

# MINUTES

## KITSAP COUNTY PLANNING COMMISSION July 20, 2004

---

1  
2  
3  
4  
5  
6 The Kitsap County Planning Commission met on the above-stated date at  
7 the Eagle's Nest Conference Center, 1195 Fairgrounds Rd, Bremerton,  
8 Washington 98311. Members **Present:** Tom Nevins, John Ahl, Michael  
9 Gustavson, Monty Mahan, Mark Flynn, John Taylor, and Dean Jenniges.  
10 **Not Present:** Deborah Flynn, and Larry Coppola. Staff Present: JoAnn  
11 Vidinhar, Laura Ditmer, Jason Rice, Dave Greetham, Stephanie Pawlawski,  
12 Angie Silva, Cindy Baker, Eric Baker, Jim Bolger, Patty Charnas, and  
13 Deanna Jacobsen.

14  
15 A. Chair Nevins called the Meeting to Order and made introductions

16  
17 B. WORK STUDY

18  
19 **Approval of Minutes**

20  
21 May 25, 2004

- 22  
23 • Chair Nevins asked that on page 104, line 22, the last word in  
24 the sentence should read, "met".

25  
26 A **motion** was made by Michael Gustavson and seconded by Dean  
27 Jenniges that the Planning Commission minutes of May 25, 2004 be  
28 approved as amended. **The Vote: Yes-7; No-0.** Motion carried.

29  
30 June 8, 2004

31  
32 A **motion** was made by John Taylor and seconded by Michael  
33 Gustavson that the Planning Commission minutes of June 8, 2004 be  
34 approved. **The Vote: Yes-7; No-0.** Motion carried.

35

1

2 June 15, 2004

3

- 4 • Gustavson corrected a typo on page 135, line 10, that should
- 5 read bait.
- 6 • Taylor noted he was present but not listed.
- 7 • Chair Nevins changed the word section to sector on page 138,
- 8 line 15.

9

10 A **motion** was made by John Taylor and seconded by Mark Flynn that  
11 the Planning Commission minutes of June 15, 2004 be approved as  
12 amended. **The Vote: Yes-6; No-0; Abstain-1.** Motion carried

13

14

15 June 22, 2004

16

- 17 • Taylor again noted he was present but not listed.
- 18 • Chair Nevins asked that the word points should read point on
- 19 page 146, line 32.
- 20 • Chair Nevins asked staff to reword a sentence on page 148 line
- 21 37 to read “wants to pursue the entire request.”
- 22 • Lary Coppola noted he is listed as both present and not present.
- 23 He was not present.

24

25 A **motion** was made by John Taylor and seconded by Dean Jenniges  
26 that the Planning Commission minutes of June 22 be approved as  
27 amended. **The Vote: Yes-5; No-0; Abstain-2.** Motion carried.

28

29 **1. Finalize Planning Commission Findings of Fact for the 2004**  
30 **Comprehensive Plan Amendment Docket, Phases I and II**

31

32 Jason Rice – Presented the Planning Commission with two versions of  
33 the Findings of Fact. Rice explained that the first version, highlighted in  
34 yellow and titled vl.doc, contains the original conditions of approval for  
35 the Global Investments-Kitsap Transit site-specific application. This  
36 was presented at the July 6, 2004 joint public hearing on Phase II.  
37 Following further review with legal staff, version two, highlighted in  
38 green and titled v2.doc, is a modified proposal based on legal review

1 and advise. Condition number two is clarified to state that rescinding of  
2 the original proposal is done by the property owner, not the applicant.

- 3
- 4 • John Ahl – Referenced a document titled, “Kitsap County  
5 Comprehensive Land Use Plan 2004 Comprehensive Plan  
6 Compliance Review Amendments.”

7

8 Vidinhar – This is the July 12, 2004 version that is for the Planning  
9 Commission’s clarity from the July 9, 2004 deliberations.

