

MINUTES

KITSAP COUNTY PLANNING COMMISSION January 25, 2005

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

9:00 AM

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

9:05 A.M.

Approval of Minutes

B. November 23, 2004 Minutes

A **motion** was made by Tom Nevins and seconded by Michael Gustavson that the Planning Commission minutes of November 23, 2004 be approved, as amended. (Page 265, line 9, non-pervious instead of non-forest) **Motion carried.**

C. WORK STUDY

Vice Chair Mahan adjusted the agenda and re-arranged the items listed for work study.

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1. Kingston Phase II Design Standards

Andy Bergsagel, DCD staff, referenced a memorandum distributed today, highlighting changes to the Kingston Design Standards. He said the original document was adopted but had some problems. Some maps in the original document will be updated to reflect current zoning. There is an Urban Village Center (UVC) zone in the Kingston area. This area calls for mixed-use development. Current UVC zoning doesn't match up to the established Old Town District and staff is proposing to make UVC standards and zoning in the Old Town District match up. Also, the existing document was somewhat confusing to developers. Changes will include a distinction between the types of development one expects to see in the pedestrian oriented areas such as the Old Town District vs. the more vehicle-oriented developments such as retail with parking lots. The goal here is to facilitate a user-friendlier document plus more professional, practicable and efficient. Several photographs illustrating points of the design study have been added as well as some drawings that did not meet the community's vision were deleted. The community feels that Kingston should maintain a traditional architectural theme. One community member described it as an 1890's feel instead of a modern ambiance. Hopefully, developers will respect this and maintain the integrity of the more traditional look. Wording was clarified and grammatical corrections made. Some standards were modified with clarifications added. The general outline was thought to be confusing. It was changed to follow a standard outline format. Formatting errors were corrected and several items reorganized for a better fit in another category or chapter. Lastly, any redundancies were reduced. A complete draft document will be available soon but there are still some changes to be made. For instance, he is currently making changes based on discussions with Karen Ross of the Kingston Revitalization Committee and the KCAC and Annie Humiston, also a member of the KCAC. These community leaders were very pleased with the modifications and had minor changes to add. Again, the ultimate goal is clarity and efficiency for developers to interpret. Bergsagel plans to have design standards approved together with the Kingston, Phase II plan and any zoning changes. All codes will be checked to assure compatibility with the new Design Standards.

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- **Dean Jenniges – Questioned for clarification the discussion regarding pedestrian character of Old Town and esthetics of Old Town Kingston look and asked if it is correct that developers will be able to meet the standards set forth in the final document. He then asked if there would be a review committee to assure compatibility.**

Bergsagel – There are no plans for any design review boards due to clarity of the new document. If a project is more complicated in nature thus needing SEPA review, it will then go through site plan review under SEPA. If it is not going to be over the SEPA threshold, it should then be a simpler review together with the building permit. Examples would be remodels and/or add-on. There is no intention to have another layer of review thus facilitating the developer to move through the permitting process quicker. Bergsagel assured Jenniges that the Kingston community is satisfied with the Design Standards.

- **John Ahl – Asked if the Design Standards would come before the Planning Commission for public hearing.**

Bergsagel –The Standards will be presented together with Kingston, Phase II.

2. Burn Ban

Eric Baker – The Puget Sound Clean Air Agency said no to any exemption from current regulations to lift the burn bans in UGAs for short periods during spring and fall. Kitsap County would need the Agency’s approval in order to lift the ban. E. Baker has a letter from the Agency stating this and will provide copies for the Planning Commission members if they so desire.**

- **John Taylor – Clarified that this request came from Commissioner Lent.**
- **Jenniges – Asked what authority the Clean Air Agency has over the County.**

1 E. Baker – The Washington State WAC governs these types of
2 requests.

- 3
- 4 • e Chair Mahan - Asked for distribution of the State Statute to
5 PC members as well as the Clean Air Agency letter.** He
6 also said this is not a matter that the Planning Commission
7 has any decision making authority over and should be
8 discussed with staff outside of the Planning Commission
9 meeting.

10

11 E. Baker – There was a general request to lift the ban, in theory,
12 from KAPO. He will provide letter to Planning Commission
13 members.**

- 14
- 15 • Ahl – It is time to look at alternatives to burning in rural
16 areas.

17

18 Maxine Bowlby – A member of the audience, asked if this issue is
19 dead or is there any recourse. Twice a year is not unreasonable to
20 allow homeowners with yard debris to burn it.

