

MINUTES

KITSAP COUNTY PLANNING COMMISSION November 23, 2004

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

9:00 AM

Created on 12/6/2004 3:54 PM

Chair Tom Nevins called the meeting to Order and Introductions were made

9:05 A.M.

Approval of Minutes

October 12, 2004 Minutes

A motion was made by John Taylor and seconded by Monty Mahan that the October 12, 2004 minutes be approved. **THE VOTE: Aye-7; Opposed-0; Abstained-.1. Motion carried.**

WORK /STUDY SESSION

1. Update to CAO Ordinance Process

Eric Baker – Also included under this update are Best Available Science (BAS) review and critical areas update. The scientific panel held October 27, was a success in terms of turn out and participation. The panel provided substantive input on BAS, the result of which indicates that site specific analysis of various reaches of critical areas is by far the preferable approach and that buffers should be variable whenever possible and flexibility provided when possible. It depends on what buffer width is appropriate at which time. A large packet of CAO information was provided to the Planning Commission. December 1, 2004 was the original target date for

1 adoption of the CAO ordinance. However, staff will not be able to
2 meet that deadline but has compiled a work plan (Attachment 1) that
3 Baker reviewed with the Planning Commission members. This plan
4 will be adopted in resolution form soon and will allow CTED,
5 members of the public and other agencies the ability to know Kitsap
6 County's status and timeline for the CAO adoption.

- 7
- 8 • Dean Jenniges – Asked if the Central Kitsap Critical Areas
9 Ordinance, first draft, was the document being reviewed and
10 updated.
- 11

12 Baker – This document is the first public draft released back on June
13 1, 2004. What is being updated currently is the CAO. To date, this
14 draft has been seen by a Technical Review Committee using BAS
15 followed by creation of the first public draft. Following that came a
16 number of public involvement opportunities, the Site Specific Panel
17 being one of these plus three others in the works. Currently staff is
18 in the process of not necessarily revising that document, but
19 considering all public input received since its release and working
20 toward a second staff draft. Also, if any of the Planning Commission
21 members want to meet with staff, contact Patty Charnas at 360-337-
22 4546 to set up a meeting. No Planning Commission work sessions
23 are scheduled until the staff draft is completed. Baker then reviewed
24 the items covered in the work plan. (SEE ATTACHMENT 1).
25 Emphasis was placed on the work groups to be formed from late
26 November through late January and the organization of these
27 groups. The first of these work group meetings will be held
28 December 15, at the Poulsbo Library. 6-8:30 PM.

- 29
- 30 • Deborah Flynn – Questioned the Planning Commission's roll in
31 these meetings and was told that the Planning Commission
32 members would be considered members of the public but can
33 be identified as Planning Commission members. Flynn also
34 wondered if this would not be a conflict of interest issue. No,
35 but it is best to disclose that even though one is a member of
36 the Planning Commission, they are speaking as a private citizen
37 in this case and not on behalf of the Planning Commission.
- 38

39 Baker – Discussed the CAO White Paper and what it will include.
40 Finally, staff is now looking to have the CAO to the Board of County
41 Commissioners by March or April, 2005.

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- **Jenniges - Concerned about speaking time limitations on public comments and asked how staff planned to handle this matter.**

Baker - Will attempt to break information up into two components, similar to the process used for the 2004 Comprehensive Plan Amendments. For instance, one meeting will focus on wetlands, another on slopes and another on streams. The speaking time limitation is usually based on the number of people signed up to speak. Citizens also have the option to submit their testimony in writing.

- **Gustavson – Agreed that breaking out items to be heard separately would be the best approach to take.**
- **Mahan – The deciding factor in limiting speaking time is the fact that this is a joint public hearing with the Board of County Commissioners.**
- **Gustavson – In response to a question posed by John Taylor, generically buffers, including shoreline buffers, with or without native vegetation, wetlands and streams are main issues for study and discussion and elaborated on showing examples of each, quoting from a document titled, “*Twenty-three Rivers Study of Western Oregon*”, *Principal West of the Cascade Stream Studies*.”**
- **Dean – Submitted article on buffers entitled, “*Wider Buffers Not Necessarily Better*.”**

Baker – Reviewed changes to the Planning Commission’s meeting schedule with the members present.