- 10
- 11 • Ahl – Asked for clarification on language changes. On page 5,  
12 reference is made to public rights-of-way. However, under SW-  
13 12, it states, “adopt agricultural, including public rights-of-way,  
14 Best Management Practices to control and reduce harmful  
15 discharges of surface water. . .” Further down the page at NS-26,  
16 it states, “Kitsap County shall safeguard marine and fresh surface  
17 water resources by ensuring that development, including public  
18 rights-of-way, in critical areas is consistent with the Critical Areas  
19 Ordinance.” He thinks that the sentence under SW-12 does not  
20 make sense and NS-26 is what was actually addressed when the  
21 change was made and not recorded as an agricultural regulation.

22

23 Vidinhar – The discussion shows that the motion was to include in both  
24 SW-12 and NS-26 the words public rights-of-way.

- 25
- 26 • Ahl –SW-12 states, “Adopt agricultural, including public rights-of-  
27 way, best management practices to control and reduce harmful  
28 discharge to surface waters. . .”

29

30 Vidinhar – Confusion relative to SW-12 deals with policy on agriculture  
31 that includes public rights-of-way. SW-12 was also added when  
32 addressing discharge of water quality and quantity. It may not be the  
33 appropriate policy to include in SW-12 but it was part of the Planning  
34 Commission’s discussion.

- 35
- 36 • Ahl – Suggested changing the sentence to read “Adopt  
37 agricultural lands,. . .” Public rights-of-way is a specific piece of

1 land use whereas Agriculture best management practices covers  
2 it all.

3  
4 Vidinhar – Her suggestion would be to leave SW-12 as is with rights-  
5 of-way being addressed when the development regulations discussion  
6 begins. This only reflects what was discussed and motions made by  
7 the Planning Commission on July 9, 2004.

- 8  
9 • Chair Nevins – Thinks confusion comes in because they are  
10 linked.  
11  
12 • Michael Gustavson – SW-12 can be fixed with some word  
13 smithing.  
14  
15 • Dean Jenniges – Thinks the text changes to reflect best available  
16 science leaves out an important market in Washington, the  
17 evergreen market, which he believes is a major agriculture activity  
18 on the west side of the state.  
19  
20 • Gustavson – Suggested adding the word “runoff” after  
21 “agricultural” in SW12. This way agricultural runoff would include  
22 whatever is on the land and how the land is used.  
23  
24 • Chair Nevins asked if a word other than “runoff” could be used.

25  
26 Vidinhar – Need to stay focused on GMA Compliance and SW-12  
27 without “*including public rights-of-way*”. This does conform to the State  
28 Growth Management Act. The runoff issue can be implemented  
29 through the Critical Areas Ordinance and development regulations.

30  
31 A **motion** was made by Michael Gustavson and seconded by John Ahl  
32 that the word “runoff” be inserted after the word “agricultural” in SW-12.  
33 **The Vote: Yes-7; No-0. Motion carried.**

- 34  
35 • Chair Nevins – Need to decide between version 1 or 2 of the  
36 Formal Findings of Fact plus review the remainder of the GMA  
37 Compliance criteria.  
38

- 1 • Michael Gustavson – Noticed in the Findings of Fact, comments  
2 on the Planning Commission votes, even those that failed. But  
3 missing are two motion on OS-1 and NS-26 regarding wildlife  
4 corridors, that failed and since the vote was so close, 4-4, thinks  
5 this should be noted for the Board of County Commissioners.  
6
- 7 • Chair Nevins – Since it has been determined that minority  
8 opinions and reports are appropriate to accompany the Findings,  
9 anything a member feels is missing might also be included in this  
10 manner.  
11
- 12 • Gustavson – Thinks these motions should be added to the  
13 findings.  
14
- 15 Rice – Asked if the Planning Commission wants each motion within the  
16 GMA Compliance review be contained in the Findings rather than being  
17 summarized in one motion to adopt what was modified under GMA  
18 Compliance.  
19
- 20 • Gustavson – Thinks Board of County Commissioners needs to  
21 see the discussion held on each issue.  
22
- 23 • Ahl – Since the proposed changes to specific policies are not part  
24 of the docket, he asked if it would suffice to have the motion  
25 reflected only in the minutes.  
26
- 27 • Chair Nevins – All votes on other suggested changes are not  
28 included either.  
29
- 30 • Jenniges – Did not think it necessary since the vote was so close.  
31
- 32 • Gustavson – Related a discussion regarding procedural points  
33 with the Board of County Commissioners deliberation process,  
34 wherein the Department of Community Development Manager  
35 responds to any questions along with a member of the Planning  
36 Commission to assist in clarification of the issues. A County  
37 Commissioner can then ask questions about any motion and  
38 subsequent vote and get an immediate response.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37

