

MINUTES

KITSAP COUNTY PLANNING COMMISSION PUBLIC HEARING October 11, 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, Michael Gustavson, John Ahl, John Taylor, Deborah Flynn, and Dean Jenniges. Members Absent: Monty Mahan, Frank Mahaffay and Lary Coppola. Staff Present: Cindy Baker, Eric Baker, Karanne Gonzalez and Planning Commission Secretary Holly Anderson. Two citizens were in the audience.

9:00 AM

A. Acting Chair Deborah Flynn called the meeting to order and introduced the Planning Commission members present.

Approval of Minutes

B. August 23, 2005 Minutes

The Planning Commission members decided to table the minutes to the next meeting.

Public Hearing

1. John Chittenden - Application for Current Use Assessment - Open Space, on approximately 6.37-acres in Section 3, Township 24, Range 1E, in Central Kitsap County. This parcel is zoned Urban Low 5-9 dwelling units per acre. The parcel size is 6.37-acres; 11/2-acres will be exempt for the home site. The property is located at 3762 Tracyton Beach Road NW in the Tracyton area of Central Kitsap County.

1 Karanne Gonzales, Department of Community Development staff,
2 reviewed the application, described the property and said the
3 Department recommends approval of 4.87 acres for Open Space
4 General; 1 ½ acres to be exempt from the 6.37 acres for the single-
5 family residence, cabins and garage. The property qualifies for a
6 60% tax reduction. The conditions for approval include no public
7 access allowed on the steep slopes due to sensitivity of the land and
8 access to be limited to passive forms of educational pursuits in
9 which the land and its ecological balance remain undisturbed.

- 10
- 11 • Dean Jenniges – Asked why the fee was increased.
- 12

13 Eric Baker – Explained how fees are computed and that property
14 taxes and fees fund the Open Space Program.

- 15
- 16 • Michael Gustavson – Wanted to know what the property
17 tax will be for the entire 6 acres and Gonzalez explained
18 60% of the original property tax is set aside.
- 19

20 John Chittenden – Told the Planning Commission that this property
21 was originally referred to as Sulfur Springs. It is now surrounded by
22 development. It is located on the dangerous corner on Tracyton
23 Beach Road and contains an abundance of wildlife.

- 24
- 25 • Deborah Flynn – Asked about public access to beach area
26 and about hunting, trapping, fishing and claming.
27 Gonzalez explained there is no hunting or trapping
28 allowed but fishing and claming are allowed.
- 29

30 No further discussion being heard, a motion was made by John Ahl
31 and seconded by John Taylor that the Planning Commission concur
32 with staff's recommendation and recommend approval of the
33 Chittenden Current Use-Open Space application. THE VOTE: Yes-6;
34 No-0. Motion carried.

35

36 2. Robert and Caroline Hoag - Application for Current Use
37 Assessment - Open Space, on approximately 6.4 acres in Section 12
38 &13, Township 28, Range 1E, in North Kitsap County. This parcel is
39 zoned Rural Residential, one dwelling unit per 5 acres. The site is
40 located on the SE corner of the intersection of NE Twin Spits Road
41 and Skunk Bay Road in North Kitsap County.

1
2 Karanne Gonzales, Department of Community Development staff,
3 reviewed the application, described the property and said the
4 Department recommends approval of 6.04 acres for Open Space
5 General. This property qualifies for a 60% tax reduction and approval
6 is subject to conditions that include public access being allowed on
7 the beach but limited to certain times of the year to avoid disruption
8 of animals or plants. Access is subject to notification and consent of
9 the landowner. Access is limited to passive forms of educational
10 pursuits in which the land and its ecological balance remain
11 undisturbed.

12
13 No further discussion being heard, a motion was made by Dean
14 Jenniges and seconded by John Taylor that the Planning
15 Commission concur with staff's recommendation and recommend
16 approval of the Hoag Current Use-Open Space application. THE
17 VOTE: Yes-6; No-0. Motion carried.

18
19 3. Hood Canal Salmon Enhancement Group - Application for
20 transfer from Timber land Open Space to Current Use Assessment -
21 Open Space, on approximately 18-acres in Section 32, Township 25,
22 Range 1W, in Central Kitsap County. This parcel is zoned Rural
23 Protection one dwelling unit per 10-acres. The property is located on
24 an unnamed easement road approximately ¼ mile north of NW Cats
25 Paw Lane on the east side of Seabeck Holly Road NW approximately
26 ¼ mile on the north and south side of an unnamed easement.

