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3 **MINUTES**  
4 **KITSAP COUNTY PLANNING COMMISSION**  
5 **PUBLIC HEARING**  
6 **October 31, 2005**  
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8 The Kitsap County Planning Commission met on the above-stated  
9 date at Eagle's Nest Conference Center, 1195 Fairgrounds Rd,  
10 Bremerton, Washington 98311. Planning Commission members  
11 Present: Tom Nevins, Monty Mahan, Lary Coppola, John Taylor,  
12 Frank Mahaffay, Dean Jenniges, Mike Gustavson and John Ahl.  
13 Member absent: Deborah Flynn. Staff Present: Jim Bolger, Robbyn  
14 Myers, Eric Baker, Dave Greetham, Patty Charnas, Arnica MacCarthy,  
15 and Acting Planning Commission Secretary Brynan Pierce.  
16

17 **9:00 AM**

18 **A. Chair Monty Mahan called the meeting to order and**  
19 **introduced the Planning Commission members present.**  
20

21 **B. Continuation of Critical Area Ordinance Deliberations.**  
22

23 A motion was made by Michael Gustavson and seconded by John  
24 Taylor that a letter be drafted and made part of the public record  
25 And signed by five members of the Planning Commission.  
26 Gustavson said it is a matter of principal. He stated that Tom Nevins'  
27 public testimony has been allowed and received for the last two  
28 years and Public participation has been more than adequate.

29 Gustavson also noted that a majority of the Planning Commission  
30 members signed the letter, they are: Frank Mahaffay, Dean Jenniges,  
31 Lary Coppola, Mike Gustavson and John Taylor. Chair Mahan  
32 abstained from signing the letter.

33 John Ahl: the motion is part of the public record.

34 Mike Gustavson attached to his letter is the letter from the County  
35 commissioners to his as well as an assessment from Vivian  
36 Henderson. THE VOTE: Yes-John Taylor, Frank Mahaffay, Dean  
37 Jenniges, Lary Coppola, and Mike Gustavson. No-Tom Nevins and  
38 John Ahl. Chair Mahan abstained. Motion carried.  
39

- 40 • John Taylor asked about having a joint public hearing.
- 41

1 **Eric Baker: There were availability conflicts with both the Board of**  
2 **County Commissioners and some of the Planning Commission**  
3 **members. Therefore the Department of Community Development**  
4 **could not get the Planning Commission and the Board of County**  
5 **Commissioners together.**

- 6
- 7 • **Lary Coppola: Had an issue that incorporates all Planning**  
8 **Commission members that has been in the works for the past**  
9 **six months. He asked to hear from staff why his issue has not**  
10 **been addressed.**

11

12 **E. Baker – Did not recall any Planning Commission motions by the**  
13 **entire body to change things in the document. Discussions were**  
14 **certainly held, but not all of the Planning Commission members were**  
15 **in favor. This is what E. Baker recalls.**

- 16
- 17 • **Lary Coppola’s recollection was different.**
  - 18
  - 19 • **Dean Jenniges – Agreed with E. Baker that the Planning**  
20 **Commission members discussed modifying, but nothing was**  
21 **brought to the table. There was no formal process.**

22

23 **E. Baker - Our work studies were awkward. I can see how an**  
24 **expectation was there. The Planning Commission needs to come to**  
25 **an agreement. I’m not sure about the process.**

- 26
- 27 • **Lary Coppola – Asked Baker, “if you don’t know what the**  
28 **process was then what have we been spending our time on?”**

29

30 **E. Baker - All of the Planning Commissioners had changes, if you**  
31 **want changes that you would like to see go to the Board of County**  
32 **Commissioners then they need to be made.**

- 33
- 34 • **Mike Gustavson - Had a question about the six cancelled**  
35 **work/study sessions since May. Mike Gustavson asked E.**  
36 **Baker if he was in attendance, in a public or private meeting or**  
37 **in a private discussion where one or more stated or strongly**  
38 **implied, or given him direction that public forums with the**  
39 **citizens of Kitsap County or the Planning Commission**  
40 **regarding the critical areas ordinance be limited or constrained**

1 or that the citizens of the planning commission be sidelined,  
2 ignored or given little credibility?”

3

4 E. Baker – Stated he was never in a meeting where that type of  
5 dialogue took place.

6

7 • Jenniges - Needless to say, he was upset with the Board’s  
8 letter and also with what he has heard from the Board of County  
9 Commissioners. It eluted that we have not gone through this  
10 document. This is basically a cliff note on that since he has  
11 read everything about buffers.

12 Jenniges read the executive report:

13 Fix buffer regulations also assume buffers are vegetation of land.  
14 However, fixed buffer widths have no bearing on and equal width  
15 buffers that have the ability to do the same thing. Evidence shows in  
16 urban areas that people pose a threat to wildlife.

17 • Basically what they are saying is you have to go on each  
18 individual site. He is against the additional buffers because of  
19 these reasons.

20

21 E. Baker - Believes land use vegetation goes along with that.

22

23 • Jenniges – That comes after you offer the extra 150 feet.

24

25 E. Baker - You will find with the intensity of the use that it could  
26 potentially go up or down.

27

28 • John Taylor – The Planning Commission has three different  
29 things under discussion.

30

31 A motion was made by Lary Coppola and seconded by Michael  
32 Gustavson that reasonable, enhanced, enhancement, adjacent and  
33 public welfare are all defined. He requested to know what constitutes  
34 these definitions.

35

36 • Frank Mahaffay – E. Baker indicated that the buffers can go up  
37 or down with site specifics. He asked if a scientist does the site  
38 specifics.

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40 E. Baker - it could be either a Department of Community Development  
41 staff or a biologist.

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- Frank Mahaffay – Asked if a third party could be brought into the mix.

E. Baker - If Department of Community Development disagrees then a third party is brought in.

- Mike Gustavson – Offered a friendly amendment to Coppola’s motion in that the County provides a qualified person to do so. A recommendation from the County is scrutinized. The amendment was seconded by Michael Gustavson.

E. Baker - Robbyn Myers is a certified biologist.

- John Ahl - I understand the motion and by defining each and every word that we feel needs interpretation, this document can become burdensome. Each member of the Planning Commission uses this ordinance significantly. This course will lead to nothing.
- Dean Jenniges - Understands Lary Coppola’s issues. In the public testimony, there were many subjective terms. The public felt that two experts could look differently at two separate sites that were exactly the same and this fact bothered Jenniges immensely.
- Tom Nevins - There has been requests to minimize documents that become laws and he questioned why the language in the draft ordinance can’t be more simple and direct. As it is now everything needs defining. We are going to end up with a 2000 page document. Reasonable minds should understand this reasonably.
- Mike Gustavson – Said there are a number of terms in the document with no definition. Without definition, the words can be interpreted differently. If the terms that you are dealing with are understood, more confidence can be applied for understanding the ordinance.
- Frank Mahaffay – Thought that reasonable minds should approach this reasonably. He questioned how a judicial system

1 can make a determination of what is reasonable. How can you  
2 encourage this, One word can be misinterpreted.