- Chair Nevins – Clarified that only issues that passed by motion are included in the final document. The best mechanism for commenting on the docket to the Board of County Commissioners, is a letter under an individual Planning Commissioner’s signature referencing certain issues. Attention can then be directed to specific actions in the minutes.

Rice – Agreed that historically only what was approved by motion of the Planning Commission is included in the Findings. Discussion is then referenced in the minutes for the Board to consider if discussion is had relative to the Planning Commission’s deliberations.

- Gustavson - This could be an issue to address at the next joint meeting with the Board of County Commissioners.
- Chair Nevins – All letters will be collected and the end of today’s process.
- Taylor – Thinks it is best to have everything summarized in one document to avoid the need for referencing other material such as the minutes.
- Chair Nevins – Recommended attaching a copy of the draft minutes to the Findings of Fact when they are forwarded to the Board for review and public hearing.
- Ahl - This is a vote on recommendation to the Department of Community Development staff, not the Board of County Commissioners. Therefore, to include all information not recommended to staff would be of little benefit to the Board.

Cindy Baker – Thinks it would be helpful to know how the Planning Commission voted. If the vote is close, the Board and/or staff may want to analyze further. Staff could prepare a table showing what the vote is for each item.

- 1       • Ahl – Thinks adding another process is unnecessary. The  
2 rationale behind the joint hearing was to receive the same  
3 information.  
4
- 5       • Jenniges – Agrees with Ahl. Planning Commission’s task is to  
6 supply recommendations to the Department of Community  
7 Development. Most votes were very close and if all members  
8 were present, there would have been several tie votes.  
9 Recommends staff go forward in the Findings with only what was  
10 recommended.  
11
- 12       • Chair Nevins – Wants to make sure all comments on GMA  
13 compliance are heard.  
14
- 15       • Jenniges – Goal 14 of Compliance document, has concerns about  
16 setbacks in consideration of anadromous fish.  
17
- 18 Vidinhar – This is part of the Critical Areas Ordinance that will be  
19 coming before the Planning Commission next.  
20
- 21       • Jenniges - Objects to the words “hobby farm” on page 3,  
22 paragraph 1, of Compliance Review document, Thinks this is not  
23 the case and disagrees with the statement. Evergreen farming is  
24 major industry in the Pacific Northwest.  
25
- 26 Rice – The correct reference for this is Forestry Resource Lands in the  
27 Forestry section and suggested reviewing the goals and objectives  
28 listed in that section to see if his concerns are adequately addressed.  
29
- 30       • Taylor – Referenced V-1, page 9, of the Findings for Global  
31 Investments-Kitsap Transit. Questioned statement on line 41,  
32 beginning with “Discussion, the Planning Commission  
33 recommended the following condition should accompany approval  
34 of this proposal.” Unclear what the Planning Commission’s vote  
35 was on this matter. Approved or disapproved?  
36
- 37 Rice – Line 35 states “Staff recommendation, approve based on the  
38 conditions outlined in the addendum to the staff report dated July 6,

1 2004.” This is the staff’s recommendation. The Planning Commission  
2 approved with conditions as well.

- 3
- 4 • Jenniges – Regarding Sedgwick proposal where the vote was a 4  
5 to 4 tie. Does it then go back to a deferral as recommended by  
6 staff?

7

8 Rice – A tie means no recommendation is forwarded to the Board of  
9 County Commissioners from the Planning Commission.

