of activity within UGAs and the Land Capacity Analysis is a “looking forward” analysis.

A motion was made by John Ahl and seconded by Mark Flynn that staff remove Section 9- the Reasonable Measures section from the proposed amendments to the Comprehensive Plan as inappropriate and attach it to the Buildable Lands Report as an addendum, with reference back to the Comprehensive Plan.

- Taylor – Suggested changing the name from “Buildable” Lands to something more realistic.
- Ahl – Would rather see a list of things that are going to be incorporated than a list that should be. Agrees it should be a part of the 2002 Buildable Lands.

Kneip – This issues of identifying reasonable measures has been argued by Kitsap County on the currently pending appeal.

Vidinhar – In the decision matrix, one of the options is to adopt the language as outlined in the revised staff report as an addendum to the Buildable Lands Report, it does not say to incorporate the language into the Comprehensive Plan.

- Gustavson – Asked Ahl how much of the reasonable measures his motion covers and was told the entire section.
- Ahl – Does not want to clutter up the Comprehensive Plan with an additional set of policies.

Vidinhar – Referenced Nos. 34 through 36 recommended by Gurol, noting that staff would support 34 and 35. No. 36 has to do with public participation process that has already been identified. Not looking to add 36 to reasonable measures.
• Gustavson - Does not disagree with the administrative aspect of the issue but wants to discuss items in this section.

• Chair Nevins – Asked if issues to discuss were appropriate at the time reasonable measures is implemented.

• D. Flynn – Questioned if items under Reasonable Measures will be individually discussed before voting on Ahl’s motion.

• Ahl – Clarified his motion, further stating that if the reasonable measures will become policy as part of the Comp Plan or development regulations, the Planning Commission will see these items again. The risk is that by passing his motion and the Board of County Commissioners decides to leave it in, then the Planning Commission will have missed its chance to comment on each individual item.

Vidinhar – Staff should not have recommended incorporation by reference into the Comprehensive Plan for the rezone measures. It should be as stated in the motion that it be adopted as an addendum to the Buildable Lands Report. Reasonable Measures is part of GMA Compliance review even though it is not a Comp Plan measure.

• Chair Nevins – Incorporated by reference will probably not happen. There are 36 items under Reasonable Measures. Should first vote on the motion.

The Vote: Yes-8; No-0. Motion carried.

A motion was made by Lary Coppola and seconded by John Taylor that the word “Buildable” in Buildable Lands Report be changed to reflect a more accurate depiction since it references lands already built.

Kneip – Read the statute as follows: “In its review and analysis program, at a minimum, the program shall, 1) determine if there is sufficient suitable land to accommodate the countywide population projections and subsequent population allocations within the county;
2) determine the actual density of housing that has been constructed and the actual amount of land developed for commercial and industrial purposes within urban growth areas since the adoption of the Comprehensive Plan. C. The analysis based on the actual density that has occurred on the built environment and the projected allocations, the housing needs by type and density range to determine the amount of land needed for commercial and industrial housing for the remaining portion of the 20 year planning period.”

- Jenniges – Offered a friendly amendment to the motion that the title be, “Built Lands, Buildable Lands and Needed for Development Lands Report.”

Cindy Baker – Suggested waiting for the Planning Commission to determine logical language and staff will bring it back for consideration. As previously stated, staff is currently working on the Land Capacity Analysis.

1. **Ease Development Standard Restrictions for Accessory Dwelling Units (ADUs) in Single Family Zones in the UGA**

   - M. Flynn – Discussed tax credits and suggested wording to reflect real estate tax abatement. He will work with staff on better wording.

   - Taylor – Asked if this eases restrictions or add more for people to construct an ADU. He was told the goal is to ease restrictions.

2. **Provide Multifamily Housing Tax Credits to Developers in the UGA**

   No discussion

3. **Provide Density Bonuses to Developers in the UGA**

   - Jenniges – Was told this does this mean an automatic rezone and that the applicant will need to go through a Conditional Use Permit or other public process.
• D. Flynn – Thinks it should spell out that this is an incentive to provide neighborhood amenities and should be written in the description even though it is stated in the Potential Benefits. This also applies to numbers 4 and 5.

• Coppola – What happens if a developer is given density bonus inside a UGA that has a zoning for 10 units per acre, but with this, he can place 15 units. And further, if he gets TDRs he can go to 30. Asked if this is desirable.

Kneip – Again, if this list of Reasonable Measures needs to be adopted, it would go through a much more detailed process for specific use and would be in the form of development regulations.

• Gustavson – Does the term “Potential Benefits” carry forward in the text because it seems to go along with the description of the test.

Vidinhar – All will be carried forward, including Potential Benefits, to the Buildable Lands Report.

• Ahl – None of these ideas have been analyzed to the level of Planning Commission consideration.

• Taylor – Number 4, TDRs. Asked if this section applies to site-specific applications such as the Lindsey site.

Vidinhar – Does not believe that is the intent.

4. **Transfer/Purchase of Development Rights (TDRs) Between Rural Lands and the UGA**

Comments saved for future discussion

5. **Allow Clustered Residential Development in the UGA**

No discussion
6. **Allow Co-housing in the UGA**

Discussion about definition of co-housing.

- Chair Nevins – Suggested this section be changed to add provision for limited equity housing such as co-housing and community land trusts in the UGA. Has language drafted to provide staff.

7. **Allow Duplexes, Town homes, and Condominiums in Single-Family Zones in the UGA**

- Taylor – Asked staff if this allows a person to build a duplex in a single-family neighborhood.

  Vidinhar – Pursuant to Title 17, as long as they have the appropriate size of property, since the property owner would then double the density.

- Taylor – Asked what recourse a single-family homeowner has if a neighbor wants to build a duplex.

