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MINUTES
KITSAP COUNTY PLANNING COMMISSION
Deliberations
Administration Building - Commissioner's Chambers
January 23, 2007, 9:00 AM

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These 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.

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The Kitsap County Planning Commission met on the above-stated date at the Kitsap County Administration Building – Commissioner's Chambers located at 619 Division Street, Port Orchard, WA 98366. Members present: Chair John Taylor, Vice Chair Lary Coppola, Lou Foritano, Brian Bekeny, Linda Paralez, Michael Gustavson, Dean Jenniges, Fred Depee, and Tom Nevins. Staff present: Scott Diener, Robbyn Meyers, Jim Bolger, Jeff Rowe-Hornbaker, Patty Charnas, James Weaver, Larry Keeton, Katrina Knutson, and Planning Commission Secretary, Christina Lindner.

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9:07 AM

A. Call Meeting to Order, Introductions

9:08 AM

B. Approval of Planning Commission Meeting Minutes:
▪ January 9, 2007

A motion was made by Commissioner Foritano and seconded by Commissioner Jenniges to approve the minutes of January 9, 2007.

The VOTE:

Yes: 7

No: 0

Abstained: 1

Motion carries

9:10 AM

C. Deliberation: Low Impact Development and Storm Water Drainage Code Change Deliberations (Title 12 KCC) – Jeff-Rowe-Hornbaker, DCD

Rowe-Hornbaker: Clarifies concerns and gives updates regarding Low Impact Development, and asks the Planning Commission to move forward with adoption.

1 **A motion was made by Commissioner Gustavson and seconded by Vice**
2 **Chair Coppola to adopt the Low Impact Development draft changes with**
3 **amendments.**

4 **The Vote:**

5 **Yes: 7**

6 **No: 1**

7 **Abstained: 1**

8 **Motion carries**

9 **00:13:30**

10
11 **Foritano:** Are there impacts to existing homes or commercial
12 developments?

13
14 **Rowe-Hornbaker:** The project is vested to the technically complete building
15 application.

16
17 **Foritano:** What if somebody in the future chooses to build a new
18 driveway?

19
20 **Rowe-Hornbaker:** That would be considered a new project.

21
22 **Jenniges:** The damage of freezing pervious concrete is not explained.
23 What is the elasticity?

24
25 **Rowe-Hornbaker:** It can be specified to meet the Federal highway standards. It
26 is similar to an expansion joint. There is a lot more void area.

27
28 **Bekeny:** *Uses the analogy of soda in a refrigerator with no lid to explain*
29 *freezing in pervious cement.*

30
31 **Nevins:** I am going to suggest that the changes in “Major Development”
32 be set aside for later perusal. I believe changes will be made to the size
33 that is exempt from storm water requirements. The numbers may no
34 longer be exempt in the new stormwater manual.

35
36 **A motion was made by Commissioner Nevins and seconded by**
37 **Commissioner Gustavson to remove changes to section 42: Major**
38 **Development.**

39 **The VOTE:**

40 **Yes: 3**

41 **No: 6**

42 **Abstain:**

43 **Motion fails**

44

45

1 **Rowe-Hornbaker:** That definition is key to parcels in rural zones. It is targeted
2 towards the large parcel owner with a long driveway. The language will be the
3 same as it is in the Western Washington manual.

4
5 **Jenniges:** *Expresses concerns with the Stormwater Manual.*

6
7 **Horn-Baker:** The intent is to provide a wide array of options for people on large
8 parcels.

9
10 **Gustavson:** 10,000 square feet should be deleted and we can later talk
11 about the 5,000 square foot limit on pervious surfaces.

12
13 **Chair Taylor calls for a motion to stop debate and vote on the amendment.**

14 **The VOTE:**

15 **Yes: 3**

16 **No: 6**

17 **Debate continues**

18
19 **Jenniges:** Is $\frac{1}{4}$ and $\frac{5}{8}$ crushed gravel pervious or impervious? What is the
20 benefit of an impervious surface?

21
22 **Rowe-Hornbaker:** The gravel surface will become compacted into underlying
23 soils. The pervious pavement will still be in place years later. It is dependant
24 upon the soil column beneath that material.

25
26 **Jenniges:** What is the cost is per yard?

00:28:52

27
28
29 **Art Castle:** It costs the same as six bags of concrete. It is more expensive than
30 traditional asphalt.

31
32 **Jenniges:** 10,000 square feet is more than adequate. I do not imagine
33 somebody building a two mile driveway.

34
35 **Bekeny:** Who maintains the system?

36
37 **Rowe-Hornbaker:** The surface and stormwater utility for public projects.

38
39 **Jenniges:** I thought it was the responsibility of the contractor to maintain
40 those records for five years. Who is responsible if they go out of
41 business?