- 10
- 11 • Chair Nevins – Clarification: Staff recommendations remain  
12 unchanged regardless of the Planning Commission’s  
13 recommendations.

14

15 Rice – Received a request for reconsideration last week from Charlie  
16 Burrows, KCRP, on the George’s Corner recommendation for approval.  
17 If the Planning Commission wishes to, it can re-open the record. A  
18 motion would need to be made by the majority of votes in approval of  
19 the LAMRID.

- 20
- 21 • Chair Nevins – Understands that a motion to reconsider does not  
22 require that the majority be present, only that a member of the  
23 majority be present to re-open the record. He asked the question.  
24 No response was heard and the Planning Commission will  
25 therefore not re-open the record on George’s Corner LAMRID for  
26 reconsideration.

27

28 No further discussion being heard, a **motion** was made by John Taylor  
29 and seconded by John Ahl that the Findings of Fact, v2.doc (green) be  
30 accepted with the GMA Compliance review attached. **The Vote: Yes-  
31 8; No-1. Motion carried.**

- 32
- 33 • Chair Nevins – The motion to accept does not imply agreement  
34 with every item, but reflects acceptance of the Planning  
35 Commission’s work on the Comp Plan Amendment items.

36

1       • Gustavson – Asked that the record reflect he voted no because  
2       of the inconsistency of motions referenced under GMA  
3       Compliance.

4

5 Rice – Clarified that the Discussion on GMA Compliance will be  
6 attached to the Findings of Fact to reflect the Planning Commission's  
7 discussion on this issue.

8

9       • Gustavson – Referenced the GMA Compliance document, page  
10       18, relative to square footage size of developable lots. Thinks  
11       mathematically the numbers do not work, as he interprets the  
12       requirements to mean that lots between 8,001 square feet and  
13       11,999 square feet cannot be developed.

14

15 Vidinhar – This is a potential list that may not be used. Once it is  
16 decided to implement these reasonable measures, all issues will be  
17 clarified. Cannot give time line for when this will occur.

18

19       • Gustavson – Asked if additional concerns might be noted.

20

21 Vidinhar – Staff will not be going forward with specific details until  
22 further analysis is completed for implementation. There are many  
23 items that the County may not use, may already be using or may want  
24 to adjust the criteria.

25

26       • Ahl – Understands that on page 15, these items will be included  
27       as an addendum to the BLA and that these have been removed  
28       from the Comprehensive Plan.

29

30 Vidinhar – Confirmed this to be the case.

31

32       • Jenniges – Asked if further comments would still be accepted on  
33       reasonable measures.

34       • Chair Nevins – A mechanism is in place to do this. He will accept  
35       additional written comments from the Planning Commission  
36       members to forward to the Board of County Commissioners.

37

1 Rice – August 2, 2004 is scheduled for the Board of County  
2 Commissioners public hearing to consider testimony on the Planning  
3 Commission’s Findings of Fact. It will be at the Presidents Hall at 6:30  
4 PM.

5

6 **Old Business**

7

8 None

9

10 **New Business**

11

- 12 • Chair Nevins – Asked that the Planning Commission members  
13 remember that all comments are captures by the sensitive  
14 microphones and recorded on tape. He cautioned members to  
15 watch the extra conversations taking place while a Planning  
16 Commissioner is speaking.

17

18 Chair Nevins asked that any letters the members wish to have  
19 accompany the findings of fact, be submitted at this time to be  
20 sure they get attached. If submitted later, he cannot guarantee  
21 the letter(s) will reach the Board of County Commissioners.

22

23 **Critical Area Ordinance/Best Available Science**

24

25 This is an information briefing for the Planning Commission members.

26

27 Baker – Concurred that today is a briefing and that a work/study  
28 session is scheduled for August 31, 2004 for more detail. A second  
29 draft will be issued a week prior followed by an evening joint public  
30 hearing with the Board of County Commissioners on September 7 and  
31 possibly 8, 2004. Public comment is currently being accepted. A copy  
32 of the Critical Areas Ordinance was mailed to the Planning Commission  
33 a month ago. A summary sheet was mailed out last week outlining  
34 portions of the ordinance most contentious and discussed. Baker  
35 introduced the Environmental Review and Natural Resource staff  
36 present and explained the format for today’s program. Following  
37 today’s meeting, presentations are scheduled with various groups  
38 coming up in the next month.

