The Kitsap County Planning Commission met on the above-stated date at the Presidents Hall, Fairgrounds Rd, Bremerton, Washington 98311. Members Present: Monty Mahan, Tom Nevins, Mike Gustavson, John Ahl, Lary Coppola, Deb Flynn and Dean Jenniges. Members not present: John Taylor Staff Present: Eric Baker, Jim Bolger, Dave Greetham, Cindy Baker, Arnica MacCarthy, and Acting Planning Commission Secretary Brynan Pierce.

3:00 PM

A. Chair Monty Mahan called the meeting to Order and introduced the Planning Commission members present.

• Chair Mahan-Noted item B on the agenda will be differed to next weeks Planning Commission work/study session. Chair Mahan explained tonight’s hearing is a continuance from the last public hearing on the second draft of the Critical Areas Ordinance (CAO) and the same rules will apply. Members from the public that signed in last time and did not have a chance to speak will be guaranteed three minutes to give their testimony. If there testimony gets to twelve or fifteen minutes, the speaker may be asked to wrap up his or her testimony. After the list has been gone through, the sign in sheet from tonight will be read from allowing those members from the public to speak with the same rules. Chair Mahan informed the public that the Planning Commission is a group of members not employed by the government, but who are a community volunteers that share a wide variety of views on this and other related county government topics.

• Frank Mahaffay-Asked Chair Mahan to remind the speakers to state their names and county they reside in.
Chair Mahan-Asked the public to state their names and addresses for the record.

Mahaffay- Reminded Chair Mahan that the Planning Commission voted that those who are property owners and live in Kitsap County will be allowed to speak first and if there is time at the end of the testimonies, they will then be allowed to testify.

Chair Mahan-Asked the Planning Commission if they had voted on that.

John Ahl-Does not remember any vote on that.

Mahaffay-Stated it was voted upon at the last Planning Commission meeting.

Chair Mahan-Decided to proceed the meeting as the last regardless of whether the citizen lives in Kitsap County.

3:05 PM

SPEAKERS

Matt Ryan -Brownsville resident, explained the reason he is in attendance is because of arbitrary standard setback distances from streams without fish. Ryan believes Best Available Science needs to be used and the Planning Commission should use the current CAO until Best Available Science is proven.

Jim Aho- Illahee resident, submitted written testimony for the record, offering general comments regarding the Critical Areas Ordinance and some examples of why and how he came to his position as being in favor of the second draft of the COA.

Kate Jackson- Future wise Representative, submitted written testimony for the record and thanked the Planning Commissioners and Planning Staff for working so hard. Jackson informed the Planning Commission that there are a lot of supporters in the area that are excited about the critical area protection and what they will do by keeping drinking water clean, by protecting critical aquifers, keeping homes safe from flooding and landslides by making sure
homes are not built on geologic hazard areas and there is not a death by a thousand cuts situations with wetlands. There are five ways that Futurewise believes the Ordinance can be strengthened to better protect families, homes and the quality of life.

1. Small wetlands should not be exempt and instead be protected so Neighborhoods are safe from flooding and landslides and wildlife has a place to survive. This helps reduce flood insurance rates. In addition, we hope to restrict the harmful activities and improve identification of wetlands to truly know where they are.

2. All people, not just individual property owners next to affected areas should have the chance to appeal parts of the ordinance if they are concerned. As of right now with the current changes only certain people are allowed to voice their opinions.

3. Buffer averaging should be limited to a maximum reduction of 25% less than the required buffer.

4. A plan of corrective action should be required if contamination is to be found migrating in our drinking water because plan of action is a really good proactive way to make sure if drinking water sources are not at risk, they are protected before costly situations occur.

5. 150 foot shoreline buffers for new development should be applied.

These are the concerns Futurewise has and hopes the Planning Commission will adopt a strong Critical Areas Ordinance.

