

MINUTES

KITSAP COUNTY PLANNING COMMISSION

JULY 9, 2004

The Kitsap County Planning Commission met on the above-stated date at the Eagle's Next Conference Center, 1195 Fairgrounds Rd, Bremerton, Washington 98311. Members **Present:** Tom Nevins, John Ahl, Dean Jenniges, Michael Gustavson, Mark Flynn, Deborah Flynn, John Taylor and Lary Coppola. **Not Present:** Monty Mahan. Staff Present: Cindy Baker, Betty Capehart, JoAnn Vidinhar, Laura Ditmer, Jason Rice, Dave Greetham, Stephanie Pawlawski, Shelley Kneip and Angie Silva

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:

- 1 1. Bjarnson
- 2 2. Sherrard
- 3 3. White-Lueck
- 4 4. Global Investments
- 5 5. Lindsey
- 6 6. Brown-Rice-Krueger
- 7 7. Blackjack Valley Associates
- 8 8. Robert Waters
- 9 9. Sedgwick Joint Venture
- 10 10. Lewis
- 11 11. Cara Land Co.-Flaherty
- 12 12. Binns
- 13 13. Home Depot

14

15 Recusal, if needed, in compliance with the Appearance of Fairness
16 Doctrine was explained and will be addressed on the site-specific
17 applications. Chair Nevins noted that this is a work/study session to
18 deliberate on the entire 2004 Comprehensive Plan Amendment
19 process, Phases I and II. Work/studies were held on both Phases,
20 public hearings were held on both phases, at which time the public
21 commented and expressed their thoughts. Today, no further
22 testimony will be taken. This meeting is recorded and minutes will be
23 prepared. The sequence in which the items are taken should have no
24 significance.

25

- 26 1. **Growth Management Act (GMA) Compliance**
27 **The Washington State GMA (RCW 36.70A.130)**
28 **requires Kitsap County to review, and if needed, revise**
29 **the comprehensive plan and implementing**
30 **development regulations to ensure compliance with**
31 **the GMA.**

32

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

35

36 Prologue

37

38 No concerns

1 **Critical Areas**

- 2
- 3 • Dean Jenniges thinks the County is in conflict with this,
4 specifically regarding wetlands.
 - 5
 - 6 • Michael Gustavson – Number 1, Page 4. He is not aware of
7 any connective wildlife corridors required in the County.
 - 8

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

- 11
- 12 • Deborah Flynn – Believes they are needed, the language is
13 good, will be voting against the motion.
 - 14
 - 15 • John Taylor – Agrees with Deborah Flynn. There is ongoing
16 work in all districts to build connecting trails. He gave
17 examples.
 - 18
 - 19 • Jenniges – Disagrees because connective corridors reference
20 wildlife and it is his understanding that the trails in progress
21 currently are for humans, not wildlife.
 - 22
 - 23 • Gustavson – Agrees that the trails are for people and this
24 clause has a potential impact on private property. Sees no
25 justification for it in science.
 - 26
 - 27 • Chair Nevins – This is a policy and the goal supports the
28 language.
 - 29

30 JoAnn Vidinhar – Department of Community Development staff,
31 stated RCW 36.70A.160, allows for each county and city that is
32 required and chooses to prepare a Comprehensive Land Use Plan to
33 identifies open space corridors. Under RCW 040, it states, “. . .shall
34 identify open space corridors within and between urban growth areas.
35 It shall include the land useful for recreation, wildlife habitat trails and
36 connection of critical areas as defined in RCW 030.” Via this policy
37 under discussion, the County is trying to comply with the RCW.

38

1 • Jenniges – Vidinhar used the word “chooses” indicating it is not
2 a definite requirement.

3

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

6

7 • Jenniges – Asked for definition of a wildlife corridor.

8

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

11

12 • Jenniges – Too vague.

13

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

16

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

20

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

25

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

28

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

34

35 • Coppola – Recommended deferring this until the CAO comes
36 forward.

37

1 A **motion** was made by Lary Coppola and seconded by Michael
2 Gustavson that the Planning Commission recommend to the Board of
3 County Commissioners that action on OS-1 be defer until the CAO is
4 presented and discussed at a later date.

5
6 Vidinhar – Staff’s concern is that if adoption of any such policies is
7 deferred, the County may not meet its compliance deadline that is
8 due to the State by December 1, 2004. There is also a 60-day review
9 period required by the State.

10
11 **The Vote: Yes-4; No-4. Based on lack of a majority vote, OS-1**
12 **remains as stated. There will be no recommendation forwarded**
13 **to the Board of County Commissioners.**

- 14
- 15 • Jenniges – Asked for definition of Performance-based
 - 16 development.
 - 17
 - 18 • D. Flynn – It is in the Zoning Code. It replaced the Planned Unit
 - 19 Development a couple of years ago.
 - 20

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

- 31
- 32 • Gustavson – NS-26 on page 5. We continue to ignore the
 - 33 effects of road run-off into streams. Public Works needs to
 - 34 become a player in the water quality of this county. It is not a
 - 35 part of this document.
 - 36
 - 37 • Coppola – Agreed with Gustavson.
 - 38

- 1 • Gustavson – Suggested after word development, include the
- 2 words “including Roads.”
- 3 • Coppola – Public right-of-way may be better wording
- 4

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

8

- 9 • Ahl – Does not think it is necessary for Planning Commission to
- 10 address this issue.
- 11

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

15

- 16 • D. Flynn – Suggested this issue might be better addressed in
- 17 Policy SW-12.
- 18 • John Taylor – Based on staff’s comments, it appears this is
- 19 already covered.
- 20

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

26

- 27 • A **motion** was made by Michael Gustavson and seconded by
- 28 Dean Jenniges that the Planning Commission recommend to
- 29 the Board of County Commissioners the following language
- 30 changes: Policy SW-12, after the word agricultural, add the
- 31 words “including public rights-of-way” and in NS-26 after the
- 32 word “development” add the words “including public rights-of-
- 33 way” and change word “is” to “are.” **The Vote: Yes-6; No-2.**
- 34 **Motion carried.**
- 35

- 36 • Coppola – Policy NS-29 – “County’s GIS system should map
- 37 wetland streams. . .” Thinks wildlife corridors should be added
- 38 here.