1  
2 Jim Bolger – Natural Resource Manager for Kitsap County  
3 presented a PowerPoint presentation showing background on  
4 current status and what staff proposes in the future. The  
5 presentation will also summarize changes in the first public draft of  
6 the Critical Areas Ordinance and is an opportunity to study the  
7 ordinance and to solicit comments from the Planning Commission  
8 if desired and a chance to modify the draft. Public comments will  
9 be accepted on this first draft through August 22, a time line of 60  
10 days. However, since August 22<sup>nd</sup> is a Sunday, comments will be  
11 accepted through close of business on August 23, 2004. GMA  
12 requires review of development regulations for consistency with  
13 BAS every seven years. Much of the review at this time in Kitsap  
14 County is focused on the CAO. State requires review completion  
15 by December 1, 2004. Kitsap County adopted an interim CAO in  
16 1994 followed by a final in 1998. These Ordinances included  
17 regulations for the protection of wetlands, streams, geohazards,  
18 frequently flooded areas and aquifer recharge areas. The  
19 County's CAO was appealed on best available science in 1998  
20 and upheld by the Central Puget Sound Growth Management  
21 Hearings Board (CPSGMHB). More recently, Kitsap County  
22 updated the geohazards section of the CAO in 1999. A best  
23 available science review was done at that time and revisions made  
24 accordingly. The complete PowerPoint presentation can be found  
25 on the County's website on the link below and are attached to  
26 these minutes:

27  
28 [http://www.kitsapgov.com/dcd/cao/CAO\\_BAS\\_Update\\_files/frame.htm](http://www.kitsapgov.com/dcd/cao/CAO_BAS_Update_files/frame.htm)  
29

30 Discussion continued about BAS being site specific. Bolger said the  
31 best protection available for streams and wetlands and critical areas is  
32 specific to the area. The areas with major changes in standards are 1)  
33 shorelines, 2) streams, and 3) wetlands.

34  
35 Baker said each of these three sections could be discussed  
36 separately.  
37

1 Dave Greetham said shorelines and streams are a subset of the  
2 overall category called Fish and Wildlife Conservation Areas. These  
3 include streams, shorelines and lakes.  
4

5 In summary, Bolger said the summary sheet could be used as a guide  
6 for the Q&A portion. As the body of comments grows, a matrix is  
7 being prepared to include all comments, submitted by whom and staff  
8 response. Comments will be categorized and posted on the County's  
9 Website. Currently the Website documents all Technical Review  
10 Committee (TRC) work, all letters received to date, meeting notes,  
11 BAS summary, other studies and information from other jurisdictions.  
12 In the subsequent draft, an appendix will review the BAS discussion in  
13 Kitsap County.  
14

15 Bolger – Encouraged citizens to be specific about their likes, dislikes,  
16 preferences, suggestions, etc. It is helpful for staff to have specific  
17 alternatives opposed to general comments. Any questions can be  
18 addressed to Rick Kimball, Environmental Review Division Manager at  
19 (360) 337-4966 or [rkimball@co.kitsap.wa.us](mailto:rkimball@co.kitsap.wa.us).  
20

21 Baker – The Website contains a comment form in addition to any  
22 written comments submitted to Rick Kimball. Each comment will  
23 receive a response and be added to the matrix and posted on the  
24 Website.  
25

26 Greetham –The draft before the Planning Commission today contains  
27 numerous strikeouts based on legal review.  
28  
29

30 Bolger – Emphasized that the TRC is not a decision-making body. It is  
31 an advisory group only. The group was tasked with providing a variety  
32 of considerations to make when going through the revision process.  
33

34 Jenniges – Expressed concern about setbacks. Gave an example  
35 where fill did not affect the quality of life for salmon. When a  
36 determination is made to increase buffer zones, asked how this  
37 recommendation is formed. Thinks valuable land is being taken away  
38 from private ownership and that property owners should be

1 compensated financially. Slopes should be considered when deciding  
2 on buffers.

