

MINUTES

KITSAP COUNTY PLANNING COMMISSION March 8, 2005

The Kitsap County Planning Commission met on the above-stated date at the Eagle's Nest Conference Center, 1195 Fairgrounds Rd, Bremerton, Washington 98311. Members Present: Tom Nevins, Monty Mahan, John Ahl, John Taylor and Dean Jenniges. Members Absent: Lary Coppola, Michael Gustavson and Deborah Flynn. Staff Present: Cindy Baker, Eric Baker, Jim Barnard and Planning Commission Secretary Holly Anderson. Three citizens were in the audience.

9:00 AM

A. Chair Mark Flynn called the meeting to Order and introduced the Planning Commission members present.

9:05 A.M.

Approval of Minutes

B. February 8, 2005 Minutes

A motion was made by John Ahl and seconded by Tom Nevins that the Planning Commission minutes of February 8, 2005 be approved. Monty Mahan abstained. **Motion carried.**

C. WORK STUDY (Draft documents are incorporated in and attached as part of these minutes)

1. Nine Lot Short Subdivision Update

Eric Baker – Referenced the draft ordinance hand-out for discussion purposes, stating that a similar document was presented to the Planning Commission in 2003. At that time, a number of concerns were raised relative to length and components of the draft ordinance. Because of this, the County formed a stakeholders group comprised

1 of private citizens, developers, and members of the Homebuilders
2 Association and County staff. The group basically started over by
3 editing the original draft ordinance, making changes where the group
4 felt it was necessary. Other county jurisdictions' ordinances were
5 reviewed; King and Snohomish being two counties that allow short
6 subdivisions up to nine units. For discussion purposes today, Baker
7 used a lined through/strike out version to the text of the original draft
8 ordinance. Using the strike outs the document was shortened by two
9 pages. The draft before the Planning Commission today is a 13 page
10 document, a vast improvement from double this number last time.
11 Currently, regulations for short subdivisions allow four units with a
12 primary access easement running through the middle of the plat. No
13 road standards are associated with the short plat since the easement
14 only services four units. To have onerous Public Works road
15 standards for a short, usually gravel easement servicing four lots
16 would be an unnecessary regulatory restriction. However, under
17 discussion now with the new draft Short Subdivision ordinance, is
18 approval to allow nine lots instead of four. This creates more
19 individual lots on the property with a longer roadway easement.
20 While the County is not interested in imposing road standards, at this
21 point the stakeholder group felt additional standards of some type
22 would be necessary for private roads based strictly on the additional
23 traffic and length of easement. Baker referenced the first change on
24 the draft ordinance entitled, Access Tract, and 16.48.020
25 DEFINITIONS. Currently four lot subdivisions can be accomplished
26 through easements. Easements are often fairly uncomplicated and
27 are governed by a road maintenance agreement. Unfortunately,
28 these do not work very well since the practice results in
29 disproportionate use vs. contribution where property owners are
30 being asked to pay for a roadway they do not use. This can be
31 problematic, in particular from a liability standpoint. For instance, if
32 an accident occurs or if a car is damaged due to a flaw in the
33 roadway, the property owner near the site is liable. Since the
34 roadway is intended to be used by everyone in the plat, this liability
35 issue is a major stumbling block. For the newly proposed short
36 subdivision, an Access Track creates a separate track of land,
37 owned, in part, or equally by all property owners within the plat. All
38 are equally responsible for maintenance of the access or any
39 situation that occurs on the easement. The Access Track would also
40 have County Road Standards associated with it. The only
41 substantive changes to the County Code relate to private road

1 standards for developments with five to nine units. Baker then
2 reviewed additional edits and changes to the draft. Beginning with
3 Page 6, 16.48.090, Review of Preliminary Application by Director.
4 Here a review of a preliminary application is conducted by the
5 Director to determine the “must meet” items on the application.
6 Listed in this section are all titles of the County Code that the
7 applicant needs to meet.

- 8
9 • Dean Jenniges – Questioned why Director must approve
10 everything. Further, it states that the definition of Director is
11 the Director of the Department of Community Development.
12 Wondered if this were not too many responsibilities placed on
13 one person.

14
15 Baker- The Director is ultimately responsible for all review within the
16 Department of Community Development. The review is however
17 often performed various staff members as delegated by the Director.
18 Since the Director is the responsible official, the ordinance language
19 needs to reference the Director in all areas of responsibility.

- 20
21 • Jenniges – Concerned about language stating all Access
22 Tracks shall be a minimum of 30 feet in width with ten feet more
23 required for utilities. This comes out to 40 feet of lost land.

24
25 E. Baker – Generally 40 feet is dedicated to both utilities and
26 roadway. Often utility equipment is co-located underground and
27 therefore the property is still usable by the owner. Page 7, 16.48.095
28 lists the additional requirements for short subdivisions of five (5) to
29 nine (9) lots. An overview of some of these requirements denotes all
30 ingress/egress accesses shall be in the form of separate access
31 tracts, further clarified above. Again, the access tract must have 30
32 feet dedicated from each lot owner. This does not mean the access
33 tract needs to be 30 feet wide, but 30 feet is the minimum dedication
34 required. This allows for two-lane traffic.

- 35
36 • John Taylor - Questioned paragraph A, page 1, where it states,
37 “Such tracts shall not be calculated in the lot totals of the short
38 subdivision.” This appears to increase the minimum lot size
39 because now the road portion cannot be counted into the lot
40 size.

41

1 E. Baker - Confirmed this to be the case since easements are allowed
2 to the very end of the property line. These short subdivisions are
3 only proposed to be allowed in urban zones. Therefore, the concern
4 is not as significant as it might be in rural zones if more property
5 were removed for easement purposes.