- 3
- 4 • Dean Jenniges – A percentage can be placed on something but  
5 just for example, one of the major problems with terminology is  
6 the words “Quality of life.” He referenced policies and goals,  
7 page 4 B1: and read from a written statement what he thought it  
8 should say.
  - 9
  - 10 • Frank Mahaffay – Asked if it was the Department of Community  
11 Development’s responsibility to define this for the Planning  
12 Commission. He thought someone else should do this.
  - 13
  - 14 • Dean Jenniges – Asked if the Planning Commission’s document  
15 will show the changes discussed or will the Department of  
16 Community Development staff have it.
  - 17

18 E. Baker - Staff would define this but then not come back to the  
19 Planning Commission.

20

21 Dave Greetham - “Adjacent” is in the document. It is defined in light  
22 of the 250 foot review. “Enhancement” and Reasonable and  
23 reasonable use” are also there. Adjacent: meets 250 feet in a critical  
24 area and Enhancement: action to improve a degradable area.

- 25
- 26 • Lary Coppola - Who defines what needs to be improved?
  - 27

28 Greetham - If a property owner has to have something enhanced, a  
29 consultant determines what goes along a stream.

- 30
- 31 • Frank Mahaffay – Asked if the Department of Community  
32 Development staff has the authority to do site specific analysis,  
33 then why do we have draft two coming from the State and the  
34 Department of Ecology DOE.
  - 35

36 Greetham – If wetlands must be impacted, the Department has a  
37 ratio. However, with streams this cannot be done which is why a  
38 consultant is used.

- 39
- 40 • Frank Mahaffay – Asked why the DOE is used if there is  
41 sufficient existing staff to conduct site specifics. Why are we

1 not using staff to do the site specifics. He suggested that the  
2 DOE can conduct site specifics.  
3

4 **Greetham – The Department uses the DOE for wetlands and streams.**  
5

- 6 • **Chair Mahan – Said that reasonable is not defined.**  
7
- 8 • **Lary Coppola - Modified his motion to define what is not already**  
9 **defined. Mahaffay seconded the modification.**  
10

11 **THE VOTE: Yes - Lary Coppola, Frank Mahaffay, John Taylor, Dean**  
12 **Jenniges, Lary Coppola, Mike Gustavson and Chair Mahan; No – Tom**  
13 **Nevins and John Ahl. Motion carried.**  
14

- 15 • **Mike Gustavson - Since comments are made that buffers are**  
16 **not required, He wanted to review the studies that have been**  
17 **looked at. BAS is being used as the best way to protect fish.**  
18
- 19 • **Tom Nevins – Point of order. Is there a motion on the table?**  
20

21 **A motion was made by Michael Gustavson and seconded by Dean**  
22 **Jenniges that based on existing science, stream and river buffer**  
23 **distances be set at zero feet to provide opportunity for open canopy.**  
24

- 25 • **Mahaffay - Asked Greetham why he indicated that the DOE is**  
26 **used for science when all of the sciences have been submitted**  
27 **to the record.**  
28

29 **Greetham - Said that was for wetlands only.**  
30

- 31 • **Mahaffay – Asked who made the decision to not use the science**  
32 **that has been submitted by individuals outside County**  
33 **government.**  
34

35 **Greetham – These were considered when the decision was made by**  
36 **staff to not use them.**  
37

38 **E. Baker - Staff looked at all of the science as a whole. He did not**  
39 **disagree that what Gustavson brought forward is BAS. They fall on**  
40 **the edges like a number of things. This is one study.**  
41

1 • Lary Coppola –Wondered what the answer is.

2

3 **E. Baker – Following several months of study, staff has come up with**  
4 **a range.**

5

6 • **Mahaffay – Asked who made the decision.**

7

8 **E. Baker - DOE is being portrayed as one of the studies.**

9

10 • **Chair Mahan – Asked if he heard that the Department of**  
11 **Community Development staff determines which science would**  
12 **be the BAS.**

13

14 **Myers - The information presented by Gustavson was put in the table.**  
15 **Staff looked at it and put it in. It is presented to you in the document.**

16

17 • **Frank Mahaffay - knew it was presented in a white paper and**  
18 **asked who made the decision.**

19

20 **E. Baker – The decision is made by the Department of Community**  
21 **Development. The Director makes the final decision.**

22

23 • **Gustavson - Presented a map of South Kitsap showing a wide**  
24 **variety of small parcels from which comes in a variety of**  
25 **conditions. Everything he has read says to protect anadromous**  
26 **fish. He has seen nothing regarding this from the Department of**  
27 **Community Development staff. All science says the same thing**  
28 **that we need to give the fish sunlight.**

29

30 • **Jenniges – Thinks that the buffers are nothing but habitat**  
31 **protections. Throughout the document it says that. Sediment is**  
32 **removed by the first 10-15 feet. We are looking at species**  
33 **habitat but have not defined species.**

34

35 **E. Baker - There was a vote on this last time.**

36

37 • **Mahaffay - The Planning Commission voted for the Second**  
38 **Draft anyway.**

39

40 • **Chair Mahan: Pointed out that the Planning Commission can**  
41 **change its mind.**

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- **Dean Jenniges – Need to continue with what we are doing. The Department of Community Development is taking the Second Draft to the Board of County Commissioners. The Planning Commission can also submit a majority or minority report to be attached to the Planning Commission’s recommendation. He suggested moving forward to completion of the review and deliberations followed by preparation of a majority report. Nothing is getting done in this debate mode.**
- **Ahl – Thought Gustavson’s last motion was not germane to this discussion.**
- **Mike Gustavson – Yes but this clarifies the point.**
- **Ahl – He would have to abstain from voting on Gustavson’s motion and said he is not a peer. If no cover is better than some cover, how did fish survive before?**
- **Gustavson: People burned the woods to create the fish population. One of our missions is to bring the bookend to be argued later. We should not toss out the science. He has not seen the science from DOE.**
- **Mahaffay: Responding to John Ahl, he wonder if clear cutting killed the dinosaurs.**
- **Nevins - Will take a chance and vote no on this. Being discussed is a body of suggestions to put forward that hopefully will not be laughed at. I do not want to be a part of this.**
- **Jenniges - With regards to zero buffers, there is a lot of science that indicates 0 buffers are good. Many of us disagree with the second draft. To do something constructive based on information and public testimony, he suggested the Planning Commission continue with modifying the draft. It will be the people who make the decision.**
- **Lary Coppola - Will abstain as he believes some buffers are called for. He would like to get back to reviewing the draft as**

1 well. The Planning Commission needs to stop the science  
2 debate.