  Vidinhar – It is an allowed use.

8. **Increase Allowable Residential Densities in the UGA**

No discussion

9. **Institute Maximum Lot Sizes in the UGA**

- Gustavson – Recommended that the 8,000 square foot maximum lot size be changed to 11,999, otherwise the map does not work. Need to also address with the Health Department what its minimum allowed, unsewered lot size will be.

10. **Institute Minimum Residential Densities in the UGA**

No discussion
11. **Reduce Residential Street Width Standards in the UGA**
   - Gustavson – Asked if this allowed for emergency vehicles.

12. **Selectively Implement Small Residential Lots in the UGA**
   No discussion

13. **Implement Inclusionary Zoning Ordinances for New Housing Developments in the UGA**
   No discussion

14. **Plan and Zone for Affordable and Manufactured Housing Development**
   No discussion

15. **Zone Areas by Building Type, Not by Use**
   - Concern was expressed over inappropriate businesses being allowed with the provision

16. **Develop a Local Brownfields Programs**
   - The question was asked if this encouraged Brownfields outside UGAs

Kneip – Again, the purpose of the reasonable measures is to direct growth into the UGAs and therefore the question doesn’t apply. The statutes are clear on this.

Vidinhar – Regional Managers explanation that will be brought forward into the Buildable Lands Report: “This appendix represents a list of potential reasonable measures that the County may consider adopting should densities within a UGA fall short of those projected in the Comprehensive Plan.”
17. **Encourage the Development of Urban Centers and Urban Villages**

   - Taylor – Questioned how this item differs from a LAMIRD.

   - D. Flynn – LAMIRD is in a rural area and this is in an urban area.

18. **Encourage Mixed Uses**

   - Gustavson - Locating adequate parking is very difficult.

19. **Encourage Transit-Oriented Development**

   No discussion

20. **Implement a Master Plan permit Requirement for Large Parcel Development in the UGA**

   No discussion

21. **Interim Development Standards**

   No discussion

22. **Encourage Transportation-Efficient Land Use**

   No discussion

23. **Urban Growth Management Agreements**

   No discussion

24. **Work with KRCC to Create Annexation Plans for UGAs**

   No discussion
25. **Encourage Developers to Reduce Off-Street Surface Parking**

No discussion

26. **Implement a Program to Identify and Redevelop Vacant and Abandoned Buildings**

- D. Flynn - Rezoning in addition to redeveloping vacant and abandon buildings seems like a good idea. Suggested adding “Rezoning” to this item to read as “Implement a program to identify and redevelop or rezone vacant and abandoned buildings.”
- Jenniges – Asked if there was a timeline or requirement established to enforce a “use or lose” concept for old building demolishing.

Vidinhar – Only if uses are not conforming. After a year without a business operating in the building, the owner would lose the status. The building will still sit vacant. It could also be a Code Enforcement issue if the building is declared unsafe.

27. **Concentrate Critical Services Near Homes, Jobs, and Transit**

No discussion

28. **Locate Civic Buildings in Existing Communities Rather than in Greenfield Areas**

No discussion

29. **Implement a Process to Expedite Plan and Permit Approval for Dense Development**

- Gustavson - Questioned the words “Streamlined permitting processes...” This implies that something will be deleted. If this is the case, he suggested deleting the word streamlined. Either you can streamline something or you cannot. It should be available across the board.
Chair Nevins – What streamlined might apply to is doing an area-wide EIS for dense development that does not exist within a UGA. Might be useful to keep this language in.

Rice – Staff is proposing to use something similar in the Port Orchard planning process.

Kneip – SEPA GMA rules require that if you do SEPA at the GMA level, it reduces some of the SEPA requirements at the project level. Also, other ways to streamline is through development regulations.

30. **Implement Design Review Programs for Land Within the UGA**

No discussion

31. **Urban Amenities for Increased Densities**

• Jenniges - Questioned how this is different than density bonuses.

Vidinhar – Urban amenities, would include parks and facilities more associated with urban vs. rural.

Kneip – Urban amenities will draw more development to the areas as opposed to allowing higher densities in the areas.

32. **Targeted Capital Facilities Investments**

No discussion

33. **Environmental Review and Mitigation Built into the Sub-area Planning Process**

• Gustavson – Questioned who pays for this.
• Coppola – Sometimes the design standards are so onerous that nothing gets built.

Vidinhar – Depends on what is encompassed with the particular SubArea Plan.

Rice – At the SubArea planning process level, the jurisdictions involved do the planning up front. For example, on Bethel Avenue Fred Meyers paid for the sewer extension.

34. Enhance flexibility in Limited Areas of More Intense Rural Developments (LAMIRDs)

• Jenniges – Asked that if once zoned, can LAMIRDs be changed.

35. Mitigation Banking

• Gustavson - There are four categories of wetlands. He recommends deleting categories 2, 3 and 4. Also, are these categories, 1-4, mandated by the State or does the county have some flexibility to change.

Vidinhar – Reminded that this is one of the recommendations from Kamuron Gurol.

Dave Greetham – The CAO since 1993 has adopted the State’s system. It provides a uniform process for developers to use when working with wetlands. Change could cause confusion for developers but there is nothing stating Kitsap County has to follow State guidelines.

• Gustavson – Question is how much value does lowland wetlands have.

36. Create mechanism(s) for suggested improvements to permitting systems, land uses, capital investments

Vidinhar – County staff does not think this suggestion by Gurol is necessary as a reasonable measure. It is already covered under public participation process.
• Referring back to page 18 relative to multifamily housing tax credits. M. Flynn asked a question earlier about tax abatement and suggesting a change to the wording for clarification. Staff recommends that following the words, “provide certain tax credits. . . the following be added: “or other types of real estate tax abatement. . .”