- 6
- 7 • Taylor – This is a significant change from previous practices.
- 8

9 E. Baker – On short plats for 1-4 units, there is no change. The
10 proposed changes in the draft ordinance today pertain
11 only to regulation changes for 5 to 9 units in urban areas.

- 12
- 13 • Monty Mahan – Does not see where this applies only to UGAs.
- 14

15 E. Baker – Page 3, Section V. provides a definition of Short
16 Subdivision inside of Urban Growth Areas and the definition is for a
17 full subdivision is altered on the last page to match this. For
18 instance, if in a UGA and want ten units, cannot do it; if outside UGA
19 and want five units, cannot do it.

- 20
- 21 • Jenniges – Asked for further clarification on the ingress/egress
22 issue and consistency with Kitsap County Public Works road
23 standards. If two small subdivisions connected, road standards
24 would be required.
- 25

26 E. Baker – This reference is on page 6, item D, where the Director
27 determines if road connectivity is necessary. One problem within
28 Kitsap County UGAs is the topography, thus at times, making some
29 lots within a plat, unbuildable. The new regulations give the
30 Department flexibility to apply a reasonable and appropriate amount
31 of land to meet the minimum requirements. The expense will be
32 shared between the property owners.

- 33
- 34 • Jenniges – Expressed concern that a property owner needs to
35 be notified in the beginning that this is an issue. Also, since the
36 land owner determines ingress/egress for development, asked
37 if the County comes back later requesting more land?
- 38

39 E. Baker – That is the intent of the new draft ordinance. The
40 developer must dedicate the appropriate amount of land. Basically
41 this allows for easements to be developed to minimum County road

1 standards. In other words a section of the ordinance is intended to
2 notify the developer up front that 30 feet of a lot must be dedicated.
3 Also access points are a problem as they currently exist. This
4 language also gives the County the ability to notify people up front
5 that a larger road is a possibility in the future to access this short
6 plat.

- 7
- 8 • Tom Nevins – Wondered if a wording change might better
9 reflect potential beneficial results including a statement where
10 the Director does not have to say this is absolutely necessary
11 but would improve community to some extent, in some manner,
12 if included.

13

14 E. Baker – Referenced Page 7, Section 16.48.095, where other
15 standards are listed that must be met, such as: minimum standards
16 of the Fire Marshal consistent with Kitsap County Code Title 14;
17 easement must be paved or in the alternative, another type of all-
18 weather material used, (gravel roadways are not acceptable in
19 UGAs); and provision of a pedestrian pathway in the form of
20 sidewalks, or similar amenities, Whatever is used, it must be four feet
21 wide and on at least one side of the roadway. Again, this is still
22 within the 30-foot easement. The above-referenced ten-foot utility
23 easement must abut the access tracts; the short subdivision must
24 form a homeowners' association with CCRs to provide ownership
25 and maintenance of the access tract(s); and the Director may
26 increase or decrease these requirements based on topography,
27 critical areas or public safety issues.

- 28
- 29 • Jenniges – Had concerns about the use of more land to provide
30 a pedestrian walkway.
- 31
- 32 • Tom Nevins – Suggested the other vehicular impediment could
33 be a ditch.

34

35 E. Baker - Looking for low impact standards that are readily available.
36 The access tracts and pedestrian pathways can use anything
37 referenced in item D.

- 38
- 39 • Ahl – Had questions about definition of utility corridors.
- 40

1 Jim Barnard – Department of Community Development, Development
2 Engineering Division said that presently the County has ten-foot
3 utility easements abutting all County rights-of-way, on both sides, in
4 all plats. Utility companies are asking for this. Most utilities are
5 underground today. Other items can be located here such as water
6 meters and electrical service boxes; all in the ten-foot easement to
7 avoid going into the road easement or “Access Tract.” By doing this,
8 If repair work is needed, the roadway will not need to be torn up to do
9 the work. The ten-foot easement ends up as part of the
10 homeowner’s front yard and the front yard setback is 20 feet, leaving
11 an additional ten feet past the easement toward the front of the
12 homes in the plat.

- 13
- 14 • Ahl – In other urban areas, utility easements are not there.
- 15

16 Barnard – In the past, there were many 60-foot rights-of-way, with
17 plenty of room behind the pavement so that easements were not
18 needed. Today, however, the trend is to smaller easements.

19

20 E. Baker – Understands Taylor’s concern to be that if including an
21 additional ten feet for easements it now cuts down on lawn area and
22 front yard. The current proposed regulations allow the developer to
23 take the measurements from the edge of the property and not having
24 to deal with the other rights-of-way issues.

- 25
- 26 • Taylor – For clarification stated that the pedestrian walkway
27 must be inside the 30-foot easement but the ten-foot utility
28 easement is outside the 30-foot easement. The total easement
29 footage is still considered part of the total lot size since it is an
30 easement or a County right-of-way.
- 31

32 E. Baker – Further explained the need for covenants as a requirement
33 to accomplish on-going maintenance of the access tract. This draft
34 ordinance encourages Homeowners’ Associations with CCRs in all
35 instances because they are very effective in forming cooperative
36 efforts on the part of lot owners within a plat to work together and
37 maintain the property within the plat. These are tantamount to the
38 success of a plat. These also provide flexibility where the County
39 Code is not friendly. With these predominately main changes, there
40 is one other area of importance to further explain; Short Plat
41 Amendments to approved document, Page14, 16.48.290. An often

1 asked question over time has been what does or does not require a
2 short plat amendment. Such amendments or changes include
3 boundary line adjustments and add or extinguish easements that are
4 relatively minor. Under the existing amendment language, basically
5 everything is subject to amending. The new language spells out
6 more accurately what can be amended. Examples: To alter buffer
7 areas that are no longer required in urban areas, an amendment is
8 needed. Another is to extinguish an access easement that would
9 affect the access traffic, a short plat amendment is needed. In
10 general, anything having a global impact to the short plat qualifies for
11 an amendment.