3

4 • Frank Mahaffay – Did not think any commission member claims  
5 to be a scientist and there is no proof that buffers work. If he  
6 recalls correctly, Cindy Baker is not a scientist.

7

8 • John Taylor: Asked if the term BAS has to be used

9

10 E. Baker - That is not an option since the RCW requires use of the  
11 term BAS.

12

13 THE VOTE: Yes - Michael Gustavson, Dean Jenniges and Frank  
14 Mahaffay; No – Tom Nevins, John Taylor and Chair Mahan; Abstain –  
15 Lary Coppola and John Ahl. Motion failed.

16

17 A motion was made by Tom Nevins and seconded by John Ahl that  
18 section 19.200.210, page 31, be changed from 1,000 square feet to  
19 2,500 square feet and on page 32, change 5,000 square feet to 2,000  
20 square feet. Nevins is not interested in changing all size  
21 requirements. Small wetlands perform a service and water does get  
22 into the ground. The two size changes are the basis for the motion.

23

24 • Jenniges - If they are isolated, nobody will mess with them  
25 anyway. He will vote against the motion because it will nickel  
26 and dime the property owners.

27

28 • Coppola - Reducing it to 1,000 square feet is a bad idea. If you  
29 have a drainage ditch on a piece of property, you have a  
30 wetland.

31

32 • Gustavson: Asked for clarification of a regulated and non-  
33 regulated category and was told it is based on the size. If it is  
34 less than 2500, it is regulated.

35

36 THE VOTE: Yes- Tom Nevins; No- Dean Jenniges, Lary Coppola,  
37 Michael Gustavson, John Taylor and Frank Mahaffay; Abstained 1,  
38 John Ahl; Chair Mahan did not vote. Motion failed.

39

- 1       • Taylor – Was tempted to but did not make a motion that BAS  
2       means common sense and what is common sense is what is  
3       best for the property owner.  
4

5       A motion was made by Dean Jenniges and seconded by Frank  
6       Mahaffay that Policy and Goals on Page 4 be changed to define  
7       maintenance of the laws.  
8

9       **THE VOTE:** Yes-Dean Jenniges, Frank Mahaffay, John Taylor, Lary  
10      Coppola and Mike Gustavson; No-Tom Nevins; Abstained-John Ahl  
11      and Chair Mahan. Motion carried.  
12

13      A motion was made by Frank Mahaffay and seconded by Dean  
14      Jenniges that pages 13 and 14 under paragraph B, Reasonable must  
15      be defined and entry to a person’s property can be refused.  
16

17      Michael Gustavson offered a friendly amendment on page 13 and  
18      Lary Coppola seconded the friendly amendment.  
19

- 20      • Lary Coppola – In Section B, he asked who defines reasonable.  
21
- 22      • Frank Mahaffay - Suggested the wording on the paper be  
23      checked. It was his understanding that everything must come  
24      via Superior Court. The motion is to protect the citizens.  
25
- 26      • Tom Nevins - As the section is written, property cannot be  
27      entered if right of entry is refused. There is a legal process. That  
28      is not necessary for this document. I will vote no.  
29
- 30      • Jenniges - The actual purpose is to avoid complaints, people  
31      cannot come onto property. He thinks it is a protection clause  
32      for disgruntled neighbors.  
33
- 34      • Ahl - As it is written, the property owner can say no, you cannot  
35      come onto the property. On the second part, you don’t need to  
36      have a search warrant.  
37
- 38      • Jenniges - You still have to investigate. A lot of people have to  
39      go through the process.  
40
- 41      • Ahl - thinks this would be a burden and cost.

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- **Mahaffay:** in regards to Tom Nevins' and John Ahl's comments, in a sense the paper does not clearly specify or define the parameters for entering one's property. Currently, if the owner is not there, it does not specify that the Department of Community Development can come on to a person's property. In addition, if we are going to look at this, why shouldn't we look at the time and cost to the property owner. He thought this language was unfair.

**E. Baker - Spent seven years working in Code Enforcement. Superior Court judges never issued a warrant. It could take from six to twelve weeks which would negate the original complaint research because of the untimely approach.**

- **Chair Mahan – Asked if there is another recourse.**

**E. Baker – Gave an example of a wetland violation and the Department of Community Development is denied access to the property. There is no way to know if there is a violation unless staff is allowed access to the property.**

- **Mahaffay – Though the most important individual is the property owner and the citizen and if it is going to be a hassle for the Department, that is the Department's problem to resolve.**

**E. Baker – Believes that if the property owner denies staff access to the property, an inspection will not be done.**

- **Coppola – Asked what the penalty would be and E. Baker told him \$513.00.**

- **Jenniges – Thinks this will resolve itself. The Department of Community Development staff can call the property owner stating they have heard there is a wetland violation on the property. Believes that if the property owners say no, there should be judicial process. He does not think it is up to the County staff to make this decision.**

**E. Baker – Citations are very rarely issued.**

1 • **Mahaffay – Citizen’s rights should be protected.**

2

3 • **Jenniges - Called for the question.**

4

5 **THE VOTE: Yes- Frank Mahaffay, Deborah Flynn, Lary Coppola,**  
6 **Michael Gustavson and Dean Jenniges; No - John Ahl, Tom Nevins**  
7 **John Taylor; Abstained -Chair Mahan . Motion carried.**

8

9 • **Coppola – Referenced page 21 asking who decides what plants**  
10 **and wildlife are native and which fish to specific streams.**

11

12 **Greetham - This chapter designates what is regulated. There has**  
13 **been discussion and/or amended language on this issue. The staff**  
14 **draft has a list.**

15

16 • **Coppola – Asked if the Planning Commission members get to**  
17 **change anything.**

18

19 **Greetham – Did not think it specifies if it all has to be native.**

20

21 • **Coppola - if we are not talking about native he questioned why**  
22 **this is being discussed.**

23

24 **Greetham – Specifics being regulated are listed on page 51, line 20.**

25

26 • **Mahaffay – Asked why things are referenced but not on the list.**

27

28 **Greetham – Because they are part of the habitat.**

29

30 • **Coppola – Asked for the definition of habitat and species of**  
31 **local importance.**

32

33 **Greetham – This reference is listed under GMA. Kitsap County has**  
34 **not done this because there is no list of local importance.**

35

36 • **Mahan – This fact could allow the Planning Commission to**  
37 **amend this section.**

38

39 • **Gustavson – Commented that this wording is lose and that**  
40 **when looking at the species and geography, Kitsap should have**  
41 **about 5000 wetlands, On them there are nine amphibians where**

1 five hatch in the water. Amphibians do not care about lines on a  
2 map. It cannot be contested that Kitsap County is a wetland.