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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

1 Commission wait on this recommendation until more is known
2 about the plan.

3 • Jenniges – Already have designated open space in
4 development.

5
6 • Chair Nevins – Clarified vote on the floor.

7
8 Greetham – The Department of Fish and Wildlife is currently
9 undertaking its own study, leading to such a map.

10
11 A motion was made by Lary Coppola and seconded by Michael
12 Gustavson that the Planning Commission recommend to the Board of
13 County Commissioners that connective wildlife corridors be added to
14 a list of items that GIS should map. **The Vote: Yes-3; No-5. Due to**
15 **lack of majority vote, the motion died. There will be no**
16 **recommendation forwarded to the Board of County**
17 **Commissioners.**

18
19 **Essential Public Facilities**

20
21 Vidinhar – At the July 6, 2004 public hearing, testimony was heard
22 from Jerry Harless stating that he thought proposed policies 5.1 and
23 5.2 mix essential with capital public facilities. She referenced page 7
24 of the revised staff report that addresses the County's response to
25 Harless' concern. Policies 5.1 and 5.12 have been changed.
26 Essential public facilities have been removed and new goals added
27 and put into Chapter 4 of the Public Facilities Plan under Coordinate
28 Capital Improvements with Land Development. These will become
29 goals 4.1 and 4.2. For part of Goal 4.2, Gurol recommended using
30 language found in parenthesis. It will read, "The KRCC is lead
31 agency for inventory." Kitsap County's proposal was read as "In
32 cooperation with the County, the KRCC shall develop and maintain a
33 list of capital facilities." Mr. Gurol requested that this be changed and
34 substituted with, "Kitsap County should participate through the KRCC
35 process to develop an inventory of essential public facilities."
36 Although both statements are in compliance with the GMA, the
37 County would support either version. The Planning Commission
38 needs to delete one of the sentences. With the Essential Public

1 Facilities, the County recognizes that its Capital Facilities Plan was
2 not in compliance with the GMA, but the CPPs are in compliance.
3 Staff decided to substitute the language existing in the CPPs for
4 existing language. The goals set forth in the staff report are from the
5 CPPs.

6
7 A **motion** was made by John Ahl and seconded by Deborah Flynn
8 that the Planning Commission recommend to the Board of County
9 Commissioners that Section 4.2 be accepted with the following
10 language change: “Kitsap County should participate through the
11 KRCC process to develop an inventory of essential public facilities”,
12 replacing the sentence, “In cooperation with the County, the Kitsap
13 Regional Coordinating Council shall develop and maintain a list of
14 public capital facilities.”

15
16 Coppola – Was told by Shelley Kneip that the definition for public
17 facilities was changed in 2002 and she explained the change.

18
19 **The Vote: Yes-8; No-0. Motion carried.**

20

21 **Section 3. General Aviation Airports**

22

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

25

26 No action required

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28 **Section 4. Residential Housing Policies**

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30 No action required

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32 **Section 5. Consistency Between Capital Budget Decisions and** 33 **Land Use Plans**

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35 No action required

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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.

1 **Section 8. Level of Service Standards for Regional County**
2 **Highway**

3
4 Vidinhar – The chart in the original June 14, 2004 staff report applies
5 to areas throughout the region. Staff was tasked to be specific and
6 removing the regional, replacing it with Kitsap County.

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

11
12 A **motion** was made by John Taylor and seconded by Michael
13 Gustavson that the Planning Commission recommends to the Board
14 of County Commissioners that Section 8 be accepted in its entirety.
15 **The Vote: Yes-8; No-0. Motion carried.**

16
17 **Section 9. Reasonable Measures**

18
19 Vidinhar – On pages 27 and 28, there was a technical problem with
20 printing, not in color, so that sections 34 through 36 should all be in
21 red as being newly proposed from the June 14, 2004 staff report.
22 The proposals are from Gurol.

- 23
24 • Chair Nevins – Referenced a sentence under Reasonable
25 Measures, page 17, and beginning with “This appendix is not
26 intended to provide an in-depth discussion. . .” He said this is
27 just a list of which some will or will not be workable. There is no
28 need to pick them apart at this time.

29
30 Vidinhar – Also some are already implemented through various
31 SubArea Plans.

- 32
33 • Ahl – This is a proposal for a future study to possibly add to the
34 Comp Plan. He questioned the necessity of adding this as an
35 appendix to the Comprehensive Plan at this time if it is simply a
36 suggested list of topics.

37

1 Vidinhar – RCW 36.70A.215 requires counties to prepare an analysis
2 and the analysis is part of the Buildable Lands Report. Since this
3 Report was prepared in 2002, staff has received numerous comments
4 that the Report is no longer sufficient and is essentially inadequate.
5 Therefore to allow for additional reasonable measures, staff opines
6 the list is justified.

7
8 Kneip – A recent GMHB decision, “Fern vs. City of Bothell.” makes it
9 clear that the statute requires a Buildable Lands Report and also that
10 this Report must identify reasonable measures. This is an
11 identification of reasonable measures but not for adoption. They will
12 only be adopted if the County makes the determination that in lieu of
13 expanding a UGA, reasonable measures should first be adopted.
14 This will be an addendum to the Buildable Lands Report since the
15 2002 Report does not contain reasonable measures.

- 16
17 • Ahl - Questioned if the GMA Compliance document was the
18 correct location for this section and if it should then become an
19 addendum to the Comprehensive Plan.

20
21 Kneip – There is no requirement for this to be an addendum to the
22 Comprehensive Plan, it is a requirement to have reasonable
23 measures identified with the analysis. Buildable Lands are separate
24 and she suggests the analysis be a supplement to the Buildable
25 Lands Report with no need to be a part of the Comp Plan. It is
26 however a GMA Compliance issue because it is a GMA requirement.

- 27
28 • Coppola – Questioned Buildable Lands Report. The 2002
29 Report only covered the timeframe to 1999. The Planning
30 Commission was informed by staff that the Report would be up-
31 to-date when it received its copy, yet it was three years out of
32 date when received. The Planning Commission deferred
33 making decisions on issues waiting on this since 2000 and
34 beyond. When will the Planning Commission receive an up-to-
35 date version?