Marjorie Pearsol- Port Orchard resident, is testifying because she signed up to attend meetings to find out where the problems were with critical areas. The first meeting was at Given’s Community center with a facilitator who ran the meeting, then she and her husband signed up to be a part of a program with Jim Bolger every Wednesday night. After the meetings were over Pearsol and her husband did not see or hear anymore about the meetings. Mr.
Pearsol wrote a letter to all three County Commissioners. Only one responded saying people attending the meetings were not there to give input, but to be educated, which was a surprise to the Pearsols, because they thought they were attending the meetings to solve problems. Later, the couple attended a round-table discussion where citizens voted not to make any more changes to the CAO. The initial concern is about losing property. If private properties are taken away, then citizen’s guns, this is not the United States of America anymore. Being a property owner is one thing that makes people free. Pearsol does not think the County needs any more regulations especially for the young generation dealing with the rising cost of homes.

Helen Hoover- Kingston resident, stated, for centuries the Native Americans new they were guardians of land and wildlife and today there are debates to what extent protection should be. Hoover agrees with Jim Aho when he said greater buffers are needed now, then it is possible to relax them later. Also, ground water is limited and it will disappear if it keeps getting pumped out discriminately. Groundwater can also be affected if the aquifer recharge areas are not taken care of. Scientific research is essential and more needs to be applied. Hoover is in favor of the adoption of second draft of the CAO.

Cornelius Ross, Kitsap County resident- Thanked the Planning Commission for all of their hard work. Ross is appalled about what has happened to property rights in the last twenty years. Ross attended a round table meeting and found the County had no interest in citizen’s input. He feels much of the best available science was generated by grants and government contracts. Under those conditions, results tend to be slanted. To make matters even worse, the members that put the CAO together are not trained to evaluate scientific data. In addition, more restrictions on land use mean more job security. Only one side of Best Available Science is being used. Ross submitted a list of references for the record. And has not seen any reports by the Department of Community Development stating the current restrictions are inadequate. Ross feels to increase anything under the second draft of the CAO is irresponsible.

- Mahaffay-Asked Ross to provide copies of his references.

Helen Daly- Hood Canal resident, stated her family owns Clide Tree Farm on the Hood Canal and is in favor of strong buffers. Daly has
lived here all of her life and would like Kitsap County to remain a beautiful place with all of the natural qualities. Upland forests need attention because they are what give the streams their water. Daly understands property owners concerns and thinks it would be a good idea to develop a purchase of rights system or a transfer of development rights. There should be a way to compensate property owners.

Naomi Maasberg- Kingston resident, stated her family has eight acres with wetlands, streams, swamps and ponds and they do not find it restrictive to have the large buffers. When the family needed to place some construction on their property and found where the buffers were, the County was very helpful and useful in making the best decisions and what the best buffers should be. Maasberg is also the manager of Stillwaters Environmental Education Center. The Stillwaters board was very anxious to address the Planning Commissioners and the Board of County Commissioners about the Critical Areas Ordinance because they are very concerned about protecting the critical areas of the County. They see them as assets to the community both to the scenic and aesthetic values. Maasberg submitted a copy of a letter to the Board of County Commissioners from Stillwaters Environmental Education Center in support of the second draft of the CAO.

Beth Wilson- Olalla resident, thanked the Planning Commissioners and staff for all of the hard work that has been put in. Wilson heard about a report regarding the effects of global warming on the Northwest which includes an increase in rain, a decrease in snow pack, decrease in glaciers, falling of actual land, and a rising of the sea and there will probably be a loss of the shoreline in the next fifty years. There may be an increase in flooding and problems with drinking water retention. Wilson urges the Planning Commission to be careful and use the best available science and most recent science. Several years ago Washington State offered to conduct inventories of all of the animals and plants in the drainages in Kitsap County, such as Chico Creek drainage. There was a meeting held in Silverdale in regards to the inventories, where many people did not want to see what was in the drainages because the County would protect what was found and that meant more takings of property rights. The County decided not to do this inventory, free of charge and that was a real loss. If the inventory had been done, there would
not be a question of what buffers are the best or not. Wilson thinks by doing these inventories, protection will be greater.