- 12
- 13 • Jenniges – Expressed doubt about worth of trying to preserve
14 native vegetation. He suggested setting the buffer areas and
15 not mentioning native vegetation. People will landscape the
16 buffer area anyway and most likely remove the native
17 vegetation to do so.
- 18

19 E. Baker – Buffers are not required in any part of Urban zones with
20 more homes located closer to a 25-foot area where trees could
21 possibly blow down. In rural areas where lots are in theory, two and
22 a half to five acres in size, buffers are intended to preserve the rural
23 character with minimal wildlife invasion. Native vegetation avoids
24 invasive vegetative species.

- 25
- 26 • Jenniges – Gave example of an old rural PUD where buffers are
27 so extensive that lots were eliminated.
- 28

29 E. Baker – Rural PUDs are no longer allowed. Future short
30 subdivisions will be comprised of lots in the five acre range, with
31 buffers having less impact. The only change here is that buffers will
32 be required in rural zones. This is also referenced on Page 2 where
33 the same language is used. Staff felt it warranted repeating for total
34 clarification.

- 35
- 36 • Taylor – Asked about Section 16.48.100 on Page 7 regarding
37 Health Department review. He appreciates the minimum
38 turnaround time of two days for County staff to deliver an
39 application to the Health Department for review. However now
40 on Page 8, the Health Department is allowed 75 calendar days
41 to approve or disapprove. This seems excessive.

1 E, Baker – This is not new text. It has been in the old ordinance since
2 1991. Only underlined/strike out is new text. It is possible, however,
3 that this piggybacks off the State RCW as with much of the language
4 in the ordinance. He will check to see where the 75 days came
5 from.**

- 6
- 7 • Taylor – Asked what affect, if any, this ordinance has on
8 binding site plans in industrial areas.
- 9

10 E, Baker – Binding site plans is a separate entity and allowed to go
11 forward without benefit of a short plat. These can be accomplished
12 on any commercial or industrial property. Also, a short plat can be
13 created on commercial or industrial lands. It is even possible to do
14 these options in concert with one another if this is done in the
15 appropriate order since one is approved by the Board of County
16 Commissioners and the other by the Department of Community
17 Development Director. It would be necessary to assure that the
18 Director is not superseding the Board of County Commissioners.

- 19
- 20 • Taylor – Could this conceivably be used as a way around a four-
21 lot short plat in an industrial zone and then also used to create
22 a nine-lot short plat in an industrial zone? Can developers use
23 this as away to get around that?
- 24

25 E. Baker – Clarified a question a binding short plat of five lots with a
26 short plat of four lots directly next to it. Does not think Taylor's
27 hypothetical situation is possible based on language in the binding
28 site plan regulations. He will research this further and get back to the
29 Planning Commission with a more definitive response. ** He then
30 responded to a question from the Planning Commission that there
31 will be a public hearing on this draft ordinance on March 22, 2005,
32 9:00 AM, Eagle's Nest Conference Center, 1195 Fairgrounds Rd,
33 Bremerton, WA 98311.

- 34
- 35 • Jenniges – Asked why review by the County Engineer has been
36 eliminated on development.
- 37

38 E. Baker – The County Engineer and the Department of Community
39 Development are largely one entity. Baker continued to review key
40 changes to the ordinance by clarifying several definitions. Beginning
41 on Page 2, item E, Contiguous Land, which actually means abutting.

1 **This helps speak to the kitty-corner connection of lots. Item N,**
2 **definition of Lots, within the Zoning Ordinance is preferable to the**
3 **one in the Short Subdivision Code, so the former is used in the new**
4 **draft.**

- 5
- 6 • **Ahl – Asked for clarification of an unplatted parcel and was told**
7 **this is a lot that has not been through any formal platting**
8 **process since the inception of a plat.**
- 9 • **Nevins – Cannot find section in the draft ordinance addressing**
10 **underutilized lot creations in the urban areas. Thinks that**
11 **potentially on a five-acre lot, this could create half acre lots; on**
12 **a ten-acre lot, one acre lots. Believes this is contrary to GMA**
13 **requirements. Because legislators have repeatedly endorsed**
14 **the GMA, wonders where underutilized lots are addressed.**

15

16 **E. Baker – Any short subdivision, regardless of what is presented in**
17 **the draft ordinance, if one references the list of “Must adhere to”**
18 **regulations, Page 6. Section 16.48.090, this includes KCC Title 17**
19 **Zoning Ordinance and all requirements of the underlying zone.**
20 **Zoning continues to be the driver on Growth Management, indicating**
21 **that urban density is taking place.**

22

23 **E. Baker –The attempt was made to not repeat same issues in the**
24 **document. Referenced again Page 6, Section 16.48.090 item 5, Title**
25 **17, Zoning Ordinance with the statement that the Director shall**
26 **review the application to ascertain if it conforms to this. Another**
27 **statement indicating that it meets the required density of the zone**
28 **seems repetitive but will determine the possibility of this addition if it**
29 **is something that is of concern to the Planning Commission. He**
30 **questioned if the Planning Commission as a whole would like to see**
31 **added.**

- 32
- 33 • **Nevins – Questioned if the existing language is clear enough for**
34 **people trying to interpret the Code. This may be clear enough**
35 **for County planners but is it also clear enough for developers?**
- 36
- 37 • **Jenniges – Agrees with Nevins asking what would prevent a 9-**
38 **lot short subdivision from developing into a zero lot line**
39 **development area. What would stop a developer from asking**
40 **that this short subdivision be a zero lot line development?**

41

1 E. Baker – Almost all zones in Kitsap County have setbacks that
2 would preclude that type of development unless it goes through what
3 is called “Performance-based Development.” This is a separate land
4 use process located in the Zoning Ordinance and must be approved
5 by the Hearing Examiner. A developer could potentially do a nine-lot
6 short subdivision but it would need to be done in concert with a
7 performance-based development with a set of additional
8 requirements that would, in turn, mitigate the issue associated with
9 zero lot line development.