36
37 Rice – Staff is currently working on an updated Land Capacity
38 Analysis and has taken steps to hire a consultant and proceed

1 forward with a finished target date of 2007. Currently using
2 information dated October 2003.

3
4 Kneip – Buildable Lands Report is a “look back in time” analysis of
5 activity within UGAs and the Land Capacity Analysis is a “looking
6 forward” analysis.

7
8 A **motion** was made by John Ahl and seconded by Mark Flynn that
9 staff remove Section 9- the Reasonable Measures section from the
10 proposed amendments to the Comprehensive Plan as inappropriate
11 and attach it to the Buildable Lands Report as an addendum, with
12 reference back to the Comprehensive Plan.

- 13
14 • Taylor – Suggested changing the name from “Buildable” Lands
15 to something more realistic.
16 • Ahl – Would rather see a list of things that are going to be
17 incorporated than a list that should be. Agrees it should be a
18 part of the 2002 Buildable Lands.

19
20 Kneip – This issues of identifying reasonable measures has been
21 argued by Kitsap County on the currently pending appeal.

22
23 Vidinhar – In the decision matrix, one of the options is to adopt the
24 language as outlined in the revised staff report as an addendum to
25 the Buildable Lands Report, it does not say to incorporate the
26 language into the Comprehensive Plan.

- 27
28 • Gustavson – Asked Ahl how much of the reasonable measures
29 his motion covers and was told the entire section.
30
31 • Ahl – Does not want to clutter up the Comprehensive Plan with
32 an additional set of policies.

33
34 Vidinhar – Referenced Nos. 34 through 36 recommended by Gurol,
35 noting that staff would support 34 and 35. No. 36 has to do with
36 public participation process that has already been identified. Not
37 looking to add 36 to reasonable measures.

38

- 1 • Gustavson - Does not disagree with the administrative aspect of
2 the issue but wants to discuss items in this section.
3
4 • Chair Nevins – Asked if issues to discuss were appropriate at
5 the time reasonable measures is implemented.
6
7 • D. Flynn – Questioned if items under Reasonable Measures will
8 be individually discussed before voting on Ahl’s motion.
9
10 • Ahl – Clarified his motion, further stating that if the reasonable
11 measures will become policy as part of the Comp Plan or
12 development regulations, the Planning Commission will see
13 these items again. The risk is that by passing his motion and
14 the Board of County Commissioners decides to leave it in, then
15 the Planning Commission will have missed its chance to
16 comment on each individual item.

17
18 Vidinhar – Staff should not have recommended incorporation by
19 reference into the Comprehensive Plan for the rezone measures. It
20 should be as stated in the motion that it be adopted as an addendum
21 to the Buildable Lands Report. Reasonable Measures is part of GMA
22 Compliance review even though it is not a Comp Plan measure.

- 23
24 • Chair Nevins – Incorporated by reference will probably not
25 happen. There are 36 items under Reasonable Measures.
26 Should first vote on the motion.

27
28 **The Vote: Yes-8; No-0. Motion carried.**

29
30 A **motion** was made by Lary Coppola and seconded by John Taylor
31 that the word “Buildable” in Buildable Lands Report be changed to
32 reflect a more accurate depiction since it references lands already
33 built.

34
35 Kneip – Read the statute as follows: “In its review and analysis
36 program, at a minimum, the program shall, 1) determine if there is
37 sufficient suitable land to accommodate the countywide population
38 projections and subsequent population allocations within the county;

1 2) determine the actual density of housing that has been constructed
2 and the actual amount of land developed for commercial and
3 industrial purposes within urban growth areas since the adoption of
4 the Comprehensive Plan. C. The analysis based on the actual
5 density that has occurred on the built environment and the projected
6 allocations, the housing needs by type and density range to
7 determine the amount of land needed for commercial and industrial
8 housing for the remaining portion of the 20 year planning period.”

- 9
- 10 • Jenniges – Offered a friendly amendment to the motion that the
11 title be, “Built Lands, Buildable Lands and Needed for
12 Development Lands Report.”

13
14 Cindy Baker – Suggested waiting for the Planning Commission to
15 determine logical language and staff will bring it back for
16 consideration. As previously stated, staff is currently working on the
17 Land Capacity Analysis.

18
19 1. **Ease Development Standard Restrictions for Accessory Dwelling**
20 **Units (ADUs) in Single Family Zones in the UGA**

- 21
- 22 • M. Flynn – Discussed tax credits and suggested wording to
23 reflect real estate tax abatement. He will work with staff on
24 better wording.
 - 25
 - 26 • Taylor – Asked if this eases restrictions or add more for people
27 to construct an ADU. He was told the goal is to ease
28 restrictions.

29
30 2. **Provide Multifamily Housing Tax Credits to Developers in the**
31 **UGA**

32
33 No discussion

34
35 3. **Provide Density Bonuses to Developers in the UGA**

- 36
- 37 • Jenniges – Was told this does this mean an automatic rezone
38 and that the applicant will need to go through a Conditional Use
39 Permit or other public process.

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- 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

1 **6. Allow Co-housing in the UGA**

2
3 Discussion about definition of co-housing.

- 4
5 • Chair Nevins – Suggested this section be changed to add provision
6 for limited equity housing such as co-housing and community land
7 trusts in the UGA. Has language drafted to provide staff.

8
9 **7. Allow Duplexes, Town homes, and Condominiums in Single-**
10 **Family Zones in the UGA**

- 11
12 • Taylor – Asked staff if this allows a person to build a duplex in a
13 single-family neighborhood.

14
15 Vidinhar – Pursuant to Title 17, as long as they have the appropriate
16 size of property, since the property owner would then double the
17 density.

- 18
19 • Taylor – Asked what recourse a single-family homeowner has if
20 a neighbor wants to build a duplex.

21
22 Vidinhar – It is an allowed use.

23
24 **8. Increase Allowable Residential Densities in the UGA**

25
26 No discussion

27
28 **9. Institute Maximum Lot Sizes in the UGA**

- 29
30 • Gustavson – Recommended that the 8,000 square foot maximum
31 lot size be changed to 11,999, otherwise the map does not work.
32 Need to also address with the Health Department what its minimum
33 allowed, unsewered lot size will be.

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

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37 No discussion

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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."