- **Gustavson – Commented on rationale for various sizes of buffers.**
- **Coppola – Asked how much involvement there was from the Suquamish Tribe and also asked if the large volume of material could be provided on a CD. Was told this is an option except for non-electronic documents.**

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Baker – The Planning Commission will also most likely need to hold three additional workshops possibly with facilitators at each table to respond to questions. Deadline set for April of 2005 to complete the CAO. Looking forward to additional public comments and outreach for a workable ordinance.

Baker – Responded to John Taylor’s question as to whether the current ordinance needed amending stating that the current ordinance has more good than bad components in it but could reflect more flexibility. The Director’s interpretation moved buffers up to 200 feet and the current regulations do not deal with species to species.

- Gustavson – Need better definition of problems to be resolved using scientific data.

Discussion continued about buffers and the rationale behind proposed regulations.

- Gustavson - Questioned analysis on wetland buffers.

2. Code Amendments

Baker addressed some of the more urgent code amendments based on immersing issues around the County. He presented a document titled, *Revisions to Kitsap County Code – Issues and Concepts* that discusses the rationale behind moving forward with amending specific codes. This paper contains first time ideas on how staff might address each amendment as follows: (SEE ATTACHMENT 2)

- Nine-Lot Short Subdivisions

Baker – Interested in hearing Planning Commission members concerns regarding flaws in this code. Staff has formed a stakeholder committee comprised of a number of developers, many of them members of the Homebuilders Association. These are mostly the people actually doing the nine-lot short subdivisions. (Refer to Attachment 2). One issue staff has been dealing with relative to these short subdivisions is public vs. private roads. Kitsap County has public road standards that are meant mainly for

1 major thoroughfares and do not work quite as well for small-scale
2 development. The turn radiuses are designed in such a way as to
3 take up significantly more property than only following the basic fire
4 provisions for narrower roadways inside subdivisions. This could
5 cause problems with properties meeting the minimum lot size
6 requirements and permit approval. It seems more conducive to work
7 with private road standards.

8
9 • Jenniges – Two problems he sees with this are the 5,000 sq. ft.
10 non-pervious areas and stormwater.

11
12 • Coppola – Questioned the need to change anything other than
13 four to nine-lot subdivisions.

14
15 Baker – Still need regulations for four-lot subdivisions. Under State
16 statute, nine-lot subdivisions are only allowed in Urban Growth Areas
17 and not in rural areas where four lots is still the cap. Attempting to
18 keep paper work brief.

19
20 • Coppola – Asked about including telecommunication
21 infrastructure.

22
23 Baker – Has not been discussed but makes good sense.

24
25 • Gustavson – Rather than restate, asked why not use cross-
26 referencing in the draft.

27
28 Baker – Will do so whenever possible however there currently are no
29 private road standards in Kitsap County thus there is nothing on this
30 subject to cross-reference. Since these will be in urban areas, there
31 is the problem of small, gravel driveways not being an urban amenity.

32
33 • Taylor - discussed a project he did requiring upgrade of
34 roadway per Public Works standards.

35
36 Baker – The regulations Taylor refers to are public road standards
37 that, as indicated, are not necessarily needed in a nine-lot short
38 subdivision.

39

- 1 • **Gustavson – Appears that most UGAs include the cities and**
2 **because of this, would not the cities have their own road**
3 **standards that could apply.**

4

5 **Baker – Meeting with the cities on December 3, to get their**
6 **perspective on this issue. Have heard from cities that they are in**
7 **favor of sidewalks, street trees and plat size amenities in the rights-**
8 **of-way. This may be an issue for development of small plats, again**
9 **not more than nine lots. A balance needs to be found.**

10

- 11 • **Jenniges – Against planting trees in the middle of highways.**

12

- 13 • **Mahan – Assumes general language will be drafted that works**
14 **for all the cities. In Poulsbo there is some pre-existing**
15 **agreements where the County uses city development guidelines**
16 **within the UGA.**

17

18 **Baker – Looking at doing it with other two incorporated cities. The**
19 **newly adopted Countywide Planning Policies speaks well to this**
20 **issue.**

21

- 22 • **View Blockage Process**

23

24 **Baker - Explained rational behind view blockage. (See Attachment 2).**
25 **He also noted that other contributing factors that could cause**
26 **problems with siting a residence. Also, topography, trees and other**
27 **things may create a situation where there is no view to protect.**
28 **Shorelines should benefit all people therefore all shoreline must be**
29 **protected.**

30

- 31 • **Jenniges – Asked for definition of shoreline views. Suggested**
32 **a homeowner's view should be the view from their property.**