No further discussion being heard, a motion was made by Michael Gustavson and seconded by John Taylor that the Planning Commission accept the list of reasonable measures including changes suggested by the Planning Commission and changes suggested by County staff. The Vote: Yes-8; No-0. Motion carried.

• Taylor – Asked about State mandated regulations through the GMA, specifically if the State pays for these. The answer is no, they are unfunded mandates.


A motion was made by Deborah Flynn and seconded John Ahl by that the Planning Commission recommend to the Board of County Commissioners that a LAMIRD not be established at this location.

Discussion:

• Deborah Flynn – Does not believe commercial services are needed at this location, at this time, for either the existing or projected rural population. There is Suquamish, Kingston, Little Boston and Poulsbo all within five miles. The issue is to protect the area from sprawling commercial development at the George’s Corner crossroads. Placing boundaries around a specific area is a solution offered to the sprawl problem, She believes this can be done via the current county policies not allowing commercial growth in rural areas and that legally, a LAMIRD designation in this location could be challenged. An appeal is expensive and potentially unsuccessful.
Michael Gustavson – The growth is here and coming, passenger only ferries will be running back and forth between Kingston to Seattle shortly, there are 16,000 people within five miles of the intersection and any shortage of services close to peoples’ residences creates more traffic problems on the roads. He is strongly in favor of commercial development at this location and opposes the motion.

Lary Coppola – Opposes the motion for the same reasons. Also he does not think it appropriate if this motion mat have been discussed prior to this meeting.

Dean Jenniges – Thinks the development will happen sooner or later, more likely sooner. Talked to local residents stating the inconvenience of driving to Poulsbo or Central Kitsap for services and since they are growing at a 7.4 percent rate, a mistake will be made if this is not approved. He thinks it is a perfect location for the LAMIRD as it meets all requirements. Only question relates to possible extension of the LAMIRD boundaries once proposed.

Gustavson – If the 7.4 percent growth rate is accurate, it means that instead of having 16,000 people within five miles, there will be 32,000 within ten years; the size of Bremerton, with no place to shop commercially.

John Taylor – Asked staff to direct him on the map to the area depicting boundaries of the proposed LAMIRD.

Chair Nevins – Read absent Commissioner Monty Mahan’s remarks into the record. “I don’t think this area meets the requirements for a LAMIRD. It seems clear that any appeal citing applicable cases would overturn the designation, so I can’t support this designation.”
• Jenniges – Either this location fits the definition of a LAMIRD as recommended by staff, or not. Is it legal or not. Legal counsel states it is.

• Coppola – Asked again if boundaries can be expanded once established.

Shelley Kneip – Prior to June 21, the answer would have been no. But on that date, the Hearings Board issued a case stating there is no legal restriction on expanding a Logical Outer Boundary (LOB) for a LAMIRD. However, no guidance was given on procedure to expand. The Hearings Board said it would still be subject to requirements of the statutory provision on a LAMIRD that are to minimize and contain and the logical outer boundaries should be drawn around existing development but the existing neighborhood boundaries may also be considered along with all other criteria of the statute. A question would be what is the rationale for expansion. She defined the Hearings Board’s definition of more intense rural development. It doesn’t just cover commercial development. It has to be something no longer permitted in the rural area. Justification is the tough call.

• Chair Nevins – Within five miles has been mentioned several times, but also within five miles are several commercial centers with the potential of expansion. These are not fully supported and people living within 2 ½ miles from George’s Corner are closer to the other centers. It is not that people will be driving five miles from Kingston to George’s Corner, other viable centers would be helped by having them be the only center. We do not need commercial centers every 2-½ miles. The other issue is the LOB being hard to determine. He will not support the LAMIRD.

• Jenniges – Kingston is not a viable center for everything. All growth as he sees it, has been north, southwest and east of Hansville. It has not been toward the Kingston area. The projected population increase will heavily impact traffic on the roads. Believes it would be short
sighted to not support another commercial area in the north end of the county.

- Gustavson – The central theory of Growth Management is to reduce the amount of travel time for citizens. All the problems the decision makers are trying to avoid are found by not designating a LAMIRD at the George’s Corner location. This is the center of all transportation in North Kitsap.

- D. Flynn – Disagrees since the people in Kingston can go to Kingston and support for a UGA is desired for Kingston. By expanding commercial development 1-½ miles outside of Kingston, support is not being given to Kingston as a UGA. Hansville is a community that needs a LAMIRD and could use its own commercial area. Why should Hansville citizens have to travel ten miles when viable communities are a high priority in the GMA. Citizens in other direction are closer to Poulsbo where there is much more commercial options while people in Suquamish have their own commercial area. She does not think this LAMIRD is needed because it is supporting a rural population that will have to drive there yet have other commercial destination options.

- Coppola – Argument is flawed because he doesn’t see any major grocery store chain attempting to locate in Hansville. Asked Chair Nevins where the other potential commercial center would be.

- Chair Nevins – Arborwood in the future shows a business, industrial or commercial component to the project. This is on South Kingston Road.

- Coppola – It makes even more sense that George’s Corner becomes the commercial center rather than develop another new one with all the attending problems
plus going through this same process when this location already is developed and ready for more.

- Chair Nevins – Preference would be to have smaller, closer, retail outlets than a centralized large one.

- Gustavson – Lease rate at George’s Corner is 100% and the businesses are heavily used. There is a strong demand for services there.