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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

1 **25. Encourage Developers to Reduce Off-Street Surface Parking**

2
3 No discussion

4
5 **26. Implement a Program to Identify and Redevelop Vacant and**
6 **Abandoned Buildings**

- 7
8 • D. Flynn - Rezoning in addition to redeveloping vacant and
9 abandon buildings seems like a good idea. Suggested
10 adding “Rezoning” to this item to read as “Implement a
11 program to identify and redevelop or rezone vacant and
12 abandoned buildings.”
13 • Jenniges – Asked if there was a timeline or requirement
14 established to enforce a “use or lose” concept for old
15 building demolishing.

16
17 Vidinhar – Only if uses are not conforming. After a year without a
18 business operating in the building, the owner would lose the status.
19 The building will still sit vacant. It could also be a Code Enforcement
20 issue if the building is declared unsafe.

21
22 **27. Concentrate Critical Services Near Homes, Jobs, and Transit**

23
24 No discussion

25
26 **28. Locate Civic Buildings in Existing Communities Rather than in**
27 **Greenfield Areas**

28
29 No discussion

30
31 **29. Implement a Process to Expedite Plan and Permit Approval for**
32 **Dense Development**

- 33
34 • Gustavson - Questioned the words “Streamlined permitting
35 processes. . .” This implies that something will be deleted.
36 If this is the case, he suggested deleting the word
37 streamlined. Either you can streamline something or you
38 cannot. It should be available across the board.

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- 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.

- 1 • Coppola – Sometimes the design standards are so
2 onerous that nothing gets built

3
4 Vidinhar – Depends on what is encompassed with the particular
5 SubArea Plan.

6
7 Rice – At the SubArea planning process level, the jurisdictions
8 involved do the planning up front. For example, on Bethel Avenue
9 Fred Meyers paid for the sewer extension.

10

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

13

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

16

17 35. **Mitigation Banking**

18

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

23

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

26

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

31

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

34

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

37

38 Vidinhar – County staff does not think this suggestion by Gurol is
39 necessary as a reasonable measure. It is already covered under public
40 participation process.

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- 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.

2. George’s Corner Limited Area of More Intense Rural Development (LAMIRD), North Kitsap, intersection of Highway 104 and Miller Bay Road/Hansville Highway.

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.

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- 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.”

- 1 • Jenniges – Either this locations fits the definition of a
2 LAMIRD as recommended by staff, or not. Is it legal or
3 not. Legal counsel states it is.
4
- 5 • Coppola – Asked again if boundaries can be expanded
6 once established.
7

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

- 22 • Chair Nevins – Within five miles has been mentioned
23 several times, but also within five miles are several
24 commercial centers with the potential of expansion. These
25 are not fully supported and people living within 2 ½ miles
26 from George’s Corner are closer to the other centers. It is
27 not that people will be driving five miles from Kingston to
28 George’s Corner, other viable centers would be helped by
29 having them be the only center. We do not need
30 commercial centers every 2-½ miles. The other issue is
31 the LOB being hard to determine. He will not support the
32 LAMIRD.
33

- 34 • Jenniges – Kingston is not a viable center for everything.
35 All growth as he sees it, has been north, southwest and
36 east of Hansville. It has not been toward the Kingston
37 area. The projected population increase will heavily
38 impact traffic on the roads. Believes it would be short

1 sighted to not support another commercial area in the
2 north end of the county.

- 3
- 4 • Gustavson – The central theory of Growth Management is
5 to reduce the amount of travel time for citizens. All the
6 problems the decision makers are trying to avoid are found
7 by not designating a LAMIRD at the George’s Corner
8 location. This is the center of all transportation in North
9 Kitsap.
- 10
- 11 • D. Flynn – Disagrees since the people in Kingston can go
12 to Kingston and support for a UGA is desired for Kingston.
13 By expanding commercial development 1-½ miles outside
14 of Kingston, support is not being given to Kingston as a
15 UGA. Hansville is a community that needs a LAMIRD and
16 could use its own commercial area. Why should Hansville
17 citizens have to travel ten miles when viable communities
18 are a high priority in the GMA. Citizens in other direction
19 are closer to Poulsbo where there is much more
20 commercial options while people in Suquamish have their
21 own commercial area. She does not think this LAMIRD is
22 needed because it is supporting a rural population that will
23 have to drive there yet have other commercial destination
24 options.
- 25
- 26 • Coppola – Argument is flawed because he doesn’t see any
27 major grocery store chain attempting to locate in Hansville.
28 Asked Chair Nevins where the other potential commercial
29 center would be.
- 30
- 31 • Chair Nevins – Arborwood in the future shows a business,
32 industrial or commercial component to the project. This is
33 on South Kingston Road.
- 34
- 35 • Coppola – It makes even more sense that George’s
36 Corner becomes the commercial center rather than
37 develop another new one with all the attending problems

1 plus going through this same process when this location
2 already is developed and ready for more.

- 3
- 4 • Chair Nevins – Preference would be to have smaller,
5 closer, retail outlets than a centralized large one.
- 6
- 7 • Gustavson – Lease rate at George’s Corner is 100% and
8 the businesses are heavily used. There is a strong
9 demand for services there.
- 10
- 11 • Taylor – Compared the Costco area through Ridgetop
12 Blvd. Within the Ridgetop area, there are two convenience
13 stores, different from what is being discussed for the
14 LAMIRD. The already existing and heavily used
15 Albertson’s Grocery Store is at the most natural four-way
16 intersection possible. It runs from the ferry terminal in
17 Kingston, from the Hood Canal floating bridge, from
18 Hansville to Poulsbo. Once Olhava gets build out, there
19 will be people driving there from Kingston and George’s
20 Corner. The point is there are different levels of intensity
21 with commercial development. He will support this
22 LAMIRD.
- 23
- 24 • John Ahl – Revisited LAMIRD definition wherein a
25 requirement is to recognize existing development and the
26 logical boundaries around the sites. Apparently, that
27 definition has been softened by pressures that caused that
28 intersection to be developed originally. Thinks maybe a
29 LAMIRD designation will complicate the issues. Rules for
30 development of appropriate commercial activities within
31 the rural area might be a better choice in this case.
32 Another problem with a LAMIRD is where do you
33 appropriately draw the boundaries. Does not believe a
34 LAMIRD is an appropriate mechanism to limit all
35 commercial growth within a boundary line drawn around a
36 specific area. His opposition is not with the commercial
37 development, it is more with the use of a LAMIRD to
38 confine and control rules defining commercial development

1 within the unincorporated areas to satisfy the people in
2 that area. Albertson's is fine but more intense develop
3 would be a problem. Questioned the appropriate avenue
4 to recognize the four corners in that area for some type of
5 commercial use.