3

- 4 • Coppola – Referenced non-native plants on page 23, asking  
5 why Kitsap County should be concerned with non native plants.  
6 He has nothing against buttercups.

7

8 Greetham – It merely states what is in the wetlands.

9

10 Myers - It takes more than vegetation to protect a wetland. You need  
11 the three parameters. It is a jurisdictional wetland.

12

13 Greetham – Directed the Planning Commission members to the  
14 definition section.

15

- 16 • Coppola – It seems like staff is proposing to protect species  
17 that we don't have on any list.

18

19 Greetham – Staff is not proposing protection, this is just a  
20 placeholder.

21

- 22 • Mahan – Could not find anything in the document proposing to  
23 protect grazing in wet meadows.

24

25 Greetham - If meadows were grazed in the last five years, they are  
26 protected.

27

28 A motion was made by Michael Gustavson and seconded by Frank  
29 Mahaffay to clarify language on page 21, line 12, regarding species of  
30 local importance, as to what is being protected. Suggested it place  
31 emphasis on protecting threatened and endangered species. He  
32 moved to change fish, plant and wildlife critical habitat to those  
33 parcels of the land and water specifically identified throughout the  
34 Planning Commission public process as being of critical importance  
35 to the maintenance of state listed endangered or threatened spawned  
36 adromonous fish, plan and animal species resident in KIC. These  
37 areas would include named commercial and recreational shellfish  
38 areas, kelp and eelgrass beds, forage fish spawning areas, naturally  
39 occurring ponds and their submerged aquatic beds that provide  
40 habitat for named species, waters of the state, lakes and stated  
41 natural area preserves and natural resources conservation areas.

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- **Mahaffay - There was a round table discussion held in Silverdale and he thinks that what the citizens said has been totally ignored. At the meeting, people were talking about various animals that do not belong on the endangered list or should not be listed as species of local importance. But to not have a list, the risk is taken that the entire county could be considered a critical area. He mentioned deer prints being hard to find in Kitsap County but are prevalent in Eastern Washington. He thinks to Critical Area Ordinance should be revised to address the deer population.**
- **Jenniges – Thought one of the issues is the adaptability of the species. Eagles will nest in power lines and trees. The spotted owls can live in different places. This is definitive.**
- **Gustavson - With the passage of the GMA, Kitsap County has 5, 10 and 20-acre minimum zoned parcels. Most of the lots are built out. Animals will walk around at free will. There needs to be a process addressing this.**
- **Ahl – Asked to have the motion re-read. Gustavson did so.**
- **Ahl: what you are proposing is far outside the Planning Commission’s scope of work.**
- **Nevins – This reminds him of a series of field trips. This is not what the Planning Commission is charged with doing. He was willing to continue with the Planning Commission duties.**
- **Gustavson - The maps are provided by the Department of Community Development staff. Specifically, not every species needs to be protected. That is way beyond what is intended by the legislature.**
- **Mahan - Will vote for the motion because he has seen this same thing being done in Pierce County.**

**THE VOTE: Yes -Frank Mahaffay, Dean Jenniges, Lary Coppola, Mike Gustavson, Monty Mahan; No - Tom Nevins and John Ahl.**

1 Motion carries

- 2
- 3 • Nevins - Page 35 indicates buffers have been rolled back to the
  - 4 previous Critical Area Ordinance size. No one has addressed
  - 5 the increased flexibilities. We are looking at buffers of 50%.

6 •

7 A motion was made by Tom Nevins and seconded by John Ahl that

8 line 16 2. E, be changed from 50% to 25%

- 9
- 10 • Jenniges - When checking the document, it states that 50%
  - 11 reductions are acceptable. Because we have gone back to the
  - 12 original ordinance, it allows the County to work with the
  - 13 citizens.
  - 14
  - 15 • Ahl - it seems this motion is another bookend to the default of
  - 16 the original distance. On one hand you recommend the buffers
  - 17 by DCD, it gives flexibility. If you go back to the original, it
  - 18 would be a net weakening of what is already in place.
  - 19
  - 20 • Mahaffay - Will vote against the motion. At the first meeting
  - 21 Tom Nevins supported draft 2 which states that buffers are
  - 22 flexible.
  - 23
  - 24 • Nevins; Since I have been called disingenuous, I will speak. We
  - 25 are looking at a roll back to another time. If the second draft
  - 26 was accepted, I wouldn't be discussing this. Flexibility is a
  - 27 great thing. There is a need to get a grip on the base line. I feel
  - 28 genuine with the amount of flexibility. We cannot go back with
  - 29 new flexibility.
  - 30
  - 31 • Taylor – Asked to have the motion repeated.
  - 32
  - 33 • Nevins - that line 16 2. E, be changed from 50% to 25%
  - 34
  - 35 • Taylor – Requested input from staff.
  - 36

37 E. Baker - Staff had supported larger buffers with flexibility. Staff

38 feels that with 50% of 100, there is a larger chance of getting back to

39 BAS. Staff would be supportive.

40

- 1 • **Gustavson – What he read in that the minimum buffer width will**
- 2 **not be less than 50% but then not less than 25%. This is**
- 3 **contradictory.**
- 4
- 5 • **Nevins - Amended his motion that was seconded by John Ahl,**
- 6 **changing his motion to read from 75% instead of 50%.**
- 7
- 8 • **Coppola – Has never known Tom Nevins to be disingenuous.**
- 9
- 10 • **Mahaffay: Heard it differently and will still vote against the**
- 11 **motion.**
- 12
- 13 • **Gustavson: proposed the original motion to be fine.**
- 14

15 **THE VOTE on amended motion: Yes- Tom Nevins and John Ahl, No -**

16 **John Taylor, Frank Mahaffay, Dean Jenniges Lary Coppola, Mike**

17 **Gustavson and Monty Mahan. Motion failed.**

- 18
- 19 • **Chair Mahan - Passed on comments.**
- 20
- 21 • **Taylor - Passed on comments.**
- 22
- 23 • **Jenniges – During a previous discussion on buffers, it was**
- 24 **stated that a buffer width depends on what you are trying to**
- 25 **protect. You need to be site specific. On page 34, table 1, there**
- 26 **is nothing that identifies this stipulation.**
- 27