- Taylor – Compared the Costco area through Ridgetop Blvd. Within the Ridgetop area, there are two convenience stores, different from what is being discussed for the LAMIRD. The already existing and heavily used Albertson’s Grocery Store is at the most natural four-way intersection possible. It runs from the ferry terminal in Kingston, from the Hood Canal floating bridge, from Hansville to Poulsbo. Once Olhava gets build out, there will be people driving there from Kingston and George’s Corner. The point is there are different levels of intensity with commercial development. He will support this LAMIRD.

- John Ahl – Revisited LAMIRD definition wherein a requirement is to recognize existing development and the logical boundaries around the sites. Apparently, that definition has been softened by pressures that caused that intersection to be developed originally. Thinks maybe a LAMIRD designation will complicate the issues. Rules for development of appropriate commercial activities within the rural area might be a better choice in this case. Another problem with a LAMIRD is where do you appropriately draw the boundaries. Does not believe a LAMIRD is an appropriate mechanism to limit all commercial growth within a boundary line drawn around a specific area. His opposition is not with the commercial development, it is more with the use of a LAMIRD to confine and control rules defining commercial development.
within the unincorporated areas to satisfy the people in that area. Albertson’s is fine but more intense develop
would be a problem. Questioned the appropriate avenue
to recognize the four corners in that area for some type of commercial use.

- Jenniges – A LAMIRD is legal and therefore authorized. If a LAMIRD is to be designated, this is the best location. If it will satisfy the citizens in the area and the County staff has determined a LAMIRD is the best approach, then he concurs.

- Mark Flynn – Leaning toward support. Part of Planning Commission responsibility is to decide between issues that are advisable and not advisable yet are already determined legal. The question is whether or not this is advisable. Thinks maybe a LAMIRD at this location will reduce automobile trips by serving the people in the area. Understands the concerns of business community in Kingston. Thinks this will enhance business for Kingston. Because of this and because of the restriction that small urban areas have, there is obviously a need for this. Will be supporting the LAMIRD but understands the expressed concerns as well.

- Coppola – With the increase of ferry service in Kingston, local businesses will benefit, including commercial sites at George’s Corner. The free market will have large impact on outcome of healthy business.

- Taylor – Ferry service will have heavy impact on future development in the Kingston area. State owns land in Kingston for a future Park ‘N Ride for ferry commuters.

- D. Flynn – Asked staff if Hansville is listed as a study area for a LAMIRD and was told yes. This is ten miles down the road from George’s Corner.
Following discussion, Chair Nevins repeated the motion as being to deny recommending a LAMIRD at the George’s Corner. **The Vote:** Yes-3; No-5. **Motion died for lack of quorum** and the Planning Commission thereby recommends approval to the Board of County Commissioners for the designation of a commercial Limited Area of More Intense Rural Development (LAMIRD) at George’s Corner in North Kitsap, at the intersection of Highway 104 and Miller Bay Road/Hansville Highway.

Following this action, Chair Nevins directed the Planning Commission to identify the LOB preferred for the LAMIRD designation.

A **motion** was made by Lary Coppola and seconded by John Taylor that the Planning Commission concur with the LOB recommended by staff in the Comp Plan Amendment Phase I binder, page 11 of the George’s Corner LAMIRD staff report.

It was suggested that the map be reviewed to specify exactly which parcels are included in the LAMIRD boundaries.

Jason Rice – Staff recommends modifying the original 2003 recommendation to include the Bjarnson parcel, to request the exact layout as the North Sound Bank parcels. This reflects on the other parcels on the northwest corner. Parcels included in the recommended LAMIRD LOB are: Premier Rentals identified Industrial, Kitsap Transit Park ‘N Ride and the Albertson’s complex, all on the northeast corner of the intersection; on the south corner, the North Sound Bank; on the east is the Kountry Korner and on the northwest corner, the Bjarnson parcel (the 2004 application).

- Taylor – Asked staff if the Bjarnson property boundary line is drawn on the tax line to avoid separating a parcel

Rice – Originally, there were two parcels but the property owner identified the area most amenable to expansion and recorded a Boundary Line Adjustment to assist staff in processing this application. Subsequently, staff determined an even further reduction was necessary so there may be an additional Boundary Line Adjustment needed. It is still 7.2 acres.
• Taylor – Suggested referring to the map in the Bjarnson application. Do not want zoning changes and LAMIRD changes to take a person’s property originally one tax parcel, and make one half a certain designation and the other half something different. This is very confusing.

Rice – An additional BLA would make both pieces of the parcel useable.

• Ahl – Asked if Bjarnson has conceded to the County’s desire that he make a BLA to coincide with staff’s recommendation.

Rice – Unsure

• Ahl – Asked if it is appropriate for Planning Commission, staff and Board of County Commissioners to approve something the applicant hasn’t requested.

• Taylor - Read a possible answer: “The ultimate boundary line will be determined by the decision of the Board of County Commissioners giving consideration to the findings and recommendations of the George’s Corner Boundary Line Group and the Planning Commission and staff.”

Rice – North Sound Bank, a similar case, was an approval conditioned on a BLA.

• Coppola – Noted that when the 1998 Comp Plan was pulled back and reworked, the Board of County Commissioners down zoned a lot of land to one unit per 20 acres, none of which was requested. Each parcel was an individual site specific but not an application for rezone.

• Ahl – Reiterated his question asking whether the Planning Commission can make recommendation on a site-specific request in a format that has not been requested by the applicant without a conditional requirement that the
applicant agrees. In this case, an outer boundary for the LAMIRD could be approved with the property owner not honoring the decision.

Kneip – This would be a legislative act in that the Planning Commission’s recommendation and the Board of County Commissioners’ decision can change zoning without the applicant’s request or condition it on a BLA.

- Ahl – He is asking this question because Commissioner Taylor said it is not good to have split zoning on an individual tax parcel and assuming this motion is approved, the applicant could come back and say they don’t want to adjust their boundary line.