- 6
- 7 • Jenniges – A LAMIRD is legal and therefore authorized. If
8 a LAMIRD is to be designated, this is the best location. If
9 it will satisfy the citizens in the area and the County staff
10 has determined a LAMIRD is the best approach, then he
11 concurs.
- 12
- 13 • Mark Flynn – Leaning toward support. Part of Planning
14 Commission responsibility is to decide between issues that
15 are advisable and not advisable yet are already
16 determined legal. The question is whether or not this is
17 advisable. Thinks maybe a LAMIRD at this location will
18 reduce automobile trips by serving the people in the area.
19 Understands the concerns of business community in
20 Kingston. Thinks this will enhance business for Kingston.
21 Because of this and because of the restriction that small
22 urban areas have, there is obviously a need for this. Will
23 be supporting the LAMIRD but understands the expressed
24 concerns as well.
- 25
- 26 • Coppola – With the increase of ferry service in Kingston,
27 local businesses will benefit, including commercial sites at
28 George's Corner. The free market will have large impact
29 on outcome of healthy business.
- 30
- 31 • Taylor – Ferry service will have heavy impact on future
32 development in the Kingston area. State owns land in
33 Kingston for a future Park 'N Ride for ferry commuters.
- 34
- 35 • D. Flynn – Asked staff if Hansville is listed as a study area
36 for a LAMIRD and was told yes. This is ten miles down
37 the road from George's Corner.
- 38

1 Following discussion, Chair Nevins repeated the motion as being to
2 deny recommending a LAMIRD at the George's Corner. **The Vote:**
3 **Yes-3; No-5. Motion died for lack of quorum and the Planning**
4 **Commission thereby recommends approval to the Board of**
5 **County Commissioners for the designation of a commercial**
6 **Limited Area of More Intense Rural Development (LAMIRD) at**
7 **George's Corner in North Kitsap, at the intersection of Highway 104**
8 **and Miller Bay Road/Hansville Highway.**

9
10 Following this action, Chair Nevins directed the Planning Commission to
11 identify the LOB preferred for the LAMIRD designation.

12
13 A motion was made by Lary Coppola and seconded by John Taylor that
14 the Planning Commission concur with the LOB recommended by staff in
15 the Comp Plan Amendment Phase I binder, page 11 of the George's
16 Corner LAMIRD staff report.

17
18 It was suggested that the map be reviewed to specify exactly which
19 parcels are included in the LAMIRD boundaries.

20
21 Jason Rice – Staff recommends modifying the original 2003
22 recommendation to include the Bjarnson parcel, to request the exact
23 layout as the North Sound Bank parcels. This reflects on the other parcels
24 on the northwest corner. Parcels included in the recommended LAMIRD
25 LOB are: Premier Rentals identified Industrial, Kitsap Transit Park 'N Ride
26 and the Albertson's complex, all on the northeast corner of the
27 intersection; on the south corner, the North Sound Bank; on the east is the
28 Kountry Korner and on the northwest corner, the Bjarnson parcel (the
29 2004 application).

- 30
31 • Taylor – Asked staff if the Bjarnson property boundary line
32 is drawn on the tax line to avoid separating a parcel

33
34 Rice – Originally, there were two parcels but the property owner
35 identified the area most amenable to expansion and recorded a
36 Boundary Line Adjustment to assist staff in processing this
37 application. Subsequently, staff determined an even further reduction
38 was necessary so there may be an additional Boundary Line
39 Adjustment needed. It is still 7.2 acres.

40

1 • Taylor – Suggested referring to the map in the Bjarnson
2 application. Do not want zoning changes and LAMIRD
3 changes to take a person’s property originally one tax
4 parcel, and make one half a certain designation and the
5 other half something different. This is very confusing.

6
7 Rice – An additional BLA would make both pieces of the parcel
8 useable.

9
10 • Ahl – Asked if Bjarnson has conceded to the County’s
11 desire that he make a BLA to coincide with staff’s
12 recommendation.

13
14 Rice – Unsure

15
16 • Ahl – Asked if it is appropriate for Planning Commission,
17 staff and Board of County Commissioners to approve
18 something the applicant hasn’t requested.

19
20 • Taylor - Read a possible answer: “The ultimate boundary
21 line will be determined by the decision of the Board of
22 County Commissioners giving consideration to the findings
23 and recommendations of the George’s Corner Boundary
24 Line Group and the Planning Commission and staff.”

25
26 Rice – North Sound Bank, a similar case, was an approval
27 conditioned on a BLA.

28
29 • Coppola – Noted that when the 1998 Comp Plan was
30 pulled back and reworked, the Board of County
31 Commissioners down zoned a lot of land to one unit per 20
32 acres, none of which was requested. Each parcel was an
33 individual site specific but not an application for rezone.

34
35 • Ahl – Reiterated his question asking whether the Planning
36 Commission can make recommendation on a site-specific
37 request in a format that has not been requested by the
38 applicant without a conditional requirement that the

1 applicant agrees. In this case, an outer boundary for the
2 LAMIRD could be approved with the property owner not
3 honoring the decision.
4

5 Kneip – This would be a legislative act in that the Planning
6 Commission’s recommendation and the Board of County
7 Commissioners’ decision can change zoning without the applicant’s
8 request or condition it on a BLA.
9

- 10 • Ahl – He is asking this question because Commissioner
11 Taylor said it is not good to have split zoning on an
12 individual tax parcel and assuming this motion is
13 approved, the applicant could come back and say they
14 don’t want to adjust their boundary line.
15

16 Kneip – If the LAMIRD boundary was contingent on a BLA, the
17 LAMIRD would go away if the BLA did not take place. In addition,
18 split zoning does occur and is not illegal just hard to work with in
19 some cases. It will depend on how the LAMIRD boundary is
20 conditioned and not on approval of the property owner.
21