28 **A Motion was made by Dean Jenniges and seconded by Michael**

29 **Gustavson to amend table 1 as written and read into the record by**

30 **Jenniges.**

- 31
- 32 • **Frank Mahaffay - In the interest of time, we may have to undo**
- 33 **what we just did. The 25% reduction is already in place.**
- 34 **Changing it creates a contradiction on page 38.**
- 35

36 **Myers - What you changed was for buffer averaging. That is**

37 **sequencing for administering. It is assaying the use of the buffer.**

- 38
- 39 • **Mahaffay – Asked about buffer averaging and how 50% could**
- 40 **be accomplished.**
- 41

1 **Myers – 50% of the required buffer still must be retained.**

- 2
- 3 • **Gustavson - I will vote in favor because buffers are needed on**  
4 **wetlands when wetlands need to be mitigated. Wetlands need**  
5 **to perform their function. You have to have the right kind of**  
6 **soils. Soil scientists are not scientists.**

- 7
- 8
  - 9 • **Dean Jenniges - One thing needing to be enforce is the**  
10 **mitigation process for wetlands, not buffers. To me the**  
11 **wetlands are an aspect of species habitat. The biggest concern**  
12 **about wetlands is pollution. When you talk mitigation, it is for**  
13 **the wetlands not the buffers.**

- 14
- 15 • **Gustavson: What about the forest industry? Buffers do not**  
16 **keep storm water out. Now there are toxins.**

17

18 **THE VOTE: Yes - John Taylor, Frank Mahaffay, Dean Jenniges, Mike**  
19 **Gustavson; No - Monty Mahan, Lary Coppola, Tom Nevins and John**  
20 **Ahl. Motion carried.**

21

22 **A motion was made by Frank Mahaffay and seconded by Mike**  
23 **Gustavson that in reference to the review area, that the wording to**  
24 **eliminate “250 feet” and make it read “site specific.” Additionally he**  
25 **moved to put a (.) after the word “buffer.”**

- 26
- 27 • **Nevins – This section addresses regulated use and activity that**  
28 **is within 250 feet of critical areas. If the area was a shopping**  
29 **center, it would require no more than a look. However a single**  
30 **family home on a 5-acre lot of land would not make a difference.**  
31
  - 32 • **Ahl – Referenced page 33 and said that during public testimony,**  
33 **much was heard a lot of the wetlands topic. For instance, how**  
34 **does one know if wetlands exist on their property. It might be a**  
35 **simple thing. As it is written now, wetlands have to be**  
36 **identified. He thought this information should be part of the**  
37 **County’s records. Part of the solution could be to identify and**  
38 **record.**
  - 39
  - 40 • **Gustavson – Believed that if he wanted to build a house and his**  
41 **neighbor has a wetland on his property, he can’t build his**

1 house. Mitigation just costs money and he wanted to know how  
2 much the County intended to charge the home builder for  
3 identifying and mitigating wetlands.  
4

- 5 • Mahaffay - Because Tom Nevins could be swayed, it could only  
6 be a review and I disagree with that. Page 33 discusses  
7 identified wetlands. What concerns me is that it costs the  
8 property owner money.  
9
- 10 • Nevins - The language is written to actually protect wetlands. If  
11 there are wetlands on the neighbor's property, it will affect your  
12 property as well.  
13
- 14 • Gustavson - Water from the wetlands does not leave the  
15 property.  
16
- 17 • Nevins - There are large properties where this is not the case.  
18
- 19 • Frank Mahaffay – These need to be specified.  
20
- 21 • Gustavson – Re-addressed wet frogs and said the range goes  
22 for miles. He suggested limiting it to less than 250 feet.  
23

24 Lary Coppola offered a friendly amendment that the buffer area be  
25 restricted to the table of the base buffer widths.  
26

27 Frank Mahaffay withdrew his motion.  
28

29 Break at 12:00 noon  
30

31 E. Baker - Explained the BOCC hearings. The board has tasked staff  
32 to transmit the Critical Areas Ordinance and on November 7, there  
33 will be an administrative briefing.  
34

- 35 • Coppola – Questioned who would be presenting the Planning  
36 Commission's recommendations and was told it would be staff.  
37
- 38 • Gustavson - Asked why it would be staff and not a Planning  
39 Commission member.  
40

- 1       • Mahan – Asked if one of the Planning Commission members  
2           could present the recommendation if they wanted to.

3  
4       **E. Baker – By statute, the Planning Commission makes its  
5       recommendation to staff then staff presents to the Board of County  
6       Commissioners. On November 14, the Board of County  
7       Commissioners will hold a public hearing on the 2<sup>nd</sup> draft. For that  
8       hearing, staff will prepare a table of all Planning Commission  
9       comments and changes. The Findings and recommendation will be  
10      presented at the Board’s work/study session.**

- 11  
12      • Gustavson – Asked if when the recommendation is presented, if  
13           it is in support of the Planning Commission’s position

14  
15      **E. Baker – The Board will watch each and every motion made by the  
16      Planning Commission.**

- 17  
18      • Gustavson – Reiterated that it is very important.

19  
20      **E. Baker – Expressed uncertainty about discussion for the remainder  
21      of the day and for tomorrow. He was hoping to have the findings of  
22      fact drafted by tomorrow.**

- 23  
24      • Gustavson – Discussion on the Interim Rural Forest (IRF) issue  
25           was tabled indefinitely. He asked if the IRF come back to the  
26           Planning Commission or does goes directly to the Board of  
27           County Commissioners for public hearing and decision.

28  
29      **E. Baker - Said it will come back to the Planning Commission but was  
30      unsure whether the Comprehensive Plan language does or not.**

- 31  
32      • Gustavson – Asked if the County is found out of compliance,  
33           where the money for sanctions comes from.

34  
35      **E. Baker - If sanctions are imposed, it is up to the governor of the  
36      State to oppose or impose them.**

- 37  
38      • Taylor – Asked why the Central Kitsap Community Council  
39           (CKCC) is involved with zoning reclassification requests. It  
40           seemed to Taylor that the CKCC is doing work that is the  
41           responsibility of the Planning Commission.