Kneip – If the LAMIRD boundary was contingent on a BLA, the LAMIRD would go away if the BLA did not take place. In addition, split zoning does occur and is not illegal just hard to work with in some cases. It will depend on how the LAMIRD boundary is conditioned and not on approval of the property owner.

- Taylor – History behind his concern stems from a parcel on Mile Hill wherein the applicant has been trying for ten years to develop his property but can’t because of a split zoning issue. This remains very problematic and he does not want to recreate the same situation again.

Gary Lindsey, applicant’s representative – If the Planning Commission approves the motion with a modification to the site-specific request to reflect the boundary proposed by the staff in the LAMIRD, the applicant will work with the staff to adjust and clean up zoning to be consistent.

- Gustavson – Hanson made a good argument that his property in the George’s Corner cross roads has been operating a commercial use since before 1990. If 1990 and before is being considered, then he suggests the Hanson property also be included in the LAMIRD
boundary. In addition, if population increases and demand for services expands, he questioned how long it would take in the future to enlarge the boundaries of the LAMIRD.

Rice – A LOB would be based on the same criteria in the statutes.

- Gustavson – Logically the County would then need to enlarge the Kingston UGA boundaries to incorporate the George’s Corner LAMIRD.

Kneip – There has been at least one hearings board decision that rejected a LAMIRD as being too close to a UGA, (less than 400 feet). In that decision, it stated the more appropriate manner would be to extend the UGA. There is no bright line on what the distance should be.

- Taylor – In reality, the Albertson’s development took ten years to complete.

Lary Coppola accepted Michael Gustavson’s friendly amendment to his previous motion, to include the Hanson site specific in his motion that the Planning Commission concur with the LOB recommended by staff in the Comp Plan Amendment Phase I binder, page 11 of the George’s Corner LAMIRD staff report. Staff’s recommendation also includes approval of the Bjarnson site-specific request as part of the George’s Corner LAMIRD. (See entire motion on page 187 above)

The Vote: Yes-6; No-1; Abstained-1. Motion carried.

Rice – A motion is needed for both the Hanson and Bjarnson site-specific applications to recommend rezoning them to Neighborhood Commercial.

A motion was made by Dean Jenniges and seconded by Michael Gustavson that the Planning Commission recommend to the Board of County Commissioners that 7.2 acres of the Richard Bjarnson site-specific application and the Hanson site-specific application be included in the Logical Outer Boundary of the George’s Corner LAMIRD.
Commercial LAMIRD and zoned Neighborhood Commercial, subject to a Boundary Line Adjustment. The Vote: Yes-7; No-1. Motion carried.

Jean Sherrard

- Jenniges – Concerned that the non-conforming use of storage facility is driving the zoning designation. Thinks that the current zoning of Urban Medium Residential is appropriate. He also expressed concern for the potential traffic problem issue.

- Taylor – Property is already improved, the storage facility already exists.

- Chair Nevins – When first constructed, it was a conforming use. The use table changed making it non-conforming and the applicant would like to remove the conditional use he now operates under.

- Taylor - In addition, if it burns down, he would not be able to re-construct his operation.

- Jenniges – Asked why Medium Residential does not also allow for a storage facility.

Rice – High density commercial is more focused on mixed uses. Medium density is focused on housing elements.

- D. Flynn – Asked how this affects the Kingston population allocation since the new zoning allows for more population.

Rice – This could be argued on either side as to allowing for additional populations.

- Chair Nevins – Told next Kingston SubArea review will take place in 2005. He therefore suggested this
application be deferred to the 2005 Kingston SubArea review and not be approved at this time.

- Taylor – Disclosed for the record that he is a personal friend of the applicant Jean Sherrard as well as Sherrard is a client.

- Chair Nevins – At this time, he asked that anyone on the Planning Commission disclose any conflicts or appearance of fairness issues. The test is if there is any issue that would affect a Planning Commissioners judgment in reaching a decision.

- Coppola – Dick Brown called him during lunch to ask how the Planning Commission voted on his applications.

- Taylor – Had no involvement in development of the Sherrard property.

- Chair Nevins – Asked for and received no expressed concerns from anyone in the room.

A **motion** was made by Michael Gustavson and seconded by Lary Coppola that the Planning Commission recommend to the Board of County Commissioners approval of the Jean Sherrard site-specific rezone request and land use designation change to Urban High Residential. **The Vote:** **Yes-6; No-2. Motion carried.**

**White-Lueck**

- Taylor – Concerned that the Planning Commission just spent time discussing growth in Kingston and is now deferring where that growth will go.

- Chair Nevins – Just designated a lot of land in the Kingston area for growth to take place.
• D. Flynn – Agrees to deny and defer since the Kingston process is forthcoming, there is a large amount of land designated Urban Reserve and any additions to the UGA needs to be considered as a whole regarding the areas currently designated Urban Reserve.

• Jenniges – Suggested this parcel be re-designated Urban Low Residential but withdrew the comment once he learned sewers are available.

A motion was made by Lary Coppola and seconded by Mark Flynn that the Planning Commission recommend to the Board of County Commissioners that this application be denied and deferred to the 2005 Kingston SubArea planning process. The Vote: Yes-6; No-1; Abstain-1. Motion carried.

Global Investments-Kitsap Transit

Rice – Reminded Planning Commission members of the additional addendum to staff’s recommendation to approve this application.

A motion was made by Deborah Flynn and seconded by Mark Flynn that the Planning Commission recommend to the Board of County Commissioners that this application be approved subject to staff’s recommended conditions and with the addition of one more condition stating that the critical areas be protected as proposed in the City of Bremerton’s June 30, 2004 letter

• Gustavson – Asked if the additional condition relative to protection of critical areas would still allow Kitsap Transit enough room to implement its development.