Chris Shardelman-Poulsbo Resident, read and submitted written testimony for the record against the second draft of the CAO.

- Chair Mahan-stated the Planning Commission has not voted one way or another on the CAO and are not ready to guess how to vote. Also, the Board of County Commissioners will hold a public hearing probably in the month of November to hear all of the testimony.

Judith Kringsman-Ilahee Resident, read and submitted written testimony for the record in favor of the second draft of the CAO.

Becky Kelley- Futurewise Representative, read and submitted written testimony for the record in favor of the second draft of the CAO.

Ellen Patterson-Silverdale resident, read and submitted written testimony for the record.

Mike Elliasen-Association Executive and Government Affairs Director of Kitsap County Association of Realtors, submitted a memo, editorial, and recommendations for the record.

- Chair Mahan-Asked if there was anyone who signed up at the last public hearing who has not had a chance to speak.

John Olsen- Bremerton Resident, used to live in the Seattle area and had a lot of property. He was interested in property rights because of a few instances that occurred in Seattle. One being a couple that bought property and paid it off, then decided to retire. They found out their property was classified as wetlands a number of years prior. They were not able to build on their property. Hopefully in Kitsap County there is fairness that occurs and Kitsap County will not treat people the same as in King County. Other concerns that relate to the CAO are flexibility. Olsen is in favor flexibility in the variances with a lot of subjectivity where buffers should be. At the same time, fixed buffers do not make sense when these factors are not weighed in. Olsen’s experience has been more with small properties one being a disgruntled neighbor wanting to use his property for a dumping
ground for used oil or vehicle parts and he spent $15,000 to clean up the property. Part of the new ordinance has a procedure that is a burden to the landowner to find an expert to dispute land issues if the County disagrees. These costs are very expensive and there needs to be something that provides fairness. There is subjectivity in both the science and determining variances and such. Between limitation and taking, when you have a designated property, the County can check on it at any time. The property owner has the liability to take care of any dangerous trees or noxious weeds. It is important to realize we have a CAO in effect now.

Theresa Mooney- Central Kitsap resident, has lived in Kitsap County since 2002. Her family loves the mountains, trees and rain. There is a view of the trees because the builders left many trees in place when homes were constructed. When looking for a home, a lot of the newer neighborhoods had been stripped down from trees. Many of the lots are very small and the prospect of living in one of the diluted developments to be very disheartening. An option was to build a home on a large lot on what I refer to as a strip neighborhood that is defined as a strip of homes isolated into the forest and there are many of these in Kitsap County. The newer part of our neighborhood is a huge contrast to what was already built. They were stripped of trees and the hills slid into the backyards of some homes. Runoff water made channels down the hills. There was a patch up job done which really didn’t fix anything. This area is ¼ mile up from Barker Creek. This is just a small example of how careful we need to be. It is harder to undo damage than it is to prevent in the first place. The Planning Commissioners have a chance to do the right thing.

Chair Mahan-Asked the citizens to raise their hands if they have not had a chance to speak and if there is anyone who had a chance to speak at the last hearing and would like to speak again. After the break, we will go through the list from last time again, then go through the new list and if we have time, go through the speakers who wish to speak again.

Break 4:30

Bruce Gunderson-Lowfall resident, feels with a few exceptions and changes, is in support and recommend Kitsap County implement the
second draft of the critical areas ordinance. The flexibility of buffers is important, but would like the committee to consider some suggestions. For commercial developments, buffer distance should be parking lot size. Also, the type of landscaping that is used. If native plants and ground cover like Kinnikinnik is used, buffer changes do not need to be increased further. If grassed lawns are used, buffers should be increased because of the fertilizer, pesticides and herbicides often used to maintain lawns. In regards to existing residential property, where buffers have been increased, property taxes should be omitted. During the first hearing, there were negative comments when speaking about Best Available Science. The information sources used for this critical areas ordinance include the Department of Fish and Wildlife, the Department of Agriculture, Washington Department of Ecology and others. The people who work at these places are specialists who have been schooled and know the best science. Another concern was some people showed a paranoia about Environmentalists trying to take their land. There are concerns about surroundings and the environment, so everyone may be called an Environmentalist. This is best summed up by Kitsap’s Auto bond statement that states, to preserve the natural world through education, Environmental study and habitat protection. I encourage people to come to an Audobon meeting. Gunderson is in support of the second draft of the CAO.