- 10
- 11 • Taylor – For clarification, he questioned if this has any
12 connection with what used to be referred to as a long plat.

13

14 E. Baker – No. The only amendment to the long plat ordinance is on
15 Page 16, Section 16.08.170, which redefines subdivisions in order to
16 account for the change to the creation of short subdivisions.

- 17
- 18 • Taylor - Expressed appreciation for work done by stakeholder
19 group. Time invested must have been significant and the
20 process is much improved from the previous iteration.

21

22 E. Baker – Private stakeholders have been very helpful by providing
23 insight unavailable internally, making the overall process better as a
24 whole. He then finished addressing remainder of minor changes for
25 the Planning Commission to consider. Page 3, item U, Road
26 Maintenance Covenant, is only there because it was moved from
27 another location. Item Z, definition of street, is now consistent with
28 the definition of street in the Zoning Ordinance. This was a request
29 for consistency by the stakeholder group. Page 4, Section 16.48.040,
30 Exclusions; areas not pertaining to this draft ordinance. Items B and
31 G have been clarified in discussions documented previously. Text
32 lifted from RCW.

- 33
- 34 • Jenniges – On page 5, asked why change in number of copies
35 required to submit for a preliminary short plat from four to ten.

36

37 E. Baker – After determining the actual number of copies distributed
38 on each application, the number was ten, not four. He explained
39 where each of the 10 copies go and said there is a coordinated effort
40 relative to distribution. Baker reviewed changes already discussed
41 earlier at this work/study, noting the issues that have been clarified.

1 On page 8, 16.48.140, Filing period. The submittal time has been
2 changed from three to five years to comply with State RCWs. Page 9,
3 Section 16.48.160, language changes are also in compliance with
4 RCWs. Section 16.48.160, the old language referred to an obsolete
5 process where citizens would purchase a mylar from the Department
6 of Community Development. This no longer happens, people
7 produce their own mylar in AutoCAD. Current language outlines how
8 it should appear, hopefully to further clarify requirements.

- 9
- 10 • Ahl – Referenced the Final Short Plat section, questioned an
11 incomplete sentence that does not make any sense. Ahl
12 suggested it be scratched.

13

14 E. Baker – Will check this out. ** Page 10, Item Z, Health District
15 conditions (TBD). There are still some conditions the Health District
16 wants to see on the mylar and these issues have yet to be clarified.
17 Baker is still waiting to hear from them and will clarify the issues
18 prior to the upcoming public hearing.

- 19
- 20 • Jenniges – In response to his question regarding references to
21 RCWs and WACs, Baker responded that the RCWs tell what and
22 the WAC tells how.

23

24 E. Baker – Continued to highlight sections previously clarified in
25 discussion.

- 26
- 27 • Ahl – Asked if it would be appropriate to eliminate the definition
28 of the County Engineer, suggesting that the County Engineer
29 has been changed to Department of Community Development
30 Director.

31

32 Baker – Explained that there still is a utility component required of
33 the County Engineer.

- 34
- 35 • Ahl – Page 8, Section 16.48.110 (Repealed). Can this section
36 just be deleted?

37

38 E. Baker – There are still many areas addressed in the existing
39 ordinance that need to remain but he will check this out with legal
40 counsel since this does seem to be out of place.** Next, he clarified
41 the difference between preliminary and final plat approval. Lastly,

1 page 13, Section 16,48.260, Declaration regarding further
2 subdivision. This goes to the question asked earlier regarding
3 circumventing the process by doing multiple/contiguous short plats.
4 This section clarifies the language on that issue.

5
6 **Barnard – Explained to Planning Commission per Jenniges’ question**
7 **regarding the Street disclaimer section, that the majority of short**
8 **plats will be private access roads that must meet fire code.**

9
10 **E. Baker – Further explained that private roads will now be access**
11 **tracts and streets are public roadways. Jenniges recommended a**
12 **language change on this section.**

13
14 **Barnard - Code requirement for the development is not a County road**
15 **standard.**

16
17 **E. Baker – One last item relates to duration of preliminary short plat**
18 **approvals. Page 8, Section 16.48.130, Preliminary Short Subdivision**
19 **Approval – Expiration. This language indicates that preliminary**
20 **approval will expire within five years if not finalized by then. The**
21 **intent is to clean up old, obsolete applications. Since the Comp Plan**
22 **is more stable today than it was in the 1990s, waiting to see what will**
23 **happen next and Jenniges question relative to length of time allowed**
24 **for approval of plats, does not currently apply. Regulations are fairly**
25 **clear at this time.**

- 26
27 • **Monty Mahan – Asked if Section 16.48.020-A. on Page 1,**
28 **“Access Tract” definition, would apply to a rural short plat or**
29 **only an urban one. The answer is only to urban 5 to 9 lot short**
30 **plats. Also questioned fire standard requirements of 30 feet,**
31 **stating that fire requirements can be met with less than 30 feet,**
32 **therefore why go to 30 feet?**

33
34 **E. Baker - In some cases, can be met with 20 feet, others more than**
35 **30 feet. This flexibility is needed.**

- 36
37 • **Mahan – Also question the total of 40 feet dedicated for roads**
38 **and utilities. If goal is to increase density in urban areas, we**
39 **are cutting out a lot of land plus basically mandating that it be**
40 **fairly impervious. Also, why not allow pedestrian facilities in**
41 **utility areas. This has been done successfully elsewhere and**

1 he does not read in this draft ordinance that it must be within
2 the 30 feet for roads. Seems that 40 feet is excessive for semi-
3 public use.