• D. Flynn – Noted this concern before seeing the Bremerton letter. At a recent hearing, Paul Pazooki, the applicant’s representative, stated the critical areas would be protected during development.

• M. Flynn – Darryl Piercy of Kitsap Transit also stated this intent.
• Chair Nevins – Read Monty Mahan’s written statement as follows: “This property will develop as commercial or high density residential sooner or later. Given that the rationale is for transit oriented development, and that there is no approved definition of TOD at this time, I think that we should wait until such a designation is available, rather than hoping that the “right thing” happens. I can’t support the proposal under the conditions presented to the Commission.”

• Chair Nevins – Not interested in seeing the extension of Wheaton Way wrapped around to Silverdale. This is a small island of commercial and neighborhood commercial, right in the middle. He approves of TOD insofar as it is not a commercial proposal. If residential, can support it. He will be opposing approval of this application.

• Jenniges – Questioned the statement that the proposal will not materially affect the adequacy of urban services. Also questioned access to signalized area. He will vote against this.

Rice – Reiterated the portion of the site under consideration and referred to the site map for explanation.

• Ahl – Urged approval of this application since park ‘n ride space is needed in Kitsap County, no matter where it is located. It helps relieve traffic congestion.

• Gustavson – Because the property is under two ownerships, a BLA is not an option. Does not think the application is complete.

Rice – Conditions of approval requires this issue be cleared up.

• M. Flynn – Agrees with Taylor. Uses a park ‘n ride every day and it is full, as are others in the County. There can’t
be enough park ‘n rides. Likes the location and will vote in favor of this application.

- D. Flynn – In reading staff’s conditions, questioned if the park ‘n ride would have to be built and completed together with the commercial aspect of the proposal.

- Taylor – Thinks the applicant is trying to get approval with some issues yet unresolved. Supports approval so the applicant and developers can move ahead. Is concerned about the small piece across from the intersection if the application is approved.

Stephanie Pawlawski – The small parcel is not included in the application and would not be rezoned. Approval would only be for the two-acre section that can be conditioned on a BLA.

- Jenniges – Asked if there was a guarantee that this will actually be a park ‘n ride.

Rice – A park n’ ride is currently allowed on the property under the current zoning of Urban Restricted. The request for Neighborhood Commercial is to allow for the TOD. It is conditioned to be a park ‘n ride.

The Vote: Yes-6; No-2. Motion carried.

Lindsey

A motion was made by John Ahl and seconded by Deborah Flynn that the Planning Commission recommend to the Board of County Commissioners that it concur with staff recommendation to deny and defer this application to the Silverdale Sub-area planning process.

- Coppola – At the July 6, 2004 public hearing, 28 citizens testified against approval of this application based on the high density proposed. Need more one house per acre developments.
Jenniges – Expressed concern about the capability of the roads to handle to additional traffic flow. In addition, he recommended Urban Restricted, one house per five acres. Until traffic on Bucklin Hill and Provost is mitigated, this is too large a project.

Rice – Staff has previously addressed the traffic issue determining there is no capacity issues on the roads.

Taylor – Traffic studies are required for large developments and if road capacity needs to be increased, the developer will be required to pay for it.

Rice – Staff has also looked at the requested zoning issue and like Commissioner Jenniges stated, feels Urban Restricted could be supported because of the issues with constraints due to topography and critical areas.

Pawlawski – Told the Planning Commission that based on the acreage and the allowed density, the residences in the area determined the project could support 360 units. However, based on the critical areas and the amount of land that would need to be removed from the proposal, the applicant and developer came up with a more realistic cap of 180 units that could actually be placed on the site.

The Vote: Yes-5; No-2; Abstain-1. Motion carried.

The Planning Commission members decided to discuss the following three applications together but to vote on them individually: 1) Brown-Rice-Krueger, 2) Blackjack Valley Associates and 3) Robert Waters.

Chair Nevins – Staff is recommending that these three site-specific requests be deferred and addressed through the Port Orchard Sub-area joint planning process.
A motion was made by Lary Coppola and seconded by Michael Gustavson that the Planning Commission not support the staff’s recommendation and recommend to the Board of County Commissioners that it grant the applicants’ request for rezone and land use change to Highway Tourist Commercial and inclusion in the Port Orchard Urban Growth Area.

- Coppola –The Planning Commission has discussed these applications for the past three years approved twice and the property owners have been held in limbo for twelve years waiting. This property was designated commercial or Highway Tourist Commercial in the 1994, 1996 and original 1998 Comp Plan. Sales tax revenue is going to other counties and he thinks it would be best to keep it in Kitsap County.

- Chair Nevins – Read Monty Mahan’s comments into the record as follows: “I voted to recommend approval on these last year because I had little faith that the County and City would move forward on joint planning in a timely manner. That has changed with the signing of a joint agreement for planning between Kitsap and Port Orchard. I think it’s clear that we have to give that process a chance, so I don’t support approval of these applications at this time.”

- Jenniges – Agreed with Coppola because Port Orchard has expressed agreement to accept these properties into its UGA and concurred with the zoning change.

- M. Flynn – Does not believe that just because people apply year after year is a valid reason for approval. However, these have been looked at positively, the City of Port Orchard approves so thinks the Planning Commission should approve the rezone requests.

- D. Flynn – Agrees with Monty in that the joint planning process between the City and County should be allowed a
chance to succeed. Don’t believe the applicants have been held hostage. Also just because the Comp Plan was flawed in the 1994, 1996 and 1998 process, does not mean applicants should be rewarded with rezone request approvals. Possibly, it is inevitable. It is Rural Protection at this time, there is a UGA and Urban Reserve elsewhere and thinks this should be a part of the Port Orchard South Kitsap Sub-area Plan.