Ron Ross-Central Kitsap resident, thinks the definition section needs work, the definition, disturbance of land, is not acceptable in any ordinance. The habitat area would be better if the habitat under concern was dealt with. This section may be too broad. With the flexibility of buffers, that gives County staff too much discretion where not enough knowledge is there. If someone has a friend that works for the County, they can get more lenient treatment and if someone has been in trouble with staff, they may have a more difficult time. There has been no evidence that the current CAO is not adequate. The Planning Commission has the obligation of reviewing it and if there is no compelling reason to change it, don’t.

Heidi Zamzow- Poulsbo Resident, has family here to support the second draft of the Critical Areas Ordinance. Mrs. Zamzow is speaking as a scientist, a property owner, and a mother; first as a scientist who shares the frustration when reading the CAO revision and seeing there is not enough data. Without the necessary data, the
County should proceed with caution. As a property owner, Mrs. Zamrow would like to see less government involvement. As a mother watching a seven-year-old play, the diversity in the backyard makes people glad they came here. The beauty needs to be preserved here.

- Chair Mahan- We are going to the list of names of people who signed up tonight with the same rules.

Elizabeth Bondy-Silverdale Resident, feels she lives in the most beautiful place on earth and the regulations of the CAO are absolutely necessary to be able to plant trees in your yard where ever and when ever you want to. When I first came here, over fifty years ago, there were wide-open spaces and no one ever heard of polluted water. All of that has changed. I hope you can come to agreement and keep our earth beautiful.

Bruce Danielson, Port Orchard Resident-Wears a couple of hats as an attorney and a father. I have heard a number of stories about people’s tragedies with land sliding. I understand that happens. I live on a hill and I’ve never had any sliding. That doesn’t prove anything. As a lawyer, I hear stories all of the time and this relates to the CAO. There are kids running on the playground and they fall and get hurt. Should we not let the kids run on the playground anymore? With the CAO, it has been blown out of proportion. We heard a speaker talk about property rights. We are not being removed from our land, but removing the opportunity to use the land. Inverse condemnation is what we are looking at here. I have read old English documents that read easier than the CAO. The CAO has to specify the danger to the community. It does not do so. We are not reaching our goals. The CAO takes property rights away and people’s personal rights. Due process is a fundamental right and if the county wants to hire attorneys like me, that’s fine because they will get sued over this document.

- Ahl-Do your comments refer to the existing CAO or the draft?

Danielson-I tried to limit my comments to this draft.

Mary Bertrand- Bremerton resident: Submitted written testimony for the record in favor of a strong Critical Areas Ordinance.
Ann Sleight- Poulsbo resident: Submitted written testimony for the record.

Richard Anderson- Kingston resident: Doesn’t want to see the Critical Areas Ordinance weakened. Anderson believes the critical habitat needs to be protected for future generations.

Richard Bouder- Concerned about the Olhava area and the salmon stream that runs in the area. Bouder owns property near the stream and would like to see the salmon better protected. Bouder spoke about ponds that have not been filtered after storms, in particular Johnson Creek, which has not flown since the last storm in October. Bouder also believes his neighbors may have cancer because of Chlophoric in the water.