21

22 Eric Baker – He will take her name and address and get back to her
23 with information.

24

25 3. Nine-lot Short Subdivisions

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27 Eric Baker – Responded to questions from last meeting on this
28 ordinance. A committee has been formed made up of stakeholders
29 from the building community and pertinent County departments, to
30 re-work the ordinance as directed by the Planning Commission in
31 2003. Current status; road standards is major issue relative to
32 private roads. Consensus on road standards was reached in
33 December and staff is currently making changes. Unnecessary
34 wording has also been removed at the Planning Commission's
35 direction. Hoping to have a draft before the Planning Commission for
36 a work session at the second meeting in February (2/28). This should
37 give the Planning Commission plenty of time to review the draft prior
38 to public hearing.

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4. CAO update

Eric Baker – Update process for the CAO is continuing, having held the second and third workshops for the community in South and Central Kitsap, in early January. Staff is now disseminating public comment from surveys completed at the workshops. Resulting document should be ready for public review next week. The entire spectrum of comments will be addressed in this document. There appears to be a wide variance of viewpoints on the critical area functions, protections of critical area functions and on what the County should do. All written comments have been helpful. Specific comments were also received relative to the first public draft; in particular textural changes from KAPO. These comments will be incorporated in the second public draft that should be ready for public review by mid-February. To have the second draft complete, staff first needs to compile the comment matrix and comment summary as well as the Science support document that lists various BAS studies utilized. Following issuance of the second public draft, staff will be holding more public input forums prior to setting the public hearing on the draft ordinance before the Planning Commission and the Board of County Commissioners, jointly.

- Jenniges – Did staff consider the document entitled, “The Unwritten Rules and Unfinished Business the Legislature Needs to do?” (The Mackey document). Thinks this also needs to be incorporated into staff’s second draft? Considers the information found in this document important relative to buffers, habitat and natural vegetation.**

E. Baker – Buffer width issue will be considered in second draft.

- Ahl – Asked how many work sessions are planned for the Planning Commission prior to public hearing and was told at least one if not two before both the Planning Commission and Board of County Commissioners prior to a public hearing.**
- Gustavson – Given that the CAO is a complex issue. Wants to see included in the comment matrix. Island County case with resulting buffers, Skagit County case showing zero**

1 buffers on streams and a measurement of stream impact and
2 Mason County case where the Director of DCD is not allowed
3 to arbitrarily reduce buffers without a public hearing. Kitsap
4 has that stipulation in its CAO draft, yet the courts
5 disallowed it in Mason. Also wants to see if the included
6 criteria for the chosen science is applicable to Western
7 Washington. As an example, he referenced a specific case
8 regarding hog farms in the Carolinas that is discussed and
9 referenced in Kitsap. Entirely different problem than
10 encountered locally. Need to show a balance of BAS against
11 other GMA goals. Does not see any indication in Kitsap
12 County's CAO information that it intends to measure the
13 impacts of chosen path on critical areas. Needs to be tested.
14 For instance, what if specific sized buffers render a stream(s)
15 sterile, thus no more fish in the stream(s). Although BAS
16 cannot be ignored in making the final decision, however BAS
17 should not be ignored in order to result in a desired decision.
18 Gustavson referenced three cases as examples of this taking
19 place. Constitutionally, two rules must be adhered to which
20 are: Nexus where mitigation is the minimum required to
21 achieve the desired result and Rough Proportionality where
22 mitigation matches impact. The last case he wants to see
23 used is the Isla Verde case that required buffers relate by
24 parcel to the mitigation desired. These cases will help
25 educate the public as to how difficult the CAO is to finalize.
26

27 E. Baker – Kitsap County is in a good position with the Alloverti case.
28 Chief Civil Deputy Prosecutor did a thesis on this case with a clear
29 understanding of the issues in that case and this will be addressed
30 during upcoming hearing. Staff needs to determine what document
31 is best to use for references to the various court cases. The
32 ordinance becomes the County Code and therefore does not really
33 allow for a dissertation. He suggested possibly a policy document.
34

- 35 • Ahl – Suggested legal counsel be present during future
36 Planning Commission work study session on the CAO. This
37 might assist in clarification of the many issues discussed.
38

39 E. Baker – Staff will ask that a Deputy Prosecuting Attorney (DPA),
40 staff's legal counsel, be present at upcoming work study sessions.**
41 He reminded the Planning Commission members that there are some

1 issues DPAs are reticent to discuss given that they serve in the
2 capacity of legal counsel to the Planning Commission, thus the
3 attorney client privilege issue comes into play.