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**E. Baker - The CKCC acts in the capacity of a community group.**

- **Coppola – He understood that the CKCC discussed the 85 reclassification requests to determine if they fit in their community. Coppola said this should be done through the sub-area planning process.**
- **Chair Mahan – Would like to stop today’s meeting by 3 PM. Each amendment that passes should be documented and forwarded to the Board of County Commissioners.**
- **Coppola – Asked what happened to all of the proposed changes.**

**E. Baker – If Coppola is referring to the proposals that were in the minutes, he recommended that they be forwarded today.**

- **Jenniges - Asked Baker if he had all of them and Baker said staff would sort them out.**
- **Chair Mahan - Gustavson thinks we should forward what we don’t have.**
- **Jenniges - There is going to be a Board of County Commissioners' public hearing and they will have to go through some kind of process. He asked what happens after that.**

**E. Baker – Explained what happens when the Board of County Commissioners has concerns. It is always possible to come to a compromise on any issue. Staff will draft a document that meets the Planning Commission’s approval.**

- **Jenniges – Questioned what happens if it is the Board’s final decision and the Planning Commission doesn’t agree with it.**

**E. Baker – Then it will be the adopted.**

- **Ahl - passed on comments.**

- 1 • Coppola – Referenced page 35, line 21 asking for the difference  
2 between the tree protection area and the buffer.  
3

4 Myers - It is defined as being 5 feet beyond the tree canopy along the  
5 drip line to protect the trees that lie within the buffer.  
6

- 7 • Coppola – This sounds like the County is just adding another  
8 regulation.  
9

10 Gustavson - Built a house a few years ago and doesn't believe the  
11 trees die. He disagreed with that comment.  
12

13 A motion was made by Lary Coppola and seconded by Michael  
14 Gustavson that beginning with line 18, strike the entire section.  
15

- 16 • Nevins - Was made aware of a tree that fell through a neighbor's  
17 roof with impact. There is a law suit pending. He will vote  
18 against this motion.  
19

- 20 • Mahaffay – Asked if there is any sciences that addresses  
21 protection areas for wildlife.  
22

- 23 • Gustavson this is a homeowner's problem. The County should  
24 not have their nose in it.  
25

- 26 • Taylor - I agree with paragraph F because I have gone through  
27 this with contractors and then the tree is dead. I support the  
28 theory, however it will be very hard to enforce. It is difficult to  
29 require builders to comply with this. The document protects the  
30 buffer area.  
31

- 32 • Mahaffay - This is a section where the property owner is  
33 responsible. It puts people in a real bad position. People have  
34 to go to work and I will support this motion.  
35

- 36 • Gustavson - Also supports the motion.  
37

- 38 • Chair Mahan: Asks Robbyn if this only occurred when there is  
39 buffer averaging and was told that, yes, this is correct.  
40  
41

1 THE VOTE: Yes - Frank Mahaffay, Dean Jenniges, Lary Coppola and  
2 Mike Gustavson; No - Tom Nevins, Monty Mahan; and Abstained:  
3 John Ahl. Motion carried.  
4

5 A motion was made by Michael Gustavson and seconded by John  
6 Taylor, referencing page 45, 6B, line 40 regarding pesticides. He  
7 recommended replacing the paragraph with new language.  
8

- 9 • Jenniges – Thought a court case stipulated one can go up to  
10 the water’s boundaries because they all have to be approved by  
11 the EPA. That includes spraying by aircraft.  
12
- 13 • Gustavson - Chemicals are chemicals. I buy them off of the  
14 shelf. And I have the ingredients. Average people think if you  
15 can buy it off the shelf, it is okay. If it is in liquid form and it  
16 stays active, there are two problems; stormwater and chemical  
17 pollution.  
18
- 19 • Jenniges – Asked what is done with noxious weeds and  
20 Gustavson said they must be hand removed.  
21
- 22 • Jenniges – This discussion references people with chemicals in  
23 growth. Long Lake has chemicals in it.  
24
- 25 • Gustavson – Would entertain a friendly amendment to the lakes.  
26 The trick is to keep the chemicals out of the water.  
27
- 28 • Mahaffay - this is saying that it could be in the buffers as long  
29 as it is a licensed applicator. Try to close a real estate deal with  
30 this. If it becomes a problem, you are going to intimidate  
31 people from buying homes.  
32
- 33 • Ahl - Thought the discussion was about utilities.  
34

35 THE VOTE: Yes -Tom Nevins, Lary Coppola, John Ahl, Monty  
36 Mahan and John Taylor: No - Dean Jenniges; Abstained - Frank  
37 Mahaffay abstained. Motion Carried.  
38

- 39 • Mahaffay - Wondered what would be a potential increase in  
40 what it costs for utilities and the costs for the time.  
41

1 • Gustavson – The language seems to cover what you are trying  
2 to say. Are they or are they not already going through the  
3 process?

4  
5 • Nevins: Asked if this was a type I, II, or III.  
6

7 Greetham - In the wetland chapter the variance term may be a little  
8 strong. The intent was to avoid variance hearings.  
9

10 • Nevins - if this is a type I, then the Planning Commission will  
11 not hear it.  
12

13 • Mahaffay - Staff has taken this into consideration. Questioned if  
14 the level of decision is potentially at risk of being changed.  
15

16 • Jenniges - I believe they already have a process. They have  
17 guidelines so they can do something. Maybe the word variance  
18 is not the right word.  
19

20 • Taylor – Suggested adding the following language to number 4.  
21 “Changes shall be made to the highest level of protection to the  
22 wetlands.”  
23

24 • Jenniges – Thought that protection is already covered on page  
25 9.  
26

27 • Taylor – Asked staff if this is correct and Greetham confirmed  
28 that protection is already covered. Taylor withdrew is  
29 suggestion.  
30

31 A motion was made by Dean Jenniges and seconded by Mike  
32 Gustavson to strike “or buffers” on page 47, Section A, 19.200.250,  
33 Move to strike or buffers.  
34

35 • Chair Mahan – Asked staff explain this on Section B.  
36

37 Myers – If the buffers are not protected then neither is the wetlands.  
38 This is a clarification of sequencing for wetlands and buffers. There  
39 is no net loss.  
40

- 1       • Jenniges: The mitigation process was taken out of his binder.  
2       Buffers are not referenced. His draft strictly talks about  
3       wetlands. Since buffers are not referenced, his point is to take  
4       out buffers.

5

6       Myers – The word “buffers” is added for clarification.

7

- 8       • Jenniges – It would still read correctly without the word  
9       buffers.

10

- 11       • Mahaffay - The purpose of the wording is to protect the  
12       wetlands.

13

- 14       • Chair Mahan – Gave an example of having a 100-foot buffer that  
15       could be reduced and Myers responded that on a 1 to 1 ratio  
16       with the administrative buffer, it is mitigated by other means.

17

18       **THE VOTE:** Yes - Dean Jenniges, John Ahl, John Taylor, Frank  
19       Mahaffay, Lary Coppola and Mike Gustavson; No - Tom Nevins;  
20       Abstained - Monty Mahan. Motion carried.

21

22       A motion was made by Frank Mahaffay and seconded by John Taylor  
23       to strike the word buffers on page 47, line 45.

24

- 25       • Tom Nevins – Suggested Mahaffay may want to eliminate the  
26       word buffer from the entire document. He said he would not  
27       vote for this motion because buffers are designed to protect the  
28       wetlands.