Bob Burkholder- Bainbridge Island resident: Used to be a Land Use Planner and helped write an award wining Comprehensive Plan. Also helped manage over 1 million acres in Montana and that is why he has a different take on property rights. Burkholder feels we get caught up in the property rights because citizens pay for the privilege of living on the land. Due to the recent hurricanes, Burkholder feels there has been a caution put on buffers. The CAO should be about protecting sensitive areas, not trying to see how far they can be encroached.

Irwin Creagsman- Illahee Resident: Has a stream that runs through his property, and stormwater collects in it. There are large black pipes that run through his property and it is now ruined. Hopefully the County will not ruin other’s property by respecting the rights of property owners.

Jean Bullet, Bremerton resident-Feels the second draft of the Critical Areas Ordinance needs a lot of work and does not like the ordinance referring to people as landholders, because she feels people are landowners. Bullet also feels the county should not have access to properties at all times and it violates people’s personal rights.

Jerry McMann, Olalla resident-Does not want to see the government take personal rights away. There has to be another way of protecting critical areas without the government’s hands on citizen’s property.
George Warrington, Port Orchard resident-Submitted written testimony for the record against the second draft of the Critical Areas Ordinance.

Glen Katzenberg, Has worked with many jurisdictions and is against the second draft of the Critical Areas Ordinance because of the way it is written. In the draft guidelines are intended to be guidelines, not recommendations. All projects and their setbacks need to be looked over carefully because there is still a lot of area that can be worked with.

6:45 PM Dinner Break

Jenny Onning, Bremerton Resident-Is a mom who grew up in Kitsap County and believes small wetlands should have more protection then they do now. This is damage control. Right now it seems only properties adjacent to critical areas have a say in what is put into the Critical Areas Ordinance.

Betsy Cooper, Kingston Resident- Supports the second draft Critical Areas Ordinance and does not want buffering averages to go below 25% because properties will be lost. Cooper is a landholder with wetlands on her property and with the regulations she knows when and what she is able to build.

- Chair Mahan-Spoke with the other Planning Commission members and they would like to wrap up public testimony by the end of the evening and they are going to limit the comments to three minutes.
- Jenniges-Asked that the citizens that are going to speak do not repeat what others have already said. If a speaker agrees with what has been previously said, they can state that they agree with whomever and sit down.
- Mahaffay-Has a problem with the three minute rule because he knows a person that is going to testify tonight that has expertise which will serve both the Planning Commission as well as public. Mahaffay feels there is no
way to perform that task when time is limited to three
minutes.

- Nevins-Suggests the person Mahaffay is referring to have
their comments in written form because the Planning
Commission reads those as well.

A MOTION was made by Gustavson to have the speakers continue
with the original rules. Mahaffay seconded the motion.

- Jenniges-Reiterated that repeating what has already been
said will take too much time. If there is written comments,
speakers should highlight key points and submit that as
part of the record.

- Gustavson-Read the RCW Planning Enabling Act and the
Planning Commission is under no legal obligation to end
their deliberation despite the letter from the Board of
County Commissioners requesting a decision by
November 1, 2005.

- Mahaffay-Stated the Board of County Commissioners
cannot legally continue until after 90 days of their
notification. Mahaffay feels public testimony is far more
important than anything else at this time especially
because the Growth Management Hearings Board is very
supportive of public participation.

All in favor 4 all opposed 4. Discussion was held about whether the
chair can vote if there is a tie.

- Mahaffay-At the last Planning Commission meeting there
was a vote to have more lenient rules at today’s hearing.
The chair does not have the authority to change the rules
during the public hearing. There was a vote of 5
commissioners who voted on a more lenient public
hearing.

- Jenniges-Let’s move on to see how things go.
Jim Bolger-Asked for clarification regarding if there was an actual motion made was to allow unlimited time for testimony at the last work-study.

- Mahaffay-Believes it was, therefore the chair does not have the authority to over turn the motion.

Bolger-Does not remember that being a formal motion at the last work/study and needs to see the minutes on that motion.

- Mahaffay- The minutes cannot be used because they were tabled for the next Planning Commission meeting.