4

5 E. Baker – The easement land is not unavailable land. The utility
6 easement is suitable for yards, and in some cases, for driveways but
7 with the understanding that at some point, a driveway may be dug up
8 for utilities. You just can't build on easement lands. Prefer that
9 pedestrian walkways be located in the access tracts to allow for
10 everyone being responsible for the maintenance. Further, if this
11 amenity is located in the utility easement, then it is put back in the
12 current state of less permanent. This situation could be altered by
13 requiring a sideway maintenance agreement.

14

15 • Ahl – Page 1 under definitions, item D, there is a large group of
16 words that fall outside definitions and are more applications
17 and are also covered in other sections of the ordinance.
18 Suggested elimination of this section. Similarly on Page 2, item
19 G, Dedication, the last sentence also seems to be more
20 application than definition. Page 8, (Repealed)*, suggests that
21 the entire section be removed as not being necessary to the
22 document. Lastly, Page 14, Section 16.48.270 Dedications, is
23 most likely old language, but asked for the intent of the
24 language addressing conditional approval with dedications for
25 drainage ways, water supplies, sanitary waste, parks,
26 playgrounds, school sites and grounds. . . has trouble
27 picturing this waiver on a two-acre subdivision in a city.

28

29 E. Baker – It is language from the old text and part of the RCW. He
30 gave an example of how this might work. A dedication of any item
31 listed in this section gives staff the flexibility to approve for the
32 public good.

33

34 • Ahl – It might be easier to understand if the language simply
35 states that the County wants dedicated parks, playgrounds,
36 schools, etc. on the plat rather than an access easement to
37 accommodate such amenities. If talking access easements,
38 clarification of the language is needed. Suggested a second
39 look at this.

40

1 **E. Baker – Talking less about easements and more about deflector**
2 **areas set aside for public uses. Obviously, in a short subdivision of**
3 **this type, a school site is a non-issue. The language is most likely a**
4 **carryover from larger projects.**

5
6 **Barnard – Receiving very few dedications on short plats and more**
7 **declarations where the developer must declare that she/he**
8 **authorized the subdivision.**

9
10 **E. Baker – Will check out Ahl’s request.** Also citizens may have**
11 **similar suggested changes at the public hearing.**

- 12
13
 - **Taylor – Asked how long is the application process for a nine-**

14 **lot short subdivision estimated to take.**
15
16 **E. Baker – A nine-lot short subdivision is a Type II process and does**
17 **not require a public hearing. This will trim approximately one year off**
18 **the process. This equates to a six to eight month process to**
19 **complete.**

- 20
21
 - **Nevins - Referenced Deb Flynn’s email comments also sent to**
- 22 **staff for consideration.**
- 23
- 24
 - **Jenniges – An overall good document. Thinks most**
- 25 **controversial items will be the access ingress/egress and the**
- 26 **buffers.**

27
28 **Baker – Also expects some concern from the surveying community**
29 **regarding the final surveying document. They may want to see some**
30 **additional changes.**

31
32
33 **Some changes substantive, others housekeeping. Some repeats**
34 **from previous presentation**

35

1
2 **2. Code Amendments**
3

4 **E. Baker – The Code amendments listed and being addressed today**
5 **are to resolve some issues that have been pending in the community.**
6 **There are eight of these. Some changes are substantive while others**
7 **are simply housekeeping in nature. For example, some changes**
8 **were made countywide but were intended to be area specific.**
9

10 **I. Removal of 2:1 Lot Ratio From Rural Zones**
11

12 **E. Baker - Currently, to do any type of subdivision, a lot must be**
13 **twice as long as it is wide. This is strict with no allowable deviation.**
14 **This ratio only work well on flat land with no noticeable topography,**
15 **wetlands, critical areas, hills and ravines. It makes more sense to**
16 **place all wetlands in unusable portions of a tract and leave open**
17 **space alone. The 2:1 poses a problem with this. Now proposing to**
18 **have all rural zones to go back to 1993-1998 regulations that being a**
19 **flat 140 foot wide, lot width and depth. 140 feet is old standard for**
20 **rural zones. The 2:1 ratio removes the rural character and does not**
21 **make sense given the requirements of GMA. Need to factor in more**
22 **flexibility to allow individuals to get down to 140 feet, depending on**
23 **topography and maintenance of rural character.**
24

- 25 • **Jenniges – Thinks properties are more urban than rural in some**
26 **areas.**

27
28 **E. Baker – Still much land left not yet affected by existing regulations.**
29 **The County would like to preserve these lands in the new standards.**
30

- 31 • **Ahl – Page 1, Section 17.300.030, questioned language under**
32 **Forest Resource Lands, where it states that minimum lot area**
33 **shall be 40 acres, minimum lot width and depth for this area**
34 **shall be 140 feet. Asked if this mean a lot can be created that is**
35 **140 feet wide and 2.36 miles long.**
36

37 **E. Baker – Hypothetically, yes. This will apply predominantly in**
38 **Forest Resource lands. The reality is that small sized, non-**
39 **conforming lots already exist in these areas. County Code dictates**
40 **that you cannot take a lot that is conforming and make it non-**
41 **conforming. Thus the property owner will now need to apply for a**

1 **Boundary Line Adjustment for an existing non-conforming lot. Staff**
2 **has reviewed the Code for any mechanism to do creative lots, per**
3 **Ahl's comments, and to provide latitude and there is no way to do so**
4 **without being in clear violation of the Non-conforming Lot**
5 **regulations. Therefore, bringing this issue to the Board of County**
6 **Commissioners is the best approach.**