29

- 30       • Jenniges – Referred back to the entire section on page 47  
31       Sections A and B. He said the Commission is jumping back  
32       and forth in their deliberations. His point is that the mitigation  
33       process is about the wetlands not buffers. The intent is to  
34       protect the wetlands. Buffers make a wetland larger.

35

- 36       • Mahaffay – Asked Jenniges if his comment would be a friendly  
37       amendment.

38

39       John Taylor offered a friendly amendment to remove B. thus C would  
40       become B.

41

- Jenniges – Did not believe B needs to be there.

THE VOTE: Yes - John Taylor, Frank Mahaffay Dean Jenniges, Lary Coppola< Mike Gustavson and Lary Coppola; No - Tom Nevins and John Ahl; Abstained – Chair Mahan. Motion carried.

A motion was made by Lary Coppola and seconded by Michael Gustavson that a new Section G be added on page 39 at the end of line 9 to read, “In the event a buffer intersects a previously built environment such as a road, the buffer will terminate at that point and not cross the built environment.”

Michael Gustavson offered a friendly amendment to state “such as maintained roads and structures.”

- Mahaffay – Thought this to be a great addition. He said it makes no sense to have a buffer where there is a county road.
- Nevins – Asked what if a road abuts a lake; does this preclude anything.
- Coppola – Asked Nevins how he would fix it.
- Nevins - He would leave the wording as is.
- Gustavson - if there is an issue on the other side of the road the issue is just that; on the other side. Locally there is no documentation of impact.
- Taylor – Asked staff for a better suggestion

Greetham – A contents approach would then be used. For example, there was a continuous buffer over the canopy.

- Coppola – Asked to have that stated in the document.

E. Baker - Staff would be concerned if building were determining that. If there is a house and 100 yards, then the house is the buffer line.

Other examples were provided by Coppola and Chair Mahan.

1 E. Baker - Said the county road way is the most obvious.

2

3 • Gustavson - the problem is if it was built in compliance, and it  
4 burns down, unless the words are in here it is not in that  
5 footprint.

6

7 • Mahaffay - When referencing a house, he disagreed. He said  
8 that two parcels encompass a wetland.

9

10 E. Baker – One would then have the ability to build further and  
11 expand the footprint. Expansion is possible.

12

13 • Gustavson – Though that would be a flat earth planning  
14 concept.

15

16 • Mahaffay - There may be no choice but to build closer to the  
17 wetlands. He offered a friendly amendment to the motion to  
18 add maintained roadways.

19

20 THE VOTE: Yes – Lary Coppola , Michael Gustavson, Dean Jenniges,  
21 John Taylor and Frank Mahaffay; No – John Ahl and Tom Nevins;  
22 Abstained – Chair Mahan. Motion carried.

23

24 Michael Gustavson – When the vote was taken on the pesticides  
25 topic, he proposed a motion on page 57 line 7 to use the same  
26 language.

27

28 THE VOTE: Yes - John Ahl, Tom Nevins, John Taylor, Dean  
29 Jenniges, Lary Coppola, Mike Gustavson and Monty Mahan;  
30 Abstained - Frank Mahaffay. Motion carried. (No second to this  
31 motion)

32

33 A motion was made by Mike Gustavson and seconded by John  
34 Taylor to replace language from the DOE on recommended wetlands  
35 use with the federal manual in accordance with WAC 365.190-080 1-  
36 C.

37

38 • Gustavson – Noted that an A. J. Breadbeard said the Critical  
39 Area Ordinance draft as written will make him a lot of money.

40

- 1       • Nevins - Found it interesting that in some of the discussion and  
2       motions today, the Planning Commission appears to be  
3       appealing the federal government. He moved for the question.  
4

5       **THE VOTE: Yes - Frank Mahaffay, Dean Jenniges, Lary Coppola and**  
6       **Mike Gustavson; No - Tom Nevins, and John Ahl; Abstained - John**  
7       **Taylor and Chair Mahan. Motion failed.**  
8

9       A motion was made by Tom Nevins and seconded by John Taylor  
10      page 39, line 29 to replace the word “may” with “shall.”  
11

12      Greetham – Said that staff already does this.  
13

- 14      • Coppola – Asked who pays for the fence.  
15

16      Greetham - They are utilized for plats, paid for by the applicant and  
17      finalized by a Building Inspector. The fencing is permanent and there  
18      are no specifics on what type of fencing to be used.  
19

20      **THE VOTE: Yes - Tom Nevins; No – Dean Jenniges, Frank Mahaffay**  
21      **and Michael Gustavson; Abstained - Lary Coppola and John Ahl;**  
22      **Passed – Chair Mahan and John Taylor. Motion failed.**  
23

24      A motion was made by Dean Jenniges and seconded by Frank  
25      Mahaffay that on page 52, the wording “wildlife habitat conservation  
26      areas” be removed.  
27

28      Greetham – There already is a class I and Class II. In Class II, the  
29      language is open ended.  
30

- 31      • Jenniges – Asked if this paragraph on page 52 would be  
32      satisfactory if lines 22 through 43 were eliminated.  
33
- 34      • Nevins – Believes this is a critical area because it is defined as  
35      one. This section speaks to that and therefore should be  
36      included.  
37
- 38      • Jenniges – As a supportive comment, he felt that A covers all of  
39      the species as far as wildlife habitat is concerned. Why not  
40      eliminate this?  
41

- 1 • **Gustavson – If the Planning Commission meets again**
- 2 **tomorrow, we should defer this so staff has time to discuss the**
- 3 **change.**
- 4
- 5 • **Chair Mahan – Did not agree with removing B.**
- 6
- 7 • **Jenniges – Since the discussion is about critical areas, not**
- 8 **habitat, he thinks the entire section is not required.**
- 9

10 **THE VOTE: Yes - Dean Jenniges, Frank Mahaffay, John Taylor, Lary**

11 **Coppola and Mike Gustavson; No - Tom Nevins and John Ahl;**

12 **Abstained – Chair Mahan. Motion carried.**

13

14 **A motion was made by Frank Mahaffay and seconded by John Taylor**

15 **to change category I to 100 feet.**

16

17 **THE VOTE: Yes - John Taylor, Frank Mahaffay, Dean Jenniges, Lary**

18 **Coppola and Mike Gustavson; No - John Ahl, Tom Nevins and Chair**

19 **Mahan. Motion carried.**

- 20
- 21 • **Ahl - passes**
- 22
- 23 • **Coppola - Passes**
- 24

25 **A motion was made by Michael Gustavson and seconded by Frank**

26 **Mahaffay that section 2. line 27-36 on page 39, be deleted and that in**

27 **the next section, page 60, line 19, delete the word “permanent.”**

28

- 29 • **Gustavson - Thought the problem is that people think it is the**
- 30 **County’s property and do not want to touch things. If people do**
- 31 **not think they own it, they won’t do anything.**
- 32