42
43 **Rowe-Hornbaker:** We collect data to determine effectiveness over time. We
44 would manage those records and, in some cases, go straight to the stormwater
45 utility for analysis.

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Depee: What if I do not want to hire an engineer?

Rowe-Hornbaker: That information will be available in the building permit package.

Depee: Everything we are talking about is completely optional?

Rowe-Hornbaker: That is correct.

Jenniges: If I have a 5 acre lot, I put a road in, and clear a spot for a house, do I not need an engineering solution on my permeable driveway?

Rowe-Hornbaker: Those are site specific issues. There are basic requirements that need to be fulfilled.

Depee: You do not need engineering. He is talking about the surface materials being used, not the construction of the lot.

A motion was made by Commissioner Gustavson and seconded by Commissioner Jenniges to replace the word “and” with “a separate area” in section 5B-2-1-A3.

**The VOTE:
Unanimous
Motion carries.**

10:00 – Break

01:07:45

A motion was made by Commissioner Gustavson and seconded by Vice Chair Coppola to craft the paragraph into a more simple language and add a preliminary clause reading “if the soil column dictates,”.

**The VOTE:
Yes: 3
No: 6
Motion fails.**

Rowe-Hornbaker: The stormwater models are 100% impervious. Examples include a perforated barrel or a standard trench wrapped with fabric.

Gustavson: What is the trench lined with?

Rowe-Hornbaker: The trench is lined with vegetative soil.

Gustavson: We fail to properly define the underlying soil.

1 **Rowe-Hornbaker:** We pay close attention to infiltration design. That is a
2 separate element from what we are trying to move forward with.

3 **Depee:** If the terminology is included, how will we determine which soils
4 qualify?

5
6 **Rowe-Hornbaker:** *Explains how an infiltration trench is designed.*

7
8 **Chair Taylor calls for a motion to stop debate and vote on the original
9 motion.**

10 **The VOTE:**

11 **Yes: 6**

12 **No: 3**

13 **Motion carries**

01:17:55

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10:30 AM

18 **D. Deliberation: Proposed Amendments to Critical Areas Ordinance,
19 Title 19 Kitsap County Code – Patty Charnas, Manager, Natural
20 Resources, DCD**

21

22 **Charnas:** *Gives contact information and provides an overview of the remand
23 and actions-to-date.*

24

25 **A motion was made by Commissioner Gustavson and seconded by
26 Commissioner Jenniges for the Planning Commission to recommend to the
27 Board of County Commissioners that the County retain the exemption of
28 small class 3 and class 4 wetlands.**

29 **The VOTE:**

30 **Yes: 5**

31 **No: 3 (STRONG MINORITY DISSENT)**

32 **Abstained: 1**

33 **Motion carries.**

34

35 **Gustavson:** When the Growth Board comes out with a remand, the
36 County is not put in a position of defending itself, but instead, the Growth
37 Board's position. Staff and the Planning Commission considered the
38 proposal at great length. We came forward with the Board of County
39 Commissioners on a certain proposal. This motion establishes the other
40 half of the bookend.

41

42 **Bolger:** A "no recommendation" from the Planning Commission is valid. I do not
43 know how the Board will react to a recommendation to reject the Hearings Board
44 decision.

45

1 ***Discussions held regarding decision options against the Hearings Board.***

2
3 01:42:00
4

5 **Charnas:** Staff continues to recommend that small, lower-functioning wetlands
6 become part of the regulatory scheme. By regulating these smaller wetlands we
7 believe activities affecting these non-mosaic wetlands will be allowed.

8
9 **Foritano:** What can be said about the ease of the mitigation processes?
10

11 **Meyers:** These wetlands continually have a more expedited ability for some
12 types of mitigation based on a number of factors. Because they are smaller, the
13 habitat component is usually eliminated.

14
15 **Paralez:** Do we have a water recharge map?
16

17 **Meyers:** We have a certain understanding on how these wetlands function.
18 They are under consideration on any Land Use Reclassification Request.
19

20 **Jenniges:** We should eliminate Class 3 and 4 wetlands and stick to what
21 the Bill states.
22

23 ***Discussions held regarding Classification 3 and 4 wetlands.***

24
25 **Bolger:** Staff is now proposing that any wetland smaller than 2500 square feet is
26 regulated. The Hearings Board made the determination that, by excluding these
27 wetlands, we were supporting the “no net loss” policy.
28

29 **Gustavson:** In ratio, what is the mitigation requirement for a fully
30 functional, class 3 or 4 wetland?
31

32 **Charnas:** Our mitigation sequence was not remanded. Through the benefit of a
33 wetlands report, the wetland has already been identified.
34

35 01:59:55
36

37 **Gustavson:** Would the non-regulated wetland require mitigation?
38