- Chair Mahan-A review of the August 23, 2005 has been discussed without finding the motion discussed. The next speaker will start while legal staff investigates the matter.

Ron Tempelton, Kitsap County Home Builders Association-The homebuilders association has primary commitments to the community to build safe homes. That is why the homebuilders support protection of critical areas and a good balance. The home builders are also dedicated to build affordable homes so all segments of the community can share the American dream of home ownership. Last, the members are committed to building safe homes in a manner that is sensitive to the environment. The Home Builders Association has three concerns with the second draft. One, being common sense, two some of the revisions have gone too far and there are risks of invalidation of the constitution and last, some of the ambiguities are unpredictable and affect the costs of homes.

Templeton submitted written comments for the record.

- Mahaffay-Asked what the constitutional concerns would be.

Templeton-In any planning setting there are two constitutional concerns, one is due process considerations specifically substantive due process. Our concern is we may have crossed the line where the ordinance may be considered invalid.
• Coppola-Asked Templeton would like to see minor revisions to the draft or the existing Critical Areas Ordinance.

Templeton- Would like to see revisions to the draft.

Diane Carley, North Kitsap Resident-Lives near places that are being industrialized and she would like to see adequate buffers and aquifer recharge areas. There are only so many things a person can do to be a good steward. Carley cannot do anything about neighbors who empty their chlorine filled swimming pools into an area adjacent to a wetland. Protection is very important for this reason.

Richard Nerff, Bremerton Resident-Is in support of the second draft of the Critical Areas Ordinance and thinks science will give probability, not certainty. For example a study showed beer causes cancer then another study showing beer is good for the heart. So, the science and the wisdom are both needed to balance good choices.

• Chair Mahan-Going back to procedure, after searching the minutes from the last work/study session, there is no motion to allow unlimited time for testimony. Chair Mahan would like to give the Planning Commissioners the chance to reword a motion to see if that may be voted for.

• Jenniges-Asked what happens if there isn’t enough time for everyone to speak.

• Chair Mahan- Listed two options. One to continue the hearing and two, to not continue with the hearing because everyone who did not get a chance to speak last time has already spoken tonight and this was only a continuation of the last public hearing.

• Mahaffay-Has a concern because this is a major ordinance and it involves the citizens directly causing a huge impact. Mahaffay has had to limit his comments at a public hearing and feels he could not get his point across in three minutes.
• Jenniges-Reminded everyone that the Planning Commission is taking written comments.

• Nevins-Measured three feet of information he has at home and is willing to read more.

• Gustavson-Believes the Planning Commission can get through everyone tonight.

• Chair Mahan-Would like to continue the Public Hearing and for people to be as concise as they can.

William Stratan, Port Orchard Resident-Supports a strong Critical Areas Ordinance and wants to be a good neighbor. If the Planning Commission puts together a strong draft, he will do the best to support the Planning Commission.

Peter Shrapen, Bremerton Resident who think Kitsap County is a lovely place to live and is here to support the second draft of the Critical Areas Ordinance.

Edward Bass, Poulsbo Resident-Submitted written comments for the record in favor of the second draft of the Critical Areas Ordinance.

AJ Breadberg, Gig Harbor Resident-Who has done over 3500 projects and has been through this process in Pierce County. If this code passes, it is fine because it will make Breadberg a lot of money. Pierce County consultants are about six months out in the wetland business. Breadberg used to do a wetland study for $2400.00, now he requires a $5,000.00 check to look at a wetland. There is not flexibility in this document. Some of the buffers are going to be reduced. I am milking my clients because I know they will pay anything. Breadberg submitted the Snohomish County code for the record. The Planning Commission needs to protect the staff and the public. There needs to be nice, simple, clean code that anybody can understand. The rating system in the Snohomish code is one page long. The rating system in the Kitsap code is in a huge book. People think the wetland stuff is a joke. This is science, it is not touchy feely. This will get appealed if this does not go properly.
Jenniges—You have provided a lot of information to read, and asked if Breadberg had a recommendation to make the CAO better.