27
28 Karanne Gonzales, Department of Community Development staff,
29 reviewed the application, described the property and said the
30 Department recommends approval subject to conditions prohibiting
31 certain activities on the property. These include: motorized vehicles
32 such as dirt bikes, clearing of vegetation, hunting, fishing or
33 trapping, camping, smoking, campfire or firearms on site, mining,
34 storage or excavation of materials, dumping of chemicals, liquids
35 and wastes, trash or junk that might deteriorate the natural character
36 of the land or pollute the water of the pond/creek.

37
38 No further discussion being heard, a motion was made by John Ahl
39 and seconded by Tom Nevins that the Planning Commission concur
40 with staff's recommendation and recommend approval of the Hood

1 Canal Salmon Enhancement Group Current Use-Open Space
2 application. THE VOTE: Yes-6; No-0. Motion carried.

3
4 4. Erik Prestegaard - Application for transfer from Designated
5 Forest Land to Current Use Assessment - Open Space, on
6 approximately 15 acres in Section 29, Township 25, Range 1W, in
7 Central Kitsap County. The property no longer qualifies for
8 Designated Forest Land since the forestland area is smaller than 20
9 acres. This parcel is zoned Rural Protection, one dwelling unit per 10
10 acres. The site is found at off of Larson Lane in the Seabeck area of
11 Central Kitsap County

12
13 Karanne Gonzales, Department of Community Development staff,
14 reviewed the application, described the property and said the
15 Department recommends approval of the 15 acre site for Current Use
16 Assessment – Open Space subject to conditions including
17 prohibition of motorized vehicles such as dirt bikes, clearing of
18 vegetation, hunting, fishing or trapping, camping, smoking, campfire
19 or firearms on site, mining, storage or excavation of materials,
20 dumping of chemicals, liquids and wastes, trash or junk that might
21 deteriorate the natural character of the land or pollute the water of
22 the pond/creek.

23
24 Discussion was held relative to the original zoning, salmon rearing
25 and access easement being via Larson Lane.

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27 No further discussion being heard, a motion was made by John
28 Taylor and seconded by Mike Gustavson that the Planning
29 Commission concur with staff's recommendation and recommend
30 approval of the Erik Prestegaard Current Use-Open Space
31 application. THE VOTE: Yes-6; No-0. Motion carried.

32
33 3. Bernadette Henzi and Mark Elgot - Application for Open Space
34 on three parcels that total 16.17 acres in Section 10, Township
35 23, Range 2E, in Kitsap County. The property is zoned Rural
36 Residential, one dwelling unit per 5 acres. The property is
37 found at 5599 Peterson Road SE in South Kitsap County. The
38 property consists of three parcels totaling 16.17 acres. Two
39 forested five-acre parcels have been submitted for Open Space
40 Timber Land. The remaining 6.17 acres contains a single-
41 family home, agricultural buildings and fenced pastures.

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2
3 Karanne Gonzales, Department of Community Development staff,
4 reviewed the application, described the property and said the
5 Department recommends approval of the 15-acre site for Current Use
6 Assessment – Open Space subject to conditions including
7 conditions including prohibition of motorized vehicles such as dirt
8 bikes, clearing of vegetation, hunting, fishing or trapping, camping,
9 smoking, campfire or firearms on site, mining, storage or excavation
10 of materials, dumping of chemicals, liquids and wastes, trash or junk
11 that might deteriorate the natural character of the land or pollute the
12 water of the pond/creek.

13
14 Mike Elgot – Noted that Miller Creek runs into Wilson Creek that in
15 turn flows into Colvos Passage. He also mentioned Miller Creek is a
16 type 5 tributary with water flowing year around.

17
18 Erick Baker - Explained the rating system for the Planning
19 Commission.

20
21 No further discussion being heard, a motion was made by Dean
22 Jenniges and seconded by Mike Gustavson that the Planning
23 Commission concur with staff's recommendation and recommend
24 approval of the Bernadette Henzi and Mark Elgot application for Open
25 Space Current Use-Open Space application . THE VOTE: Yes-6; No-
26 0. Motion carried. THE VOTE: Yes-6; No-0. Motion carried.

- 27
28 • John Taylor – Will not be present for the October 18, 2005
29 public hearing. He will be back for the
30 work/study/deliberations scheduled for October 26 and 26.
31 He also asked if the other Planning Commission member
32 received the letter from the Board of County
33 Commissioners dated September 29, 2005, and if so,
34 asked what the response should be. Taylor questioned if
35 someone would be drafting a response.
36
37 • Deborah Flynn – Believed the Planning Commission
38 should comply with the Board's request.
39
40 • Tom Nevins – Did not think the Planning Commission
41 should respond.