- 7
- 8 • **Ahl - He further asked for clarification that this language is**
9 **intended for aggregation of existing lots rather than creation of**
10 **new 40-acre lots.**

11

12 **E. Baker –It is more for boundary line adjustments than aggregation**
13 **of existing, non-conforming lots. Also, language under discussion**
14 **refers to all lots, both conforming and non-conforming and it would**
15 **be repetitious to list the same criteria throughout the document.**

- 16
- 17 • **Mahan – Asked that if an existing lot did not meet the standard,**
18 **would it then become a non-conforming lot.**

19

20 **E. Baker – In theory, anyone not meeting current code is non-**
21 **conforming.**

- 22
- 23 • **Mahan – Asked if, hypothetically, a person has a 25-foot wide**
24 **lot in Kingston and this code revision is enacted, would they**
25 **have a problem building on their lot.**

26

27 **E. Baker – Still considered non-conforming. The same change is**
28 **made to the following recommended code amendments:**

- 29
- 30 **b. Forest Resource Lands**
 - 31 **c. Interim Rural Forest**
 - 32 **d. Rural Protection**
 - 33 **e. Rural Residential**
 - 34 **f. Urban Reserve**

35

36 **E Baker – This affects a number of citizens currently who will**
37 **probably address this at the upcoming public hearing.**

- 38
- 39 • **Fred Depee, from the audience – Asked How will these impact**
40 **non-conforming and conforming lots.**

41

1 E. Baker –Biggest issue is avoid creating any new lots. Again, a non-
2 conforming lot cannot be made conforming under any
3 circumstances.

- 4
- 5 • Depee suggested a provision be included in the document to
6 clarify this issue because language for newly created lots does
7 not address non-conforming.
- 8

9 E. Baker – There is no way to do so without violating lot conforming
10 codes. Again suggested best route for clarification of this issue is to
11 bring it to the attention of the Board of County Commissioners.

12

13 II. Urban Low Lot Width

14

15 E. Baker - This was an error created by the ULID-6 Subarea Plan. It
16 was intended to only apply to the McCormick Woods area where
17 reduction to 40-foot lot widths was necessary. It was addressed in
18 that EIS. However, during Code revision, an inadvertent blanket
19 provision was made, indicating all Urban Low zones are 40-foot
20 minimums, regardless of impacts. This error needs to be corrected
21 because it is area specific.

22

23 III. View blockage

24

25 E. Baker – Issues arose regarding conditional waivers to shoreline
26 view lines. If on a shoreline lot, current requirements require one
27 home to be back behind a designated line, for a landowner to build in
28 front of this line, they will need to apply for approval of a Conditional
29 Waiver. This process was established prior to the Hearing Examiner
30 process. Explained additional time required for a decision on a
31 Conditional Waiver if it is required to go before the Board of County
32 Commissioners. This holds up an otherwise relatively smooth
33 approval process because of the Board public meetings and hearings
34 being held only twice per month. The approval at Board level is then
35 followed by a 21 day approval process that can add up to two months
36 onto the process. This may not be necessary if the decision can be
37 rendered at the Hearing Examiner level, a process that would make
38 this a Type II process. All other land use approvals currently go
39 before the Hearing Examiner. Baker outlined this faster process that
40 benefits the public. An appeal process is still in effect, but to the
41 Hearing Examiner instead of the Board of County Commissioners.

1 The building permit process is also expedited via this method.
2 Anticipates some testimony on this issue at the public hearing since
3 an apparent circumventing of an appeals process is an area of
4 concern.

- 5
6 • Mahan – Has never seen neighborhood issues to compare to
7 shoreline neighborhood issues and does not think the Board of
8 County Commissioners should be removed from the process
9 and decision up front.

- 10
11 • Jenniges – Thinks view obstruction line should be from end of
12 bay picture window facing the view and not from corner of the
13 house.

14
15 E. Baker – The Board of County Commissioners has requested that it
16 be removed from the first step in this process. Also, actual
17 determination of view setback line is being changed from a Type II
18 decision (same as with the Conditional Waiver) to a Type I that goes
19 along with the building permit. Looking at approximately 1% of
20 building applications, putting an onerous burden on the other 99% of
21 applicants.

22 23 24 IV. Electronic Reader Boards

25
26 E. Baker – Electronic Reader Boards are currently prohibited outright
27 in the Kitsap County Code for basically any use. School Districts
28 have requested similar set-ups to Bremerton High School's,
29 advertising various school events and other community and non
30 profit events. New code language removes clear prohibition (Page 6)
31 and therefore signs become conditionally exempt if they meet
32 specific criteria. Examples of such criteria: Must be located in UGA
33 as this would increase compatibility. This criterion is intended to
34 address maintenance of the rural character as applied to schools
35 located in rural areas. The reader boards have five conditions or
36 criteria that must be met. Electronic reader boards also have traffic
37 impacts in that drivers have a tendency to swerve in traffic while
38 attempting to read the board, in particular the stream fed information.
39 This is addressed under the criterion to require static display for 15
40 seconds each thus avoid flashing.