- 22 • Taylor – History behind his concern stems from a parcel
23 on Mile Hill wherein the applicant has been trying for ten
24 years to develop his property but can’t because of a split
25 zoning issue. This remains very problematic and he does
26 not want to recreate the same situation again.
27

28 Gary Lindsey, applicant’s representative – If the Planning
29 Commission approves the motion with a modification to the site-
30 specific request to reflect the boundary proposed by the staff in the
31 LAMIRD, the applicant will work with the staff to adjust and clean up
32 zoning to be consistent.
33

- 34 • Gustavson – Hanson made a good argument that his
35 property in the George’s Corner cross roads has been
36 operating a commercial use since before 1990. If 1990
37 and before is being considered, then he suggests the
38 Hanson property also be included in the LAMIRD

1 boundary. In addition, if population increases and demand
2 for services expands, he questioned how long it would
3 take in the future to enlarge the boundaries of the
4 LAMIRD.

5
6 Rice – A LOB would be based on the same criteria in the statutes.

- 7
8 • Gustavson – Logically the County would then need to
9 enlarge the Kingston UGA boundaries to incorporate the
10 George’s Corner LAMIRD.

11
12 Kneip – There has been at least on hearings board decision that
13 rejected a LAMIRD as being too close to a UGA, (less than 400 feet).
14 In that decision, it stated the more appropriate manner would be to
15 extend the UGA. There is no bright line on what the distance should
16 be.

- 17
18 • Taylor – In reality, the Albertson’s development took ten
19 years to complete.

20
21 Lary Coppola accepted Michael Gustavson’s friendly amendment to
22 his previous motion, to include the Hanson site specific in his motion
23 that the Planning Commission concur with the LOB recommended by
24 staff in the Comp Plan Amendment Phase I binder, page 11 of the
25 George’s Corner LAMIRD staff report. Staff’s recommendation also
26 includes approval of the Bjarnson site-specific request as part of the
27 George’s Corner LAMIRD. (See entire motion on page 187 above)

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

29
30 Rice – A motion is needed for both the Hanson and Bjarnson site-
31 specific applications to recommend rezoning them to Neighborhood
32 Commercial.

33
34 A **motion** was made by Dean Jenniges and seconded by Michael
35 Gustavson that the Planning Commission recommend to the Board of
36 County Commissioners that 7.2 acres of the Richard Bjarnson site-
37 specific application and the Hanson site-specific application be
38 included in the Logical Outer Boundary of the George’s Corner

1 Commercial LAMIRD and zoned Neighborhood Commercial, subject
2 to a Boundary Line Adjustment. **The Vote: Yes-7; No-1. Motion**
3 **carried.**

4
5 **Jean Sherrard**

- 6
7 • Jenniges – Concerned that the non-conforming use of
8 storage facility is driving the zoning designation. Thinks
9 that the current zoning of Urban Medium Residential is
10 appropriate. He also expressed concern for the potential
11 traffic problem issue.
12
13 • Taylor – Property is already improved, the storage facility
14 already exists.
15
16 • Chair Nevins – When first constructed, it was a conforming
17 use. The use table changed making it non-conforming and
18 the applicant would like to remove the conditional use he
19 now operates under.
20
21 • Taylor - In addition, if it burns down, he would not be able
22 to re-construct his operation.
23
24 • Jenniges – Asked why Medium Residential does not also
25 allow for a storage facility.
26

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

- 29
30 • D. Flynn – Asked how this affects the Kingston population
31 allocation since the new zoning allows for more population.
32

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

- 35
36 • Chair Nevins – Told next Kingston SubArea review will
37 take place in 2005. He therefore suggested this

1 application be deferred to the 2005 Kingston SubArea
2 review and not be approved at this time.

- 3
- 4 • Taylor – Disclosed for the record that he is a personal
5 friend of the applicant Jean Sherrard as well as Sherrard is
6 a client.
 - 7
 - 8 • Chair Nevins – At this time, he asked that anyone on the
9 Planning Commission disclose any conflicts or appearance
10 of fairness issues. The test is if there is any issue that
11 would affect a Planning Commissioners judgment in
12 reaching a decision.
 - 13
 - 14 • Coppola – Dick Brown called him during lunch to ask how
15 the Planning Commission voted on his applications.
 - 16
 - 17 • Taylor – Had no involvement in development of the
18 Sherrard property.
 - 19
 - 20 • Chair Nevins – Asked for and received no expressed
21 concerns from anyone in the room.
 - 22

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

28
29 **White-Lueck**

- 30
- 31 • Taylor – Concerned that the Planning Commission just
32 spent time discussing growth in Kingston and is now
33 deferring where that growth will go.
 - 34
 - 35 • Chair Nevins – Just designated a lot of land in the
36 Kingston area for growth to take place.
 - 37

- 1 • D. Flynn – Agrees to deny and defer since the Kingston
2 process is forthcoming, there is a large amount of land
3 designated Urban Reserve and any additions to the UGA
4 needs to be considered as a whole regarding the areas
5 currently designated Urban Reserve.
6
- 7 • Jenniges – Suggested this parcel be re-designated Urban
8 Low Residential but withdrew the comment once he
9 learned sewers are available.

10
11 A **motion** was made by Lary Coppola and seconded by Mark Flynn
12 that the Planning Commission recommend to the Board of County
13 Commissioners that this application be denied and deferred to the
14 2005 Kingston SubArea planning process. **The Vote: Yes-6; No-1;**
15 **Abstain-1. Motion carried.**

16 17 **Global Investments-Kitsap Transit**

18
19 Rice – Reminded Planning Commission members of the additional
20 addendum to staff's recommendation to approve this application.

21
22 A **motion** was made by Deborah Flynn and seconded by Mark Flynn
23 that the Planning Commission recommend to the Board of County
24 Commissioners that this application be approved subject to staff's
25 recommended conditions and with the addition of one more condition
26 stating that the critical areas be protected as proposed in the City of
27 Bremerton's June 30, 2004 letter

- 28 • Gustavson – Asked if the additional condition relative to
29 protection of critical areas would still allow Kitsap Transit
30 enough room to implement its development.
31
- 32 • D. Flynn – Noted this concern before seeing the
33 Bremerton letter. At a recent hearing, Paul Pazooki, the
34 applicant's representative, stated the critical areas would
35 be protected during development.
36
- 37 • M. Flynn – Darryl Piercy of Kitsap Transit also stated this
38 intent.