33 **THE VOTE: Yes - Mike Gustavson, Frank Mahaffay, Dean Jenniges**

34 **and Lary Coppola; No – John Ahl, Tom Nevins and John Taylor;**

35 **Abstained – Chair Mahan. Motion carried.**

36

37 **A motion was made by Tom Nevins and seconded by John Ahl that**

38 **on page 53, reference to shorelines, that since some shorelines are**

39 **saltwater, change shoreline buffer widths from 35 to 150 feet until**

40 **type of shoreline can be substantiated.**

41

- 1 • **Mahaffay - Will vote against this motion because we have seen**  
2 **science where buffers do not have to be that big. It has been**  
3 **said that infrastructure does not exist. There are a lot of**  
4 **properties that would be unusable.**  
5
- 6 • **Jenniges: Did not believe the County has shoreline buffers. He**  
7 **said they are in reality estuaries. He would therefore vote**  
8 **against this motion. He did not believe fish run into bulkheads.**  
9 **Bulkheads are not negative issues to the shorelines. They**  
10 **provide for sea life.**  
11
- 12 • **Ahl – Thought that 35 feet is not enough but 150 feet is too**  
13 **much.**  
14
- 15 • **Coppola: Agreed with Ahl. By the time you take a 150-foot**  
16 **buffer with a 15-foot setback, it no longer makes sense.**  
17
- 18 • **Gustavson – Suggested revisiting this topic at a later time.**  
19
- 20 • **Nevins - In addition, we have reasonable use. We are not into**  
21 **taking.**  
22
- 23 • **Chair Mahan - If this correlated with areas of high use, he would**  
24 **be open to changing the footage, but not an overall blanket**  
25 **change.**  
26
- 27 • **Jenniges - So far salmon runs have increased. I believe the fish**  
28 **are smart enough to know where to go.**  
29

30 **THE VOTE: Yes - Tom Nevins; No - John Taylor, Frank Mahaffay,**  
31 **Dean Jenniges, Mike Gustavson and Chair Mahan; Abstained - John**  
32 **Ahl and Lary Coppola. Motion failed.**  
33

- 34 • **Chair Mahan - Passes**  
35

36 **E. Baker - Staff has been inputting changes for the 2<sup>nd</sup> draft and**  
37 **hopefully the findings of fact and changes are the most difficult.**  
38 **From there, we will move to the Board of County Commissioners.**  
39 **They will hold a work/study session on November 7. There will be a**  
40 **public hearing on November 14 and the goal is to get most of the**  
41 **recommendations out by 12:00 PM.**

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- Ahl - Would like the Planning Commission to consider BAS to mean common sense science and common sense to mean what is best for the property owner.

A motion was made by Tom Nevins and seconded by Dean Jenniges that deliberations be closed and if any Planning Commission member has other contributions to add, that they include them separately.

- Gustavson - The Planning Commission offered to give weight to minority reports. The possibility to put issues under one signature carries no weight.
- Mahaffay - Agreed with Gustavson and suggested a motion to include anything any member wishes in the recommendation. The time needs to be clarified.
- Jenniges – Felt unsure because of the uncertainty of what additional recommendations will be as they stand. We have put a lot of work into this. The Department of Community Development has a requirement to fulfill. Individual Planning Commission members should submit their additional comments individually.
- Taylor – The Planning Commission has done its job and now staff needs time to process the information. This would be a way to show the Board of County Commissioners a little bit of difference. There are still public hearings to be held. Any one of us can stand up and speak.
- Gustavson – Agreed but still has not spoken about very important issues he believes should come to the table. The Board of County Commissioners can have a Saturday night read if they want. If we are a day late so what. I think we should be heard.
- Taylor – Asked to summarize Gustavson’s comments.
- Gustavson – His felt that his remaining issues needed to be debated as others were today.

- 1 • **Coppola - Sympathizes with Gustavson and agreed that the**  
2 **Planning Commission does not seem to have been aware that**  
3 **all accomplished will not be in a third draft. He was in favor of**  
4 **exploring Gustavson's comments.**  
5
- 6 • **Ahl: Agreed with Jenniges and others that it would be in their**  
7 **best interest to close and move on.**  
8
- 9 • **Jenniges: Also agrees with Gustavson and asked if there wasn't**  
10 **some way after today's session for another chance to finish**  
11 **reviewing the document or is this the final meeting.**  
12

13 **E. Baker - It was his understanding that this draft will be the one cut**  
14 **for the next seven years.**  
15

- 16 • **Mahaffay – Wondered if further review was relevant to the**  
17 **interpretation and the law, He understood that the Department**  
18 **of Community Development has no choice but to forward its**  
19 **recommendations which makes it clear that the Department of**  
20 **Community Development must finish this. But to answer**  
21 **Jenniges' question, the Planning Commission may have**  
22 **another chance.**  
23
- 24 • **Gustavson – Opined that the Planning Commission would not**  
25 **be in this hurried up situation if it had not missed six**  
26 **work/study sessions which he felt was a violation of the rules.**  
27 **The public never had a chance to have a back and forth. This is**  
28 **spelled out in the WAC.**  
29
- 30 • **Taylor – Asked if there was a motion on the table that today's**  
31 **session is finished.**  
32
- 33 • **Ahl – If another meeting is scheduled for tomorrow, can there**  
34 **be some assurance that the discussion will be done finished by**  
35 **noon tomorrow.**  
36
- 37 • **Mahaffay – This is a major document that needs to protect the**  
38 **citizens and we should not put a timeline on it. The Planning**  
39 **Commission should be able to deliberate until satisfied it is**  
40 **finished.**  
41

**Kitsap County Planning Commission –October 31, 2005**

1 **THE VOTE: Yes - Tom Nevins, John Ahl and Chair Mahan; No - John**  
2 **Taylor, Frank Mahaffay, Dean Jenniges, Lary Coppola, Mike**  
3 **Gustavson. Motion failed.**

4

5 **A motion was made by John Taylor and seconded by Michael**  
6 **Gustavson that this work/study session and deliberations be**  
7 **continued to tomorrow from 12:30 PM to no later than 5:00 PM.**

8

9 **THE VOTE: Yes – Michael Gustavson, Lary Coppola, John Taylor,**  
10 **Dean Jenniges, Frank Mahaffay, John Ahl and Tom Nevins; No –**  
11 **Chair Mahan. Motion carried.**

12

13 **APPROVED this \_\_\_\_ day of \_\_\_\_\_, 200\_\_.**

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Chair

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Secretary