41

- 1 • Jenniges– Thinks that if the current signage at Klahowya
2 cannot be converted into an electronic reader board, it will
3 eliminate the desire to have reader boards. Thinks it is much
4 harder for kids to manually post information. He is in favor of
5 electronic reader boards at all schools, regardless of location.
6 Also not clear on statement regarding preservation of rural
7 character. Asked for clarification of definition.
8

9 E. Baker – Reiterated that, in the new Code language, electronic
10 reader boards will be allowed in urban areas, not rural, in order to
11 maintain rural character. For instance Central Kitsap High School is
12 allowed since the school is located in an urban zone, but Klahowya
13 would not be allowed because of its location in a rural zone. Baker
14 also explained the ambiance of rural character existing outside of
15 urban zones.
16

- 17 • Taylor – Opposed to having regulations established for general
18 public because it then allows government to make exceptions.
19 That being said, he is opposed to high electronic reader boards
20 such as the one at Klahowya.
21

- 22 • M. Flynn – Has seen drivers distracted by reading these boards.
23

24 Cindy Baker - One issue is the stream feeding of information that is
25 distracting. Thinks might be more acceptable if it has to remain still
26 for a specified length of time. Baker’s dilemma is when it gets
27 misused thus becoming an unwelcome distraction. She then asked
28 for comments from PC members as to their preference.
29

- 30 • M. Flynn – If required to remain still, would be less of a
31 problem than the streaming.
32
- 33 • Nevins – Methods of communication available to schools are
34 many. Reader boards are available but not necessary. Have
35 seen ads for school events on reader boards lasting less
36 than 15 seconds each. Also, having kids changing signs
37 manually is not a bad thing. He needs convincing that an
38 electronic reader board is the best approach.
39
- 40 • Ahl – Agrees with Taylor. Big picture issue is UGAs. Until
41 they become incorporated urban areas, should still be

1 essentially rural in nature. Thinks a diminishing resource in
2 rural area that might be adversely affected by electronic
3 signs, is simply the evening sky. Suggested maybe signs
4 are restricted to daylight hours only, from dawn to dusk and
5 further restricted to only incorporated areas. Questioned
6 what schools and what authority figure in the schools made
7 the request.

8
9 **E. Baker – The Superintendent of Central Kitsap School District**
10 **submitted a written letter requesting electronic reader boards in**
11 **the Central School District and staff has had conversations with**
12 **South and North Kitsap School Districts.**

- 13
14 • **Taylor – Thinks the State of Washington is in violation of**
15 **excessive electronic reader boards with hug signs in**
16 **Olympia. A driver does need to slow down to read entire**
17 **message. Kitsap County has great sign ordinance**
18 **championed by former Department of Community**
19 **Development Director Ron Perkerewicz and thinks**
20 **compliance with that ordinance should be upheld, including**
21 **government and school entities. Klahowya in particular,**
22 **should have a monument sign and not one up in the air.**
23
- 24 • **Mahan – During his tenure with Kitsap County, the only thing**
25 **the County received more complaints on than GMA was the**
26 **sign ordinance. It was basically the fairness issue. He does**
27 **not see any compelling reason to change what we already**
28 **have.**
29
- 30 • **Dean – We live in an age of high technology, he attends**
31 **school functions, uses reader boards to access information**
32 **for school events. Considers signs to be real assets.**
33 **Streaming is a problem. Distractions are responsibility of**
34 **drivers in automobiles. Thinks reader boards are beneficial**
35 **for schools.**
36

37 **C. Baker – If electronic reader boards are allowed for schools,**
38 **asked Planning Commission members what they thought about**
39 **the boards being required to locate closer to the building.**

- 40
41 • **Dean – Distractions are made by people.**

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- Mahan – As a member of a private school board, why should public schools be the only consideration.

C. Baker – The Code revision would include all schools.

E. Baker – Asked the Planning Commission members for clarification. Is the main issue: advertising of community events; the fact that only schools and public entities would be allowed to advertise using electronic signage; or is it the fact that the signage is only allowed to include community events and not retail items.

- Ahl – Asked if the lack of announcements for school events and public services is in any way negatively impacting attendance at Klahowya’s sporting events or impeding the education of the children and their extra curricular activities.
- Jenniges – Has missed events at the school because of lack of signage. Further, there is an entire lighted commercial area near the school. Why the distinction?
- M. Flynn – As a former high school coach before electronic reader boards, games were still sold out, PTA meetings were full. He thinks the difference today is in the question: How important is school to parents these days? Sees a disconnect between parents and children.
- Jenniges – People are busier today.

V. Soil-Combining and Composting in Rural Areas
(Rural Cottage Industries)

E. Baker – Currently, soil combining and composting is generally only allowed in a Mineral Resource zone, of which there are very few in Kitsap County. Most of these zones are dedicated to actual mineral extraction. The new language, would allow for the ability to conduct the soil-combining and composting in a few other rural zones, with very specific design standards. As previously discussed, the burn ban in UGAs has created large quantities of site clearing and vegetative materials to be transported off site to be chipped and composted. This situation has created a need to

1 provide sites for this type of activity. Rural Residential and Rural
2 Protection zones are still that and should not have a commercial or
3 industrial appearance of any kind. In these two rural zones, new
4 conditions would require: properties to be two and a half acres in
5 gross size, direct access to property must be from a County owned
6 right-of-way, maintenance of a 100-foot natural vegetation buffer
7 around the perimeter of the property for adequate screening and
8 must meet all other requirements of the Code title. This change will
9 provide opportunities for upgrading and maintaining roadways via
10 Road Maintenance Agreements. Allowing these uses should not
11 adversely impact private accesses. Concerns include: soil-
12 combining is moderately noisy; and it cannot have an odor
13 associated with it. This is why the 100-foot peripheral buffers are
14 required, to minimize noise and odor. The 2 ½ acre sizes are
15 intended to mitigate an individual from performing a soil-combining
16 business in a confined area. Previously, this was part of a Cottage
17 Industry discussion to put small, industrial type uses out in the rural
18 areas. There was enough concern relative to Growth Management
19 necessitating further review. However, staff did not want to slow
20 down these activities.