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- 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

1 be enough park 'n rides. Likes the location and will vote in
2 favor of this application.

- 3
- 4 • D. Flynn – In reading staff's conditions, questioned if the
5 park 'n ride would have to be built and completed together
6 with the commercial aspect of the proposal.

- 7
- 8 • Taylor – Thinks the applicant is trying to get approval with
9 some issues yet unresolved. Supports approval so the
10 applicant and developers can move ahead. Is concerned
11 about the small piece across from the intersection if the
12 application is approved.

13

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

- 17
- 18 • Jenniges – Asked if there was a guarantee that this will
19 actually be a park 'n ride.

20

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

25

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

27

28 **Lindsey**

29

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

- 34
- 35 • Coppola – At the July 6, 2004 public hearing, 28 citizens
36 testified against approval of this application based on the
37 high density proposed. Need more one house per acre
38 developments.

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- 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.

Pawlowski – 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.

1 A motion was made by Lary Coppola and seconded by Michael
2 Gustavson that the Planning Commission not support the staff's
3 recommendation and recommend to the Board of County
4 Commissioners that it grant the applicants' request for rezone and
5 land use change to Highway Tourist Commercial and inclusion in the
6 Port Orchard Urban Growth Area.

- 7
- 8 • Coppola –The Planning Commission has discussed these
9 applications for the past three years approved twice and
10 the property owners have been held in limbo for twelve
11 years waiting. This property was designated commercial
12 or Highway Tourist Commercial in the 1994, 1996 and
13 original 1998 Comp Plan. Sales tax revenue is going to
14 other counties and he thinks it would be best to keep it in
15 Kitsap County.
16
 - 17 • Chair Nevins – Read Monty Mahan's comments into the
18 record as follows: "I voted to recommend approval on
19 these last year because I had little faith that the County
20 and City would move forward on joint planning in a timely
21 manner. That has changed with the signing of a joint
22 agreement for planning between Kitsap and Port Orchard.
23 I think it's clear that we have to give that process a
24 chance, so I don't support approval of these applications
25 at this time."
26
 - 27 • Jenniges – Agreed with Coppola because Port Orchard
28 has expressed agreement to accept these properties into
29 its UGA and concurred with the zoning change.
30
 - 31 • M. Flynn – Does not believe that just because people
32 apply year after year is a valid reason for approval.
33 However, these have been looked at positively, the City of
34 Port Orchard approves so thinks the Planning
35 Commission should approve the rezone requests.
36
 - 37 • D. Flynn – Agrees with Monty in that the joint planning
38 process between the City and County should be allowed a

1 chance to succeed. Don't believe the applicants have
2 been held hostage. Also just because the Comp Plan
3 was flawed in the 1994, 1996 and 1998 process, does not
4 mean applicants should be rewarded with rezone request
5 approvals. Possibly, it is inevitable. It is Rural Protection
6 at this time, there is a UGA and Urban Reserve elsewhere
7 and thinks this should be a part of the Port Orchard South
8 Kitsap Sub-area Plan.

- 9
- 10 • Ahl – Thinks deferring these properties to a joint planning
11 process may result in a favorable outcome quicker than if
12 the Planning Commission recommends and the Board of
13 County Commissioners approves unilateral changes at
14 this time. He also referenced the possibility of an appeal
15 if approved.
 - 16
 - 17 • Coppola – Wondered if the Port Orchard Sub-Area Plan
18 includes these properties in the final draft, if this would
19 negate any appeal.
 - 20
 - 21 • Ahl – Need to ask legal counsel but thinks not. Approval
22 might actually delay the joint planning process.
23 Emphasized this to be a joint planning process, not just
24 Port Orchard and that the County should be given a
25 chance to weigh in on boundary lines.
 - 26
 - 27 • Chair Nevins – In favor of the sub-area planning process
28 as being the superior method over site-specific rezones.
 - 29
 - 30 • Jenniges – If these were previously approved by the
31 Planning Commission, he thinks the requests should be
32 approved so the developers can proceed with their plans.
33 He also referenced the loss of sales tax revenue.
 - 34

35 **Brown-Rice-Krueger**

36
37 A **motion** was made by Lary Coppola and seconded by Michael
38 Gustavson that the Planning Commission not support the staff's

1 recommendation and recommend to the Board of County
2 Commissioners that it grant the applicant's request for rezone and
3 land use change to Highway Tourist Commercial and inclusion in the
4 Port Orchard Urban Growth Area. **The Vote: Yes-5; No-3. Motion**
5 **carried.**

6

7 **Blackjack Valley Associates**

8

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

16

17 **Robert Waters**

18

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

26

27 **Sedgwick Joint Venture**

28

- 29
- Jenniges – Expressed concern about traffic issues and the
30 requested zoning. Thinks it should be for urban
31 development and not Highway Tourist Commercial.

32

33 A **motion** was made by John Taylor and seconded by Michael
34 Gustavson that the Planning Commission not support the staff's
35 recommendation and recommend to the Board of County
36 Commissioners that it grant the applicant's request for rezone and
37 land use change to Highway Tourist Commercial and inclusion in the
38 Port Orchard Urban Growth Area.

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- 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.

- 1 • D. Flynn – Commented on language in the staff report on
2 this application and the previous three applications. There
3 is a goal it is consistent with: “Focus commercial land use
4 in defined areas and minimize future strip commercial
5 development.” Yet it is inconsistent with a policy that
6 states, “Strip commercial development shown in Kitsap
7 County Comp Plan Land Use Map along major roads and
8 highways shall not be extended.” She will not support
9 approval of this application.

10
11 **The Vote: Yes-4; No-4. A recommendation for this proposal will**
12 **not be forwarded to the Board of County Commissioners.**

13
14 **Lewis**

15
16 A **motion** was made by Lary Coppola and seconded by Michael
17 Gustavson that the Planning Commission support the staff’s
18 recommendation and recommend to the Board of County
19 Commissioners that it grant the applicants’ request for rezone and
20 land use change to Highway Tourist Commercial. This proposal is
21 included in the Port Orchard UGA and involves the expansion of the
22 Bethel Corridor Development Plan. **The Vote: Yes-7; No-1. Motion**
23 **carried.**

24
25 The Planning Commission members decided to discuss the following
26 two applications together but to vote on them individually: 1) Cara
27 Land Co.-Flaherty and 2) Binns.