- Ahl – Thinks deferring these properties to a joint planning process may result in a favorable outcome quicker than if the Planning Commission recommends and the Board of County Commissioners approves unilateral changes at this time. He also referenced the possibility of an appeal if approved.

- Coppola – Wondered if the Port Orchard Sub-Area Plan includes these properties in the final draft, if this would negate any appeal.

- Ahl – Need to ask legal counsel but thinks not. Approval might actually delay the joint planning process. Emphasized this to be a joint planning process, not just Port Orchard and that the County should be given a chance to weigh in on boundary lines.

- Chair Nevins – In favor of the sub-area planning process as being the superior method over site-specific rezones.

- Jenniges – If these were previously approved by the Planning Commission, he thinks the requests should be approved so the developers can proceed with their plans. He also referenced the loss of sales tax revenue.

**Brown-Rice-Krueger**

A motion was made by Lary Coppola and seconded by Michael Gustavson that the Planning Commission not support the staff’s
recommendation and recommend to the Board of County Commissioners that it grant the applicant’s request for rezone and land use change to Highway Tourist Commercial and inclusion in the Port Orchard Urban Growth Area. **The Vote: Yes-5; No-3. Motion carried.**

**Blackjack Valley Associates**

A motion was made by Dean Jenniges and seconded by Michael Gustavson that the Planning Commission not support the staff’s recommendation and recommend to the Board of County Commissioners that it grant the applicant’s request for rezone and land use change to Highway Tourist Commercial and inclusion in the Port Orchard Urban Growth Area. **The Vote: Yes-5; No-3. Motion carried.**

**Robert Waters**

A motion was made by Dean Jenniges and seconded by Michael Gustavson that the Planning Commission not support the staff’s recommendation and recommend to the Board of County Commissioners that it grant the applicant’s request for rezone and land use change to Highway Tourist Commercial and inclusion in the Port Orchard Urban Growth Area. **The Vote: Yes-5; No-3. Motion carried.**

**Sedgwick Joint Venture**

- Jenniges – Expressed concern about traffic issues and the requested zoning. Thinks it should be for urban development and not Highway Tourist Commercial.

A motion was made by John Taylor and seconded by Michael Gustavson that the Planning Commission not support the staff’s recommendation and recommend to the Board of County Commissioners that it grant the applicant’s request for rezone and land use change to Highway Tourist Commercial and inclusion in the Port Orchard Urban Growth Area.
Chair Nevins – Read Monty Mahan’s comments into the record as follows: “This application has merit, in that it would be an “add-on” to the Bethel Road Corridor, which I think is a good plan. I don’t think I can support it though, for the following reasons. There is much land within the corridor already zoned HTC and sitting vacant, so there is no real reason to add this as a stand-alone piece. The “long & narrow” configuration of the lot would make development according to the Corridor Plan difficult. Second, the property by itself will have difficulty meeting some of the transportation connectivity goals of the corridor plan. If it were part of an application containing several of the properties to the east I would feel differently, since it would be easier for the landowner to meet the goals of transportation flow and connectivity. For these reasons, I can’t support this application at this time.”

Coppola – Does not think this property is subject to the Bethel Corridor Plan because it is located on Sedgwick, not Bethel. Believes the reason so many parcels on Bethel are vacant is that the design standards are too restrictive.

Gustavson – Understands Sedgwick is scheduled to be expanded to four lanes up to Jackson.

Rice – All parcels zoned commercial and adjacent to the Bethel Corridor are subject to the Bethel Corridor Plan. This requirement discontinues just beyond Fred Meyers.

Discussion continued regarding requirements to qualify under the Bethel Corridor Plan.

Jenniges – Again expressed concern over heavy traffic volume at the Sedgwick/Bethel intersection.
• D. Flynn – Commented on language in the staff report on this application and the previous three applications. There is a goal it is consistent with: “Focus commercial land use in defined areas and minimize future strip commercial development.” Yet it is inconsistent with a policy that states, “Strip commercial development shown in Kitsap County Comp Plan Land Use Map along major roads and highways shall not be extended.” She will not support approval of this application.

The Vote: Yes-4; No-4. A recommendation for this proposal will not be forwarded to the Board of County Commissioners.

Lewis

A motion was made by Lary Coppola and seconded by Michael Gustavson that the Planning Commission support the staff’s recommendation and recommend to the Board of County Commissioners that it grant the applicants’ request for rezone and land use change to Highway Tourist Commercial. This proposal is included in the Port Orchard UGA and involves the expansion of the Bethel Corridor Development Plan. The Vote: Yes-7; No-1. Motion carried.

The Planning Commission members decided to discuss the following two applications together but to vote on them individually: 1) Cara Land Co.-Flaherty and 2) Binns.

Cara Land Co.- Flaherty

• Coppola – The Cara Land Co. application highlights one of the problems in the way the GMA is written. Aerial shows the site to be close to the UGA boundary, the applicant intends to create about 60 family wage jobs but can’t expand his plant to do it.

A motion was made by John Taylor and seconded by Michael Gustavson that the Planning Commission support the staff’s
recommendation and recommend to the Board of County Commissioners that it grant the applicants’ request for rezone and land use change to Industrial or Business Park.

Pawlawski – To help clarify staff’s position on both of these applications, an aerial photo is provided that was taken last week-end and showing the existing facility for Cara Land Co. and the portion immediately behind shows the proposed expansion area. Just below that, is the Binns property. At the bottom corner of the existing Cara facility is where Cook Road ends. After that it is a dirt road or driveway. The map also shows the proximity to Highway 16. The industrial park is all within the City of Port Orchard limits putting these properties in the Port Orchard UGA.