3

4 Bolger – Correct in that staff does not have enough information to say  
5 that 200 feet is better than less. Since information is not always  
6 available, staff attempts to provide flexibility by offering a Habitat  
7 Management Plan where property owners can collect specific  
8 information on their property. Issues like soils and grade have a  
9 tremendous influence on the health of the aquatic system. In lieu of  
10 taking advantage of a Habitat Management Plan, there needs to be a  
11 set standard as a starting point that is not arbitrary with a range of  
12 numbers provided. The specialists in other jurisdictions have been  
13 very helpful. There is no doubt that peer review is needed.

14

15 Baker- Grandfather provisions are still located in the basic ordinance.  
16 These provisions however can be considered having gone foul if no  
17 activity has taken place for a specified number of years. Also, if a  
18 property owner wishes to make improvements within the buffer area,  
19 this would be subject to the new regulations.

20

21 Greetham – Page 5, line 32, shows a specific exemption for existing,  
22 on-going agricultural activities. He explained the flexibility in each  
23 chapter. Wetlands - buffer average down to half the distance without a  
24 variance. There is also an Administrative Buffer Reduction Allowance  
25 down to 25% if there is not enough room to use the Buffer Averaging.  
26 Streams – More flexibility is added acknowledging that some buffers  
27 increased, specifically with the Habitat Management Plan. Where none  
28 of the options addressed works, a Reasonable Use Allowance is  
29 available. At the staff level, buffers can be reduced by 25% and with a  
30 Habitat Management Plan, by 50%. Relative to the question about  
31 slopes, in the Geological Hazardous Area chapter, the buffer along  
32 streams and ravines is either the underlying buffer or 25 feet on top of  
33 the slope, whichever is greater.

34

35 Greetham – A Habitat Management Plan can be expensive. Every  
36 attempt will be made by staff to work directly with the property owners  
37 without involving an expensive consultant.

38

1 Baker – It is entirely site specific. There may be some constraints that  
2 indicate larger buffers are necessary, but the Code doesn't address  
3 requesting a larger buffer under any circumstance.

4  
5 Discussion continued between staff and the Planning Commission  
6 regarding the rationale for 50% reduction and how this was determined.

- 7  
8 • Chair Nevins – Regarding agricultural activities being exempt, he  
9 questioned where to find this in the ordinance.

10  
11 Baker – Agricultural uses are listed in both Title 17 and Title 17.110.  
12 Agricultural practices are defined in 19.150.105 or in the draft on page  
13 15, line 39.

14  
15 Greetham - Explained Reasonable Use, page 8 of the Code, as being  
16 when it is so obvious that a property owner cannot possibly comply with  
17 the variance requirements and cannot otherwise use their property, the  
18 Reasonable Use option is applied. The Hearing Examiner makes the  
19 decision whether this is necessary for reasonable enjoyment of the  
20 property.

- 21  
22 • Taylor – Used a specific example where a creek abuts a parcel of  
23 land and a determination was made to impose a 200-foot buffer.  
24 He questioned who makes this determination and how it is made.

25  
26 Greetham – A State Stream map is used. It breaks streams down into  
27 categories. Since the map is broad brush in general, an on-site  
28 inspection is made by staff to ascertain if the stream matches the map  
29 category. Next the Code is used for the requirement of a particular  
30 category. Wetlands and streams have different systems for  
31 categorizing water on property.

- 32  
33 • Taylor – Concerned about one parcel being close to a stream via  
34 grandfathering, but new owner told must have a 150-foot setback  
35 or pay a substantial amount of money for a Habitat Management  
36 Plan. If not, they risk losing the use of land but are still paying  
37 taxes on unusable land without compensation.