28
29 **Cara Land Co.- Flaherty**

- 30
31 • Coppola – The Cara Land Co. application highlights one of
32 the problems in the way the GMA is written. Aerial shows
33 the site to be close to the UGA boundary, the applicant
34 intends to create about 60 family wage jobs but can’t
35 expand his plant to do it.

36
37 A **motion** was made by John Taylor and seconded by Michael
38 Gustavson that the Planning Commission support the staff’s

1 recommendation and recommend to the Board of County
2 Commissioners that it grant the applicants' request for rezone and
3 land use change to Industrial or Business Park.

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

13
14 Discussion was held regarding ingress and egress, avoiding using
15 residential roads and shared access if these two applications are
16 approved.

- 17
- 18 • M. Flynn – Does not see a direct similarity with these two
19 applications. Instead sees that the Cara Land Co. is an
20 established business and the Binns property still has
21 issues to be addressed. For instance the statement about
22 being a long way from agreement regarding access.
23
 - 24 • Chair Nevins – Asked if a condition could be added
25 requiring access through the industrial park together with
26 the extension of the Cara Land Co. facility.
27
 - 28 • Taylor – Chair Nevins' proposed condition might be more
29 appropriate for the Binns application.
30
 - 31 • Chair Nevins – Access is a big issue. Offered a friendly
32 amendment to the motion stating approval be
33 accompanied with a condition that access be designed
34 and constructed together with improvements to the facility.
35

36 Rice – Condition can be placed on the Binns application but can only
37 approve or deny the Cara Land Co.'s application.
38

- 1 • Chair Nevins – Withdrew his friendly amendment and said
2 he supports the Port Orchard Sub-area planning process
3 to implement this condition.
4
- 5 • Jenniges – This is an industrial Park area and the sites are
6 located in the Port Orchard UGA. If Binns is unable to
7 successfully negotiate access to their property, this is not
8 the County’s problem. It is up to the applicant. For the
9 Planning Commission not to recommend approval of the
10 rezone based on the access issue, it is taking a step
11 backwards. He believes Port Orchard needs the industrial
12 park activity and will support both applications.
13
- 14 • D. Flynn – There are uses proposed for expansion or
15 development and the Planning Commission needs to be
16 careful not to approve a Comprehensive Plan amendment
17 based on a development proposal. That is a separate
18 action.
19

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

21
22 **Binns**

23
24 A **motion** was made by Lary Coppola and seconded by Mark Flynn
25 that the Planning Commission support the staff’s recommendation
26 and recommend to the Board of County Commissioners that it deny
27 the application for Industrial zoning and defer to future Port Orchard
28 Sub-area planning process.
29

- 30 • Jenniges – Again, discussion has been held relative to the need
31 to approve this type of zoning to get economic development
32 moving and yet the recommendation is to deny and defer.
33 Believes in the need for industrial parks and compared it to
34 SKIA.
35
- 36 • D. Flynn – Does not think it is in the UGA since the current
37 zoning is Urban Reserve. This means it has been set aside with

1 many other parcels to study the need for industrial development
2 lands.

3

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

5

6 **Home Depot**

7

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

13

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

17

18 • Chair Nevins –This appears to be more of a map
19 correction than a rezone.

20

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

26

27 • Ahl – Does not see any justification to vote against the
28 staff's recommendation and will therefore be voting against
29 the motion.

30

31 • Chair Nevins read Monty Mahan's comments into the
32 record as follows: "This is a good proposal. We
33 recognized early in the Bethel Road planning process that
34 it was unfair to the property owner to have had the HTC
35 line drawn so far to the west, in comparison to the
36 bordering properties to north and south. Even after the
37 adjustment there will still be vacant residential zoned land
38 in back. This makes Mr. Donnelly's comments about

1 mixed-use development moot. The property is part of a
2 larger group of parcels that are being assembled for just
3 the type of business interest that the Bethel Corridor plan
4 envisioned, and the parcel location and size will allow for
5 good inclusion into the development plan. I have faith that
6 Department of Community Development will do a good job
7 of adapting the plan to make the applicant's development
8 an asset to the community. The only nearby business
9 competition is also part of a nationwide franchise chain,
10 albeit a much smaller one. The South Kitsap community is
11 currently underserved for this type of business. I strongly
12 support this application, and look forward to shopping in
13 the applicant's store."

- 14
- 15 • Jennings – Not sure what businesses this would take
- 16 business away from.
- 17
- 18 • Coppola – Withdrew his motion.
- 19

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

26

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

29

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

- 34
- 35 • D. Flynn – Asked staff to use caution when developing the
- 36 findings because she noticed some findings in the staff
- 37 reports that were irrelevant to the proposals.
- 38

1 (Staff made edits to the Findings of Fact and Chair Nevins
2 signed them effective July 20, 2004).

3
4 **New Business - NONE**

5
6 **Other Business-NONE**

7
8 **(3:00 PM) No further business being heard, the meeting was**
9 **adjourned.**

10
11 **Exhibit No. Description**

- 12
- 13 A. Planning Commission Agenda for July 9, 2004
- 14 B. Prep for July 9th meeting dated 6/19/04
- 15 C. Email from Monty Mahan with comments for the meeting
- 16 D. Draft copy of the Findings of Fact dated 7/20/04
- 17 E. GMA Compliance Review Amendments, 2 versions, dated July 8,
- 18 2004 and July 12, 2004
- 19 F. Testimony Matrix – Phase I
- 20 G. Testimony Matrix – Phase II
- 21 H. Planning Commission recommendation options
- 22 I. Map of Cara Land Co. and Binns properties
- 23 J. Addendum: Kitsap Transit Staff Report dated July 6, 2004
- 24 K. Legal notice for June 22, 2004 Planning Commission meeting

25
26 MINUTES approved this _____ day of _____, 2004.

27
28
29
30 _____
31 Tom Nevins, Chair

32
33 _____
34 Planning Commission Secretary
35