Discussion was held regarding ingress and egress, avoiding using residential roads and shared access if these two applications are approved.

- M. Flynn – Does not see a direct similarity with these two applications. Instead sees that the Cara Land Co. is an established business and the Binns property still has issues to be addressed. For instance the statement about being a long way from agreement regarding access.

- Chair Nevins – Asked if a condition could be added requiring access through the industrial park together with the extension of the Cara Land Co. facility.

- Taylor – Chair Nevins’ proposed condition might be more appropriate for the Binns application.

- Chair Nevins – Access is a big issue. Offered a friendly amendment to the motion stating approval be accompanied with a condition that access be designed and constructed together with improvements to the facility.

Rice – Condition can be placed on the Binns application but can only approve or deny the Cara Land Co.’s application.
• Chair Nevins – Withdrew his friendly amendment and said he supports the Port Orchard Sub-area planning process to implement this condition.

• Jenniges – This is an industrial Park area and the sites are located in the Port Orchard UGA. If Binns is unable to successfully negotiate access to their property, this is not the County’s problem. It is up to the applicant. For the Planning Commission not to recommend approval of the rezone based on the access issue, it is taking a step backwards. He believes Port Orchard needs the industrial park activity and will support both applications.

• D. Flynn – There are uses proposed for expansion or development and the Planning Commission needs to be careful not to approve a Comprehensive Plan amendment based on a development proposal. That is a separate action.

The Vote: Yes-5; No-2; Abstain-1. Motion carried.

Binns

A motion was made by Lary Coppola and seconded by Mark Flynn that the Planning Commission support the staff’s recommendation and recommend to the Board of County Commissioners that it deny the application for Industrial zoning and defer to future Port Orchard Sub-area planning process.

• Jenniges – Again, discussion has been held relative to the need to approve this type of zoning to get economic development moving and yet the recommendation is to deny and defer. Believes in the need for industrial parks and compared it to SKIA.

• D. Flynn – Does not think it is in the UGA since the current zoning is Urban Reserve. This means it has been set aside with
many other parcels to study the need for industrial development lands.

The Vote: Yes-5; No-2; Abstain-1. Motion carried.

Home Depot

A motion was made by Lary Coppola and seconded by Chair Nevins that the Planning Commission not support the staff’s recommendation and recommend to the Board of County Commissioners that it deny the application for rezone to Highway Tourist Commercial and inclusion in the Bethel Corridor Improvement Plan.

- Coppola – Thinks this will have a detrimental affect on already established businesses and jobs in the local area, much like Walmart. Does not want to see this happen.

- Chair Nevins – This appears to be more of a map correction than a rezone.

Rice – The Comp Plan was adjusted in a way that reflected this to be appropriate at the time. Since 1994, the entire Bethel Corridor has been configured in the same fashion and staff does not see it as a map correction. It is anticipated that there be a mix of Urban Medium and Commercial in this area.

- Ahl – Does not see any justification to vote against the staff’s recommendation and will therefore be voting against the motion.

- Chair Nevins read Monty Mahan’s comments into the record as follows: “This is a good proposal. We recognized early in the Bethel Road planning process that it was unfair to the property owner to have had the HTC line drawn so far to the west, in comparison to the bordering properties to north and south. Even after the adjustment there will still be vacant residential zoned land in back. This makes Mr. Donnelly’s comments about
mixed-use development moot. The property is part of a larger group of parcels that are being assembled for just the type of business interest that the Bethel Corridor plan envisioned, and the parcel location and size will allow for good inclusion into the development plan. I have faith that Department of Community Development will do a good job of adapting the plan to make the applicant’s development an asset to the community. The only nearby business competition is also part of a nationwide franchise chain, albeit a much smaller one. The South Kitsap community is currently underserved for this type of business. I strongly support this application, and look forward to shopping in the applicant’s store.”

- Jennings – Not sure what businesses this would take business away from.

- Coppola – Withdrew his motion.

A motion was made by John Taylor and seconded by Michael Gustavson that the Planning Commission concur with the staff’s recommendation and recommend to the Board of County Commissioners that it approve the application for rezone to Highway Tourist Commercial and inclusion in the Bethel Corridor Improvement Plan. The Vote: Yes-7; No-0; Abstain-1. Motion carried.

Rice – One final recommendation is needed to forward written findings to the Board of County Commissioners.

A motion was made by John Taylor and seconded by Mark Flynn that the Planning Commission forward written Findings of Fact and the entire 2004 Docket to the Kitsap County Board of Commissioners. The Vote: Yes-8; No-0. Motion carried.

- D. Flynn – Asked staff to use caution when developing the findings because she noticed some findings in the staff reports that were irrelevant to the proposals.
(Staff made edits to the Findings of Fact and Chair Nevins signed them effective July 20, 2004).

New Business - NONE

Other Business - NONE

(3:00 PM) No further business being heard, the meeting was adjourned.

Exhibit No. Description

A. Planning Commission Agenda for July 9, 2004
B. Prep for July 9th meeting dated 6/19/04
C. Email from Monty Mahan with comments for the meeting
D. Draft copy of the Findings of Fact dated 7/20/04
E. GMA Compliance Review Amendments, 2 versions, dated July 8, 2004 and July 12, 2004
F. Testimony Matrix – Phase I
G. Testimony Matrix – Phase II
H. Planning Commission recommendation options
I. Map of Cara Land Co. and Binns properties
J. Addendum: Kitsap Transit Staff Report dated July 6, 2004
K. Legal notice for June 22, 2004 Planning Commission meeting

MINUTES approved this _____ day of ______________, 2004.

________________________________________
Tom Nevins, Chair

________________________________________
Planning Commission Secretary