38

1 Greetham - Stream buffers do put a burden on landowners but the  
2 long-term debate is how should society compensate the landowner for  
3 benefiting the entire community. Trying to find the balance is tough.

- 4
- 5 • Gustavson – Suggested that the statement in the State law  
6 regarding buffers and setbacks be place in the front of the  
7 ordinance along with the Best Available Science criteria.  
8 Proposed that taxes for unusable land be taken off tax rolls.  
9 Discussed shading issue and using average height of trees.  
10 Public needs to know the general issue of concern. He  
11 expressed concern over categories in the wetlands. Sees  
12 discrepancies between private property vs. public property uses.  
13 Technology exists to mitigate stormwater and it needs to be  
14 applied to public works projects.

15

16 Greetham – New County road projects have full stormwater controls,  
17 but repaving of existing roads does not. In the Wetlands chapter,  
18 Section 200, page 38, is a summary table with provision for private  
19 driveways going through wetlands. Focuses on when there is no  
20 alternative and applies to both public and private properties.

21

22 Baker – Staff makes every attempt at consistency between public and  
23 private properties.

24

25 Bolger – The appendix in the next draft will cover the values and  
26 functions for a clear understanding of the issues.

- 27
- 28 • Ahl – Asked if Kitsap County has separate shoreline regulations  
29 and was told there is a Shoreline Master Program. He then asked  
30 how the Critical Areas Ordinance dovetails with the Shoreline  
31 Master Program relative to buffer requirements.

32

33 Greetham – The State Legislature directed that buffers and setbacks  
34 on shorelines be pulled out of the Critical Areas Ordinance and placed  
35 in the Shoreline Master Program. He will provide copies of the  
36 Shoreline Master Program to John Ahl and any other Planning  
37 Commission member who wants one. When the County updates its  
38 Shoreline Program, the shoreline buffers will be addressed in this

1 document and referenced in the Critical Areas Ordinance. The County  
2 has until 2011 to complete the update but intends to do it sooner. The  
3 basic difference between the two documents is the Shoreline Program  
4 comes from a 1972 shoreline law to manage and protect shorelines. It  
5 is a little vague compared to the Critical Areas Ordinance and is not  
6 specific on setbacks.

7  
8 Baker – Both documents are State mandates. Local staff needs to  
9 assure as much consistency as possible.

10  
11 Greetham – In response to a concern expressed by Commissioner  
12 Jenniges regarding erosion, he noted reference to Bank Stabilization  
13 on page 61, line 18. Currently the County is focused on protecting  
14 structures rather than undeveloped land.

- 15  
16 • Gustavson – Addressed issue of unnatural waves from  
17 watercrafts vs. natural occurrences. Concerned about the bank  
18 sloughing off.

19  
20 Greetham – Currently adding a comment to his version to suggest  
21 adding, “man caused” to the Bank Stabilization section.

- 22  
23 • Monty Mahan – Questioned the comment made by Bolger  
24 regarding Category 3 wetlands dominated by a single plant  
25 species. Asked if this had to be a native species or could it be a  
26 wetland dominated by wild blackberries. The response was yes  
27 to native vegetation. Next, he observes in the Wetlands and  
28 Wildlife Habitat section that the provision for Conservation District  
29 Farm Plan has been struck. Questioned the rationale for this.

30  
31 Greetham – The wording to do a farm plan left it open ended. For  
32 instance, one person could get it down to 10 feet of buffer when a  
33 neighbor has 50-100 feet.

34  
35 Baker – Farm Plan is still highly recommended for properties with  
36 historic farmland located within buffers.

- 37  
38 • Mahan – Asked how channel migration zones are mapped.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36

Greetham – Pierce County has mapped seven zones on major rivers. In his experience, most are located at the bottom of steep ravines.

Baker – Currently in process of trying to map zones through LIDAR technology.

Greetham – Currently mapping on a site-by-site basis.

- Gustavson – Asked about construction limitations in flood zones.