- 21
- 22 • Ahl – Asked about noise associated with stump grinding.
- 23
- 24 • Jenniges– Asked why Waste Management hasn't incorporated
- 25 a soil composting facility into its other activities.
- 26

27 VI. Multiple Front Yard Setbacks

28

29 E. Baker – This relates back to the non-conforming lot issue. There
30 are many lots in the rural areas of less than five acres in size. If a
31 property is located on either County rights-of-way or private roads,
32 etc. the property has “Front Yard Set Back Reach.” In rural areas, 50
33 feet and historic lots, 20 feet. Proposed language gives director
34 ability to reduce setbacks from 20 to 5 feet or 50 to 20 feet. It will be
35 necessary to make sure a neighbor is not being adversely impacted.
36 Baker referenced exceptions such as setbacks not being allowed at
37 County arterials or collectors. The intended result is that no setback
38 reductions will be allowed that would have any adverse impact to
39 surrounding properties. Also, a setback should not impact
40 neighbors or property owner if not seeking direct access off of a
41 County right-of-way or private road by requesting a setback. The 20

1 feet is met to serve for extra parking and future acquisition of rights-
2 of-way. The result of the setback should feel like a variance and
3 grant some relief. This will help with difficult lots containing critical
4 areas, etc.

5
6 **VII. Lot Requirements for Single-Family Residential**
7 **Development in Urban Medium Zones**
8

9 **E. Baker – This is another ULID-6 issue. ULID-6 has Urban Medium**
10 **zones with Urban lot requirements. The table shown in the hand-out**
11 **for Minimum Lot Requirements was inadvertently removed from the**
12 **Code. It needs to be re-inserted. Without lot requirements in place,**
13 **the ability to create very, very small lots with single-family homes**
14 **abutting them, becomes an option. As with the previous ULID-6**
15 **error, this was never intended to apply countywide; it is strictly**
16 **pertains to ULID-6. Minus these standards, it creates a fire flow**
17 **problem as well.**

- 18
- 19 • **Ahl – Complimented E. Baker on a very good presentation.**
 - 20
 - 21 • **Nevins – Noticed in legal notice for March 14 Board of County**
22 **Commissioners public hearing, an item for Emergency addition**
23 **to development regulations. This is related to operating and**
24 **racing automobiles and motorcycles within SKIA. Given all**
25 **issues addressed today, this one also seems of importance.**
 - 26

27 **E. Baker – Referenced SKIA Use Table where an additional column**
28 **was added, changing racing autos and motorcycles. A request for a**
29 **Conditional Use Permit was submitted to the Board of County**
30 **Commissioners from the Bremerton Raceway Association. The**
31 **Board of County Commissioners has the ability to make specific**
32 **changes without coming back to the Planning Commission. Deputy**
33 **Prosecutor Shelley Kneip can provide her opinion in writing if the**
34 **Planning Commission wishes this.**

- 35
- 36 • **Nevins – Asked when SKIA development regulations came**
37 **before the Planning Commission. Baker will respond back to**
38 **the Planning Commission with the date.****
 - 39

40

- 1 • Mahan – Asked if Rural Cottage Industries and car washes will
2 appear on the Planning Commission public hearing agenda for
3 March 22, 2005.

4
5 **E. Baker – Car washes were already approved by the Planning
6 Commission. Cottage Industries are probably not on the docket in
7 the foreseeable future.**

- 8
9 • Taylor – Requested that vicinity maps be included with the
10 Hearing Examiner’s agenda notice. Baker will see if this is
11 possible.**

12
13 **D. Old Business**

14
15 **E. New Business**

16
17 The previously requested Planning Commission Retreat has been
18 scheduled for Tuesday, April 26, 2005, 9:00 AM to 12:30 PM, Givens
19 Community Center, Kitsap Room. Confirmation was received from all
20 nine Planning Commission members. (Subsequently, Chair Flynn
21 submitted notice that. Due to business obligations, he will be unable
22 to attend). The Board of County Commissioners will join the
23 Planning Commission for lunch from 12:30 to 1:30 PM, followed by a
24 joint meeting between the Board and the Planning Commission from
25 1:30-2:30 PM.

26
27 John Ahl will collect agenda items and forward them to Holly
28 Anderson as soon as he compiles the various requests from his
29 fellow Planning Commission members.

30
31 Deputy Civil Prosecutors have been invited to attend and will need to
32 know what issues the Planning Commission wishes them to discuss.
33 John Ahl will provide these issues as well. Anderson will ask the
34 Board of County Commissioners if they have any specific issues they
35 want to discuss.**

36
37 Tom Nevins asked if the Comp Plan Amendment Docket has been
38 approved for 2005 and was told the Board has it on its March 28, 2005
39 agenda.

40
41 **F. Other Business**

1
2 Taylor submitted report from Homebuilders indicating the average
3 home price in Kitsap County to be \$274,926.

4
5 11:40 AM - No further business being heard, a motion was made by
6 John Taylor and second by Tom Nevins that the meeting be
7 adjourned. Motion carried.

8
9 **Exhibit No. Description**

- 10
- 11 A. March 8, 2005 Agenda
- 12 B. March 8, 2005 Legal Notice
- 13 C. Draft Short Subdivision Ordinance
- 14 D. Draft Proposed Kitsap County Code Amendments
- 15 E. Email comments from Deb Flynn
- 16 F. February 8, 2005 minute edits from Deb Flynn
- 17 G. Email note that Deb Flynn will not be at March 8, 2005 meeting
- 18 H. Email note that Lary Coppola will not be at March 8, 2005 meeting
- 19 I. Draft copy of February 8, 2005 Planning Commission minutes
- 20 J. Email message from Eric Baker with draft ordinance and Code
- 21 amendments attached
- 22
- 23

24 Minutes approved this _____ day of _____, 2005.

25
26
27
28 _____
29 Mark Flynn, Chair

30
31
32
33 _____
34 Holly Anderson, Secretary