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- Ahl – Said that a couple of Planning Commission members did respond by email.
- Taylor – Did not think it fair for the Board of County Commissioners to shift its time schedule back to the Planning Commission Further, that the Planning Commission has been loaded with a heavy schedule on the Critical Areas Ordinance over the past two months and thinks the proper approach is to talk with Staff and not the Planning Commission and that the Board should have addressed its concerns to its staff.
- Flynn – Sent out letter and email to the Board regarding the schedule prior to getting the Board’s letter. Planning Commission has copies.
- Gustavson – the Planning Commission has had six meetings cancelled since draft 2. The Planning Commission is allowed 90 days to consider anything regarding the Comp Plan per the Planning and Enabling Act. He thinks the Planning Commission’s issues should be of public record and need to be discussed prior to recommendation to the Board. He thinks the letter should be answered.
- Nevins – The 90 days could have started on May 17 when 2nd draft issued. 90 days have passed and the Board has established a deadline. The Critical Areas Ordinance is a big issue and it is time to deal with it.’
- Gustavson – Agrees but needs more time on this difficult issue. Staff has never addressed questions to be resolved.
- Flynn – Does not agree. Public has had opportunities for input. Out of the 100 people who signed up at the public hearing, only 20 spoke. Flynn has read the written comments. It is within the Planning Commissioners’ bounds to contact staff and directly to ask questions.

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- **Jenniges - Asked what weight has been given to public comments thus far. He asked questions about his concerns about the Best Available Science, comments regarding vagueness of words in the draft document. He fears that the Second Draft will go forward as is and that public comments and opinions will be heard and ignored.**
- **Flynn - The Planning Commission has the option on October 25 and 26 to voice its opinions. At these times, the Planning Commission members can make recommendations or recommend no change to the Board of County Commissioners.**
- **Taylor – Asked about upcoming dates.**
- **Ahl – Suggested that self-discipline behavior, have thoughts in order and look at specific areas of draft where there are questions. He believes the Planning Commission can finish recommendation in one day, 25th. Have had more time to review this than any other doc except Comp Plan.**
- **Gustavson – recommended that the Planning Commission look ahead and schedule a third deliberation day.**
- **Nevins – If suggestions are prioritized, leave out concerns about confusing wording, thinks this can be done in one day.**
- **Jenniges – Has real concerns about using word reasonableness.**
- **Gustavson – Believes it is part of the Planning Commission’s job is to look out for the public. Is leaning heavily toward Jenniges’ comments. The cleaner the document the easier life is for citizens. Much language is muddy and not clean English.’**
- **Ahl – Asked fellow Planning Commissioners to come to deliberative process with specifics for change. Waiting longer will not cause crafters of the document to change**

1 their mind. This will be the Planning Commission's
2 opportunity to clarify issues. Need to the point where
3 everyone's opinion is clearly known. Need to complete
4 work.

- 5
- 6 • Gustavson suggested that water purveyors give a short
7 presentation to clarify the letter they submitted.
8

9 No further discussion being heard, a motion to request a
10 presentation from the Water Purveyors was made by Mike Gustavson
11 and seconded by John Taylor. THE VOTE: Ye-6; No-0. Motion
12 carried. Staff will contact Water Purveyors.
13

14 A motion was made by Mike Gustavson and seconded by John
15 Taylor that a third deliberation date be scheduled. THE VOTE: Yes-3;
16 No-3. Motion failed.
17

- 18 • Nevins –Time allowed to do the task is equal to time allowed to
19 review it.
20

21 10:30 AM - No further discussion being heard, a motion was made by
22 John Ahl and seconded by John Taylor that the meeting be
23 adjourned.
24

25 APPROVED this ____ day of _____, 2005.
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30 _____
31 Monty Mahan, Chair
32

33 _____
34 Holly Anderson, Secretary
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36

37 EXHIBITS:

- 38
- 39 A. October 11, 2005 Draft Agenda
- 40 B. Staff report for John Chittenden Current Use Assessment –
- 41 Open Space application

- 1 **C. Staff report for Robert and Caroline Hoag Current Use**
- 2 **Assessment – Open Space application**
- 3 **D. Staff report for Hood Canal Enhancement Group Current Use**
- 4 **Assessment – Open Space application**
- 5 **E. Staff report for Erik Prestegaard Current Use Assessment –**
- 6 **Open Space application**
- 7 **F. Staff report for Bernadette Henzi and Mark Elgot Current Use**
- 8 **Assessment – Open Space application**
- 9 **G. October 11, 2005 legal notice of Planning Commission**
- 10 **meeting**
- 11
- 12

DRAFT