Greetham – Need to elevate to certain heights. This is addressed in the Flood chapter. It is more about how high you are and less about where you are.

Bolger - For seasonable streams, BAS is not indicating these to be natural wildlife habitat. Many are tributary to fish-bearing streams. During winter when water is flowing, is time to implement protection measures for silt and erosion issues downstream where the fish are.

- Gustavson – Thinks that roadside ditches should be included in NS. Restrictions are too onerous.

Greetham - Manmade ditches are not considered under this provision.

Bolger – Intent of Critical Areas Ordinance regulations is to conserve and protect. There are water quality laws on books that the DOE can enforce. By protecting values and functions, you avoid restoring because once degraded, restoration is difficult and expensive. These regulations not only benefit human health and property but also natural systems and resource that belong to everyone.

- Gustavson – Public Works still mandates curbs and gutters when the money could be used elsewhere for low impact development.

1 Bolger – Explained the complexities of making the changes needed  
2 and shifting the mindset to low impact development. Work on this is on  
3 going, but it takes time.

4  
5 Greetham – Currently working with Public Works on the curb and gutter  
6 issue.

7  
8 • Mahan – Public Works has a long way to go but has corrected in  
9 the right direction.

10  
11 • Taylor – Regarding takings of land value and taxing it, notices in  
12 Section 19-100-150, Critical area and buffer notice to title, when  
13 an individual finishes his project and wants to sell, the purchaser  
14 is alerted to the fact that some of the property he purchases he is  
15 not useable. Just compensation is a necessary action.

16  
17 Bolger - Some areas could qualify for open space reduction.

18  
19 • Mahan - Takings issue is an on-going conflict. The Supreme  
20 Court has upheld protection of community natural resources.

21  
22 • Ahl – Reminded the Planning Commission members that before  
23 them today are changes to existing regulations to the Kitsap  
24 County Code and the Planning Commission is not being asked to  
25 address takings issue. The task is narrower and thinks it might be  
26 good to address the Critical Areas Ordinance and support the  
27 Department of Community Development.

28  
29 • Gustavson - Hopes that by the end of August, staff provides  
30 credible justification from a scientific perspective for each change.  
31 He questions a 200-foot buffer having any rationale in science.  
32 Wants to see enough scientific data provided to support this.

33  
34 • Jenniges – Citizens need to know why they are protecting  
35 streams.

36  
37 **Other Business**

1 None

2

3 No further business being heard, a motion was made by John Ahl and  
4 seconded by Mike Gustavson that the meeting be adjourned. **The**  
5 **Vote: Yes-7; No-0. Motion carried.**

6

7 **Exhibit No. Description**

8

- 9 A. Draft Agenda for July 20, 2004 Planning Commission meeting
- 10 B. Findings of Fact adopting the Comp Plan Amendments for 2004, vs-1
- 11 C. Findings of Fact adopting the Comp Plan Amendments for 2004, vs-2
- 12 D. Request for Reconsideration of George' Corner LAMIRD from KCRP
- 13 E. Minority report from 4 Planning Commission members
- 14 F. Letter to Cindy Baker from Chris Hugo dated June 8, 2004
- 15 G. 2004 Comprehensive Plan Compliance Review Amendments Staff
- 16 Report dated July 12, 2004
- 17 H. Kitsap County Critical Areas Ordinance proposed changes based on
- 18 BAS review
- 19 I. Kitsap County Critical Areas Ordinance First Public Draft dated June
- 20 22, 2004
- 21 J. PowerPoint presentation – Kitsap County Critical Areas Ordinance –
- 22 BAS update 2004, dated July 20, 2004
- 23 K. Draft Agenda for August 31, 2004 Planning Commission meeting
- 24 L. Legal Notice for July 20, 2004 Planning Commission meeting

25

26

27

28

29 MINUTES approved this \_\_\_\_ day of \_\_\_\_\_, 2004.

30

31

32

33

34

35

36

37

38

\_\_\_\_\_  
Tom Nevins, Chair

\_\_\_\_\_  
Planning Commission Secretary