33

- 34 • **Mahan – Asked if this request to amend the Code comes from**
35 **both staff and Board of County Commissioners.**

36

- 37 • **Taylor – Understands that a property owner would still be able**
38 **to appeal the Hearing Examiner's decision to the Board of**
39 **County Commissioners.**

40

1 Baker – In most cases, it is the neighboring property owners who
2 object to the location of a residence's placement, thus extending the
3 length of time it takes the applicant to obtain a permit. An average of
4 14-15 of these issues are processed each year. Staff prefers to be
5 able to refer to the Procedural Ordinance in place of the cumbersome
6 process now in place.

7
8 • Removal of 2:1 lot requirements from Rural Zones

9
10 Baker – Gave some history that in 1998, a situation occurred where
11 on a shoreline, because of the 5-acre lot sizes, people were creating
12 long, skinny lots. To avoid this impact to the shoreline, citizens and
13 staff felt that to create a 2:1 ratio, where a lot has to be twice as deep
14 as it is wide or twice as wide as it is deep might be the best
15 approach. (See Attachment 2).

- 16
17 • Jenniges – Asked if 140 feet for both width and depth is
18 commensurate with other jurisdictions.
19
20 • Gustavson – Suggested that 100 feet is more feasible than 140.

21
22 Baker - When this matter comes forward for a work/study at the
23 Planning Commission level, he will be able to be much more
24 definitive.

25
26 • Car Wash Uses in Neighborhood Commercial Zoning

27
28 Baker - Neighborhood commercial zones (lowest intensity
29 commercial zone) are mostly located in rural zones. Only have three
30 to four sites in the County in this zoning. (See Attachment 2) This
31 item will be brought before the Planning Commission in the near
32 future together with the others listed here. An Examples: At George's
33 Corner, convenience stores/gas stations were allowed in 1999. At
34 this point, not sure of County's intent other than car washes are now
35 being considered as an addition.

- 36
37 • Deborah Flynn – Did not think gas stations were permitted in
38 Neighborhood Commercial. People have been told not to worry
39 about George's Corner because of this. It is disturbing to hear
40 that after all the public hearings, the County might consider

1 allowing gas stations in Neighborhood Commercial. Thinks
2 this is a disingenuous thing to do to the public.

- 3
- 4 • Taylor –If rural is to be left rural, then why are gas stations, car
5 washes and auto repair facilities even considered in rural
6 areas.
 - 7
 - 8 • Mahan –Questioned how can a car wash with ample parking be
9 prevented from becoming a used car lot. Why open the door
10 when we have example of one that cannot be stopped but is
11 not permitted.

12

13 Baker – The permit can be conditioned to avoid this type of problem.

- 14
- 15 • D. Flynn– when uses are added to Neighborhood Commercial,
16 seems to be getting closer to same as Highway Tourist
17 Commercial. If going to have different zoning categories why
18 not have separate uses.
 - 19
 - 20 • Dean – people want the convenience.
 - 21
 - 22 • Cottage industries in the rural areas

23

24 Baker - In rural areas, some home businesses are permitted as are
25 cottage industries within the Industrial areas. Some specific uses
26 are stump grinding, composting, industrial fabrication and such
27 things slightly larger than a home business. There is very little land,
28 especially in North Kitsap, to accommodate these types of cottage
29 industries. (See Attachment 2). The intent is not to open this type of
30 zoning up on the rural areas but to utilize small pockets of industrial
31 areas with parcels of Rural Residential or Protection bordering these
32 parcels.

- 33
- 34 • D. Flynn – Asked about adverse impacts from stump grinding
35 and was told noise and trucks.
 - 36
 - 37 • Mike – Asked what process would a person use to obtain a
38 permit.

39

40 Baker – A site plan review or Conditional Use Permit would probably
41 be needed for a commercial use in a commercial area. With this

1 would be a set of standards the property owner would need to meet.
2 Possibly 50 to 100 foot buffers around the outside of the operation.

3
4 Examples were discussed relative to buffers.

- 5
6 • Gustavson – Recommends addressing this in the draft to avoid
7 losing real estate through buffers between same or similar use
8 operations.

9
10 Baker – GMA is specific regarding activities within a Limited Area of
11 More Intense Rural Development.