Breadberg— I recommend you use the rating system from Snohomish County. It is so much easier when looking at wetlands. There needs to be innovative designs.

Gustavson—Asked about the success rate of created wetlands.

Breadberg—It depends if they are done right. There was a study done by DOE with a 30 or 60% failure rate. The key to moving wetlands is having the right soil.

Jim Trainer, Illahee Resident—Bainbridge island has a 71% tree canopy, Bremerton has a 40%. There are heritage trees in Kitsap County that are not protected. There needs to be a tree protection program in the ordinance.

Coppola—Recognized Trainer as one of the four most authorities is this area about trees and asked him to comment on the danger tree issues.

Trainer—Doesn’t know about danger trees in the ordinance.

Jim Dawson, Tumwater Resident—Would like to see the buffers significantly wider to 250ft and submitted written comments for the record.

Anita Rose Correen, Port Orchard Resident—Would like to endorse the second draft of the Critical Areas Ordinance because of balance. If balance is not in nature or the community, systems collapse.

Eric Scoutan, Poulsbo Resident—Wonders if landowners that are opposed to the second draft of the Critical Areas Ordinance feel their property is so important the air and salmon are polluted. If the answer is no, then the draft should move forward.

Jacob Metcalf, Bremerton Resident, President and founder of Young Democrats of Kitsap County—Feels there is a moral obligation to
support the second draft of the Critical Areas Ordinance to ensure clean air and water for future generations and citizens of Kitsap County.

Thomas Ostrum, Biologist with the Suquamish Tribe-Submitted written comments in favor of a strong Critical Areas Ordinance.

Charles Bickle, Poulsbo Resident-Supports everything that has been said endorsing a strong Critical Areas Ordinance.

Randy Biegenwald, Silverdale Resident-Has concerns with provisions on variances and reasonable use. All property owners and applications have not been treated equally and there needs to be some sort of oversight to ensure everyone is treated the same. This will give the public more faith in the process.

- Gustavson-Please comment on your concerns of reasonable use that is one of the Planning Commission’s major concerns.

Biegenwald-Reasonable use may be defined different between different people.

- Gustavson-The Planning Commission will be speaking about that very issue next week.

Cynthia Folley, Bainbridge Island student-Feels 50% buffer reductions are too large and submitted written comments for the record.

- Ahl-Thanked for her comments and interest on the Critical Areas Ordinance.

Jonathan Hallot, Bainbridge Island student-Loves where he lives because the community takes care of nature and he feels it is important to keep nature beautiful. This can be achieved by not letting private property impede on the Critical Areas Ordinance.

Craig Jensen-Feels protection is needed, but over protection is too much. The younger generations will not be able to enjoy this
wonderful country because the government is taking away property rights.

Ann Frodel, Poulsbo Resident-submitted written comments for the record in favor of the second draft of the Critical Areas Ordinance.

Rex Nelson, South Kitsap Resident- Would like to see balance and people treated equally when dealing with personal properties.

Jeanette Franks, Bainbridge Island resident, submitted comments in favor of the second draft of the Critical Areas Ordinance.

Jack Hamilton, Silverdale resident, Informed the Planning Commissioners that the questions submitted at the public forum held at the Norm Dicks Center are not available to the public and submitted water quality information for the record.

Dorothy Guice, Poulsbo resident- submitted written testimony for the record against the adoption of the second draft of the Critical Areas Ordinance.

Tim Matthes, Port Orchard resident- Feels the staff has not thought about the rights of the property owners and should reconsider the proposed draft.

Glen Jurges, Bremerton resident-Submitted written testimony against the second draft of the Critical Areas Ordinance for the record.

Linda Parish, Poulsbo resident-Understands homeowners are upset that they might lose parts of their property. Regardless, if there are any questions, it is needed to air on the side of caution. It is easier by far to loosen requirements than to go back and replace what has been destroyed. For the sake of the whole community personal needs should be overlooked and environmental needs should be addressed.