- 4 • **Gustavson – Supports the presence of County’s legal staff at**
5 **work study sessions to give briefings and interpretation of legal**
6 **cases referenced above. Suggested that outside attorneys be**
7 **asked to share their expertise on this issue as well. Thinks the**
8 **public fears government as a top-down relationship and are**
9 **displeased with what they perceive as their tax dollars being**
10 **wasted on lawsuits. The final decision on the CAO should be**
11 **able to stand up in court against potential litigates.**
- 12 • **Mahan - Suggested Gustavson to document in writing any**
13 **questions he has on the various cases referenced, in the event**
14 **legal counsel is unable to be present at a work study session.**
15 **They can at least respond in writing back to the Planning**
16 **Commission for discussion.**
- 17
- 18 • **Jenniges – The CAO scares people in that some believe buffers**
19 **will equate to taking of their land or the right to use their land.**
20 **Referenced language stating, “Adopt language succinctly,**
21 **articulating the regulatory objective.” The purpose of specific**
22 **sized buffers should be explainable. Standards without**
23 **objectives are major concern of citizens.**
- 24
- 25 • **Gustavson – Agreed to a need to know precisely what concerns**
26 **are. If public know this, they can be more supportive.**
- 27
- 28 • **Jenniges – To arbitrarily state that waterway protection is for**
29 **salmon reproduction is zero based thinking.**
- 30

31 **4. Transportation and Population Allocation Elements of**
32 **Subarea Planning**
33

34 **Cindy Baker – Had intended to discuss Updated Land Capacity**
35 **Analysis (ULCA). Asked if the Planning Commission had asked for**
36 **this issue to be placed on the agenda.**
37

- 38 • **Tom Nevins – He requested this information but is actually**
39 **more concerned about the methodology behind population**
40 **allocation and how it becomes allocated in a particular area.**
41

1 Cindy Baker – Can provide generalities, but suggested that Travis
2 Black, the County’s demographer, attend a Planning Commission
3 meeting in the near future, to discuss the formula for Transportation
4 Allocation. She asked Holly Anderson to contact Travis Black as well
5 as Byron Harris of Prudential Realtors, a representative of Kitsap
6 Transit and Mark Personius, consultant, to also be present to discuss
7 methodology for Transportation, Population Allocation.**

- 8
- 9 • Asked for a column of figures showing distribution numbers
10 for each area of the County, with a total at the bottom indicating
11 how the County’s projected growth is allocated and how it is
12 divided amongst the cities.

13

14 C. Baker – Numbers are already available for each city’s planning
15 area; these can be found in the KRCC minutes. This information will
16 forwarded to all members of the Planning Commission.**

- 17
- 18 • Jenniges – Asked for the current cost of ridership for Kitsap
19 Transit, cost per ride. In other words, cost per person to
20 maintain public transportation.
 - 21
 - 22 • Mahan – This information is available on the Internet. Also
23 asked that all information requests be sent directly to C. Baker
24 and she can respond to all members.

25

26 5. Updated Land Capacity Analysis (ULCA)

27 C. Baker – Gave an overview and background history to date of the
28 ULCA and described the current process. At the time she became
29 involved with ULCA, the previous DCD Director, Kamuron Gurol,
30 informed her that she was in charge of a meeting on this issue the
31 next day, yet she had not had any prior involvement. Gurol had
32 already established a committee to analyze Updated Land Capacity
33 Analysis for Kitsap County. Members of this committee include
34 people from the development community, real estate professionals,
35 environmental experts and Tribal members. C. Baker listened to the
36 information being discussed and discovered a wide diversity of
37 opinions on the correct method to use for calculating the allocation.
38 While staff was discussing the outcome of this committee meeting,
39 Byron Harris from Prudential Realtors in North Kitsap compiled his
40 own methodology and presented it at the meeting. His presentation

1 helped staff begin to ask the question, “Are there different ways to
2 view Land Capacity Analysis. . .” The first question staff needed to
3 answer was what are the components of ULCA since specific
4 elements are involved. There is a total block of land available. Staff
5 has the approval of the Board of County Commissioners for the
6 methodology and numbers used. This matter will come before the
7 Planning Commission concurrently with the Subarea Plans. C. Baker
8 explained reduction factors as necessary for the allotted amount of
9 land available in Kitsap County. Once the amount of land is
10 established, reduction factors apply to criteria such as critical areas.
11 Staff completed the reduction factors plus something new in Kitsap
12 County and possibly the Kitsap is the first county in the State to do
13 so. Staff addressed sewers and how a reduction factor could be
14 applied in this area. Following much discussion, staff ended up with
15 five options as follows: One for Prudential’s and four for Kitsap
16 County. GIS staff outlined in detail exactly how the numbers were
17 derived making this information available to all citizens. Staff is now
18 compiling a report on how it came up with the numbers including the
19 GIS portion. Following this exercise, staff decided to take each of the
20 elements and determine where agreement could be unanimously
21 reached. Reduction factors came out of these five options. This is
22 the process to present. The Board has not seen the final draft but
23 once they do, it will then be presented to the Planning Commission.
24 Staff did not focus on numbers, only GIS staff knew the numbers,
25 DCD staff focused on assumptions. C. Baker believes the ULCA is
26 coming together as a worthwhile process. Staff has been directed to
27 lay out the entire picture for substantive review, then render a
28 recommendation. This will assist the Board to understand
29 everything that was considered in the process. She prefers this
30 process when staff prepares for an issue and asked that the Planning
31 Commission members contact her if they see otherwise.

- 32 • Ahl – Asked if the Planning Commission will receive the
33 finished product, not subject for review, after the Board sees it.
34 He was told this was the case. Also questioned if it would or
35 would not be the Planning Commission’s job to recommend
36 changes and was told no but its input is requested. However,
37 C. Baker will double check this and get back to the Planning
38 Commission members with a definitive response.**
39

- 40 • Gustavson – As a member of the Port Orchard/South Kitsap
41 CAG, he observed on the maps many areas that are not

1 buildable lands. He needs the inverse of the map referenced
2 with recommended buffers depicted as set-aside land. Next, an
3 overlay indicating infrastructure, critical areas and homes. As
4 an end result he would like to know how many lots will be left
5 after factoring out the items listed here. The public needs to
6 know what is available. A reduced number of lots increase the
7 cost of housing. He then noted a reduction in the number of
8 active listings.
9

10 C. Baker – Staff will be preparing alternatives. A key issue in Land
11 Capacity Analysis is sewers. If a lot is large enough to accommodate
12 and afford sewers, a reduction of the reduction factor was analyzed
13 because once this type of lot is built, it will free up others as well.
14 The County has to reduce the land capacity over time. The numbers
15 for population allocation finished in the Subarea Planning and Urban
16 Land Capacity Analysis data is forthcoming. Following this, staff can
17 compile what is needed, available land area vs. population. C. Baker
18 reminded the Planning Commission that study areas are not UGAs.
19 Also, options will be given for where the UGAs stay the same, are
20 expanded, etc.
21

- 22 • Gustavson – Factors are fine in a general sense, but in a
23 specific study area may not apply because of geology.
24 Therefore at the subarea planning stage, a map with buffers
25 denoted is needed. End result will be Buildable lands only.
26
- 27 • Jenniges - Much of the zoning and short platting took place in
28 the past because of inefficient septic tanks. Because of new
29 requirements of septic systems, these lots are no longer
30 acceptable. Without sewer capabilities, an entire short plat
31 could be removed from the equation and become unbuildable.
32

33 C. Baker – Will also have Mark Personious, the consultant hired to
34 assist the GIS staff with Updated Land Capacity Analysis, attend an
35 upcoming Planning Commission meeting and make a presentation
36 on ULCA.
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- 40 • Nevins – Good to have individuals with differing view come together
41 for discussion. 1)The last handout on this issue state that the critical

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1 areas and buffers will be considered in each UGA. This means that
2 critical areas and geological hazards will be removed from the
3 capacity before any other factors are considered. 2) Sewer
4 availability depends on the size of a parcel of land and distance from
5 the nearest hook-up. The options for this issue appear to be
6 reasonable. Understands these items to be for the existing UGAs,
7 but the model is applicable to any area staff determines suitable.
8 Mark Personious already presented his analysis on ULCA but there
9 is so much material, it would still be beneficial to hear him again.

10

11 C. Baker – the U LCA is compiled at a higher level than staff. GIS has an
12 error rate, including all wetlands not visible. Although it cannot be
13 absolute, the refinement comes at the subarea planning stage.

14

- 15 • John Taylor – Questioned how many Planning Commission
16 meetings are scheduled in February and Anderson responded with
17 two, the 8th and 22nd. Also he suggested that meeting rules of order
18 and public access to Planning Commission meetings be printed on
19 the back of agendas.

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21 **D. Old Business**

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23 None

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25 **E. New Business**

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27 None

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29 **F. Other Business**

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31 None

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33 **10:45 AM - No further business being heard, a motion was made by**
34 **John Taylor and second by John Ahl that the meeting be adjourned.**
35 **Motion carried.**

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Exhibit No.

Description

- A. January 25, 2005 Agenda
- B. Memorandum dated January 25, 2005, to the Kitsap County Planning Commission from Andy Bergsagel, Community Planning Staff regarding Kingston Design Standards Update
- C. Legal public notice for the January 25, 2004 Planning Commission work study session

DRAFT