- 12
13 • D. Flynn – Stump grinding sounds more like a resource use.
14
15 • Jenniges – Suggested County take control of stump grinding
16 and other such businesses.
17
18 • SEPA Ordinance Update

19
20 Baker - In 1998 the State changed both the RCW and WAC relative to
21 SEPA review. However County Code is still adhering to the 1992
22 version of SEPA. (See Attachment 2). The Code needs to be updated.
23 Staff has been following the State statutes since 1998, staying in
24 compliance.

- 25
26 • Prohibition on Electronic Reader boards

27
28 Baker – The Code prohibits electronic reader boards. In an attempt to
29 avoid irritation to the general public. There can be no large flashing
30 lights but small digital messages are permitted. (See Attachment 2).
31 This does not appear to be fair in some instances and the Code
32 needs to be amended to permit some. Staff is looking at allowing
33 school districts and other government entities to use electronic
34 reader boards to advertise community activities and events.

- 35
36 • Ahl – Thinks this is the worst idea he has ever heard from staff.
37 Does not think electronic reader boards are needed.
38
39 • Taylor –this is a double standard. Can't say public business
40 can do something but private business can't.

41

- 1 • D. Flynn – North Kitsap High School has one but it is in the
2 City of Poulsbo.

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4 **Old Business**

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6 **Status: Hearing Examiner will rule on the Navy Yard City
7 Crematorium by end of November and it is expected to go to the
8 Board of County Commissioners on appeal in early January.**

9
10 **Status: Levitz Sportsman sign variances appeal to the Board of
11 County Commissioners has been given roughly double the allowable
12 sign size. Additionally, the Hearing Examiner approved the two
13 larger signs on the front of Sportsman’s and Levitz but denied the
14 one on the western elevation. This was appealed to the Board of
15 County Commissioners that concurred with both the Hearing
16 Examiner and staff, denying the variance request for signage on the
17 west elevation as well as all footwear and camping signs on the
18 bottom. It is not expected that the applicants will appeal this any
19 further since it will cost more than the \$250 they paid to appeal to the
20 Board.**

21
22 **Update: Applications are cancelled if extensions are not requested
23 or if the Hearing Examiner does not support an extension. If an
24 extension is granted but the applicant cannot meet internal
25 requirements, it is also cancelled.**

26
27 **Status: The 30-day burn period in Spring and Fall. Eric will call and
28 get answer as to dates and times.***

29
30 **Question: How many undeveloped parcels are in Kitsap County.
31 Vacant land report is easy to get from the Assessor but buildable
32 vacant land requires needed analysis. Baker will get the vacant land
33 report for the Planning Commission.***

34
35 **NEW BUSINESS**

36
37 **Chair Nevins has numbers regarding available land. People working
38 at the Homebuilders are looking at reducing available sites in the
39 UGAs. This information should be coming out in December or
40 January. This is an attempt to do a buildable lands survey in greater**

1 detail and add realism to what was missing in the 2002 document.
2 This is mostly residential.

3
4 Gustavson suggested that many parcels are significantly
5 underdeveloped. Some with an old, run-down building on them.

6
7 Chair Nevins, said that with 1,000 vacant parcels the end result would
8 be 300 buildable, or a 70% reductions.

9
10 On behalf of the Department of Community Development, Baker
11 invited the Planning Commission members to a potluck in their honor
12 on December 14, for a job well done and to meet and greet staff.
13 Location to be determined. Staff will send out invitations when a
14 location is determined. Lary Coppola and Mark Flynn have confirmed
15 that they will not be able to attend.

16
17 Other

18
19 Gustavson expressed concern about time allowed for reviewing the
20 CAO prior to a public hearing.

21
22 D. Flynn asked about the joint County/City Planning Commissions
23 meeting. It has been cancelled to a date yet to be determined.

24
25
26 3:25 PM - No further business being heard, a motion was made by
27 Lary Coppola and seconded by Monty Mahan that the meeting be
28 adjourned. Motion carried.

29
30 Exhibit No. Description

- 31
32 A. Meeting Agenda for November 23, 2004
33 B. Kitsap County Proposed Work Plan for Development of
34 Revisions to the CAO
35 C. Revisions to Kitsap County Code – Issues and Concepts
36 D. Legal notice for November 23, 2004 Planning Commission
37 meeting
38 E. Wider Buffers Not Necessarily Better submitted by Dean
39 Jenniges

40
41 MINUTES approved this _____ day of _____, 2005.

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Tom Nevins, Chair

Planning Commission Secretary