Don Flora-Bainbridge Island resident-The city council on Bainbridge Island has revised the wording in their ordinance from native vegetation to native vegetation or equivalent. That has much to be commended. Flora submitted written testimony for the record.
Vivian Henderson-Kitsap Alliance of Property Owners, submitted written testimony from Bill Palmer as well as from herself.

Karl Duff- South Kitsap resident, submitted written comments for the record.

Lois McMahan-Olalla resident, submitted written testimony against adoption of the second draft of the Critical Areas Ordinance.

Jean Bradford-Silverdale resident, submitted written comments against the second draft of the Critical Areas Ordinance.

Harriett Norwood- Port Orchard resident, read from an article stating salmon have been protected with buffers of at least 50 feet and feels root rot is important to investigate for dangerous trees.

Jim Somerhauser- Central Kitsap resident, submitted documentation regarding land use regulations and property rights.

Tom Donnelley- South Kitsap resident, heard testimony regarding potential for substitute due process violations and for the cost to the real estate owner to file for a variance and would like to reiterate the recommendation to gradually extend the planning by watershed concept that was demonstrated by the Chico creek watershed project, then we will know what is really on the ground to tailor the ordinance to a particular site. This will reduce the cost to the real estate owner to conduct and EIS. This would help planning overall. Property tax relief should be provided to property owners with buffers. Perhaps the open space concept could be extended to include buffers. This does not have to be part of the Critical Areas Ordinance. There should also be more emphasis on low impact development. This will reduce the harmful effects of stormwater runoff.

Rex Nelson- On the watershed studies, a year ago that was vetoed by an Indian tribe that fished in the waters. That did not turn out to be a good effort.

- Gustavson-Asked what the thickness of materials that were submitted look like.
Chair Mahan-Closed verbal testimony.

Gustavson-Asked the Planning Commission if one week is enough time to read through the material.

There was a motion by Gustavson and seconded by Coppola to defer deliberation by one extra week to read through all of the submitted material.

Mahaffay-Asked for clarification on the date

Jenniges-Asked if the Planning Commission would be in violation of the County Commissioner’s November 1, 2005 deadline.

Gustavson-Stated this is in the interest of the public, not the County Commissioners.

Mahaffay-The only way to answer the question about the November 1, 2005 is to get legal council that does not work for the Commissioners or the Department of Community Development to determine the RCW. Justice is not being served to the citizens if the Planning Commission does not have a recommendation for the County Commissioners.

Nevins-If the Planning Commission delays deliberation by one more week, the County Commissioners will go forward without a recommendation. The deliberation needs to be done before the November 1st deadline.

Chair Mahan- The next Planning Commission meeting is scheduled for October 25, 2005. Following that date is the November 8, 2005 meeting. The County Commissioner’s hearing is scheduled for November 7, 2005.

Mahaffay-Let’s move forward with the deliberation.

Jenniges-Has already gone through significant information and would like to move forward with the
process to be able to fulfill the obligation of a recommendation for the citizens.

- Mahaffay-Would like to see the motion withdrawn.
- Gustavson-Withdrew the motion to delay deliberation by one week.
- Coppola- It is clear that there are differences of opinion within the Planning Commission. If concerns are written out those can be submitted to the County commissioners for the findings of fact.
- Chair Mahan-Suggested individually listing items of concerns that need clarification or are disagreed on then round robin taking turns expressing them.
- Jenniges-Is going to use the documentation received to decide concerns.
- Ahl-Thinks the Planning Commission should keep in mind what they need to do, which is deliberate.

10:35 PM - No further business being heard. A motion was made by and seconded by that the meeting be adjourned. THE VOTE: For-8; Against-0. Motion carried unanimously the meeting was adjourned.

APPROVED this ____day of _____________, 2005.

Monty Mahan, Chair

Brynan Pierce, Acting Secretary

EXHIBITS:
A.