

MINUTES

KITSAP COUNTY PLANNING COMMISSION

Public Hearing

June 13, 2006

The minutes are intended to provide a summary of the meeting flow and content and should not be relied upon for specific statements from individuals at the meeting. A detailed record of the meeting may be obtained by listening to the audio of the meeting.

The Kitsap County Planning Commission met on the above-stated date at the Kitsap County Fairgrounds, Eagle's Nest Conference Center, 1195 Fairgrounds Road, Bremerton, WA 98311. Members present: John Ahl, Lary Coppola, Dean Jenniges, Deb Flynn, Tom Nevins, and Mike Gustavson. Kitsap County Staff present: Karanne Gonzales and Planning Commission Secretary, Brynan Pierce.

9:10AM

Meeting Called to Order

A. May 23, 2006 Minutes

A motion was made and seconded to approve the minutes of May 23, 2006 as amended.

The Vote: In favor: 4

Abstained: 2

Motion carried.

B. Application for current use Assessment Public Hearing

Karanne Gonzales-Made an amendment to the agenda. The Pacific Rainbow Company has been put on hold due to some clearing on the property.

John and Stephanie Adams Open Space Application

See exhibit D.

- **Mike Gustavson:** Feels the property owner would be receiving dual tax reductions from both open space and assessors allowance for critical areas value. This would become dual compensation value. Gustavson will vote against all applications because of this from here on.
- **Chair Flynn:** Finds it interesting that the same people who oppose restrictions on critical areas are opposed to the County's effort to offer a tax break on those lands.
- **Gustavson:** Has read up on tax history and if you give groups special treatment, the county, in fairness to the CAO, should give tax exemptions on all properties.

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1 **Gonzales:** Informed the Planning Commission that is not the case. The property is valued at its
2 highest and best use, and the applicants are not getting a double tax break.

- 3
4 • **Lary Coppola:** Asked what the buffer is on the property.

5
6 **Gonzales:** Informed him that it is a top of slope plus 25 feet.

- 7
8 • **Coppola:** Asked if the applicants are trying to get a tax break because of the CAO.

9
10 **Gonzales:** Said yes, and because of the current use.

- 11
12 • **Coppola:** Does not feel it is fair unless everyone gets a tax break.

13
14 **Gonzales:** Informed him that anyone can apply for Current Use Open Space Land if they meet
15 the criteria.

- 16
17 • **Coppola:** Asked if a buffer is on the property, would it be on the title.

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19 **Gonzales:** Informed him that it is identified on the title.

- 20
21 • **Coppola:** Feels the applications cannot be factored if the Critical areas are not factored in.

- 22
23 • **Jenniges:** Stated almost $\frac{3}{4}$ of the land is moderate hazardous or flood zone. Lary is trying
24 to say that by unintended consequence, $\frac{3}{4}$ of the land is unusable and why do they get an
25 open space tax break when it is deemed on critical areas.

26
27 **Gonzales:** We have a public benefit rating system and if people meet the criteria for it, they will be
28 eligible for a tax break. This has gone through public process and this is what we are working with.

- 29
30 • **Gustavson:** Stated the benefit rating system is from 1997, which is before the Comp Plan.

31
32 **Gonzales:** Before the Assessor processed Open Space; the public benefit plan was already in
33 place.

- 34
35 • **Gustavson:** Feels there is no benefit to the tax paying community for the Planning
36 Commission to adopt this document to give this applicant a tax break.

37
38 **Gonzales:** Informed him that the Assessor looks at fair market value to determine the taxes.

- 39
40 • **Gustavson:** Would like the Assessor to meet with the Planning Commission to answer
41 some of their questions.

- 42
43 • **Coppola:** Feels there are two conflicting ordinances and there needs to be a legal opinion
44 from the County on which ordinance prevails. The Planning Commission generally voted
45 for the Open Space Applications on a rubber stamp basis before the CAO. According to
46 the CAO, the land is unusable and should be re-assessed. And if the property is re-
47 assessed at a diminished value, the property owner should not get a tax break.

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- **Gustavson:** Feels these requests should go before the Assessor as a tax appeal.
- **Jenniges:** Agrees with Lary and Mike because of the new CAO regulations. Jenniges also feels the Assessor should take a second look at the properties.

Gonzales: Reiterated to the Planning Commission that from her understanding, the Assessor assesses the property value by the adjacent properties.

- **Coppola:** Asked if the properties have been assessed since the Critical Areas Ordinance has been adopted.

Gonzales: Will look at when they were last evaluated and will have the answer at the next Open Space meeting.

- **Nevins:** Does not feel the Critical Areas Ordinance changes would have an impact on this property.

Gonzales: Agrees, and also does not believe the CAO had any impact on the property.

- **Gustavson:** Feels the Planning Commission, Board of County Commissioners and the public were not given all of the information on the CAO and feels the Land Use applications are “muddy”.

Gonzales: Understands the Planning Commission would like legal clarification, but would also prefer the Planning Commission to approve these applications and implement changes for the next set of applications, as these applicants have been waiting years for the approvals.

- **Chair Flynn:** Stated that if anyone in the audience would like a chance to testify, they may. Also Chair Flynn does not view these applications as “rubber stamp” approval, but finds the Open Space program valuable from the standpoint that it takes the tax burden from those who choose to participate in the program. Chair Flynn applauds the Adams for allowing public access for educational and scientific purposes.

- **Gustavson:** Stated 1/3 of the County is encumbered by critical areas and it is not fair to give some people tax breaks and not others.

Gustavson read a section from a tax book he was referencing.

- **Chair Flynn:** Asked Gustavson how he would suggest compensating people with critical areas on their property.

- **Gustavson:** Stated; with a tax appeal.

- **Coppola:** Stated he was not using the term “rubber stamping” in a derogatory manner.

The Vote on the Adams application:

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1 In favor: 4
2 Opposed: 1
3 Abstained: 1

4
5 The question arose as to whether the motion passed or not. It was the chair's understanding that
6 the motion passed with a simple majority, since it wasn't a comprehensive plan or regulatory
7 amendment, however this was questioned by another member of the Commission. Staff will get a
8 legal opinion on this question.

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13 Rex and Kay Johnson Open Space Application

14 See exhibit E.

15 A motion was made and seconded to approve the Johnson Open Space Application.

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19 Discussion

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21 • **Coppola:** Asked what the phrase “violators will be removed” means.

22
23 **Gonzales:** Stated there have been some issues in the past with littering and hunting.

- 24
25 • **Coppola:** Asked who will remove the violators.

26
27 **Gonzales:** Stated the property owner can ask the violators to leave, or the police can be called if
28 they don't cooperate.

- 29
30 • **Gustavson:** Asked how many acres the property is.

31
32 **Gonzales:** Informed him that the property is 2.44 acres with a \$267.00 annual tax reduction.

33
34 **The vote for the Johnson application:**

35 In favor: 5
36 Opposed: 1
37 Motion Carries.

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39 Richard Holbrook Open Space Application

40 See exhibit F.

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43 **Gonzales** Stated there are three parcels within in the application and the tax reduction will be
44 \$650.00 for all three parcels.

- 45
46 • **Jenniges:** Stated that it looks like 200-300 feet from the well site.

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1 **Richard Holbrook:** Would like the property to remain as is. It is now assessed at double from
2 when he purchased the property. He would eventually like to build a cabin and have the County
3 monitor the property to preserve the animals and the beauty.

- 4
- 5 • **Gustavson:** Stated that taxes should be fair for everyone and if the Critical Areas
6 Ordinance was appropriate, they people should not be taxed on unusable property.
- 7

8 A motion was made and seconded to approve the Holbrook application

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10 **The Vote for the Holbrook property:**

11 **In favor: 5**

12 **Opposed: 1**

13 **Motion carries.**

14

15 **Patricia Desmond Open Space Application**

16

17 See exhibit G.

18

19 A motion was made and seconded to approve the Patricia Desmond application.

20

21 **Discussion**

- 22
- 23 • **Chair Flynn:** Asked if conservation easements were mentioned as a step in the application.
- 24

25 **Gonzales:** Stated they were brought up and you have to have an attorney write them. There have
26 been some in the past, but not everyone can afford to pay an attorney to write them.

27

28 **The vote on the Desmond property:**

29 **In favor: 5**

30 **Opposed: 1**

31 **Motion carries.**

- 32
- 33 • **Coppola:** Would like to have the Assessor at the next Open Space Planning Commission
34 meeting to inform the Commission on how the Critical Areas Ordinance is interpreted
35 with the Open Space applications before anymore are voted upon. Coppola would also
36 like to see the Critical Areas Ordinance applied to future applications and would like to
37 know if the properties have been assessed with the CAO.
- 38

- 39 • **Chair Flynn:** Informed everyone the public hearing is officially closed.
- 40

- 41 • **Gustavson:** Would like total acreage number on the Open Space program.
- 42

43 **Gonzales:** Will get the information. Over the last 10 years the program has stayed static, but staff
44 can provide a presentation on the program.

- 45
- 46 • **Jenniges:** Has seen the increase in property value and would like Jim Avery to discuss why
47 there has not been a diminished property value that cannot be taxed due to the CAO and
48 Open Space authorizations.

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2 **Gonzales:** Asked if there is a particular area that is of interest.
3

- 4 • **Jenniges:** Would like to see the area East of Wildcat Lake.
5
6 • **Coppola:** Would like to see the general county. The question is that so much land has
7 been impacted by the CAO, why have tax collections stayed static?
8
9 • **Ahl:** Suggested the Planning Commissioners with questions could email them to Karanne.
10
11 • **Chair Flynn:** Some people think the Open Space program and the Critical Areas
12 Ordinance conflict, and some think they compliment each other.
13

14 **Gonzales:** Stated that the Critical Areas Ordinance has not been an issue with the Open Space
15 program because of the small amount of critical areas on the properties applying.
16

- 17 • **Nevins:** Is ready to end the discussion because the CAO does not prohibit the use of land.
18

19 **Other Business**
20

21 The Planning Commission was informed that the meeting locations have been changed to the
22 new Administration Building in Port Orchard.
23

24 Chair Flynn and John Ahl both asked who they need to speak with about this decision.
25

26 A motion was made and seconded to adjourn the meeting.
27

28 Meeting Adjourned at 10:45AM
29

30 **EXHIBITS**

- 31 A. June 13, 2006 Planning Commission Agenda
32 B. June 13, 2006 legal notice
33 C. May 23, 2006 minutes
34 D. John and Stephanie Adams Open Space Application
35 E. Rex and Kay Johnson Open Space Application
36 F. Richard Holbrook Open Space Application
37 G. Patricia Desmond Open Space Application
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40 MINUTES approved this _____ day of _____ 2006.
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44 _____
45 Deborah Flynn, Chair

46 _____
47 Brynan Pierce, Planning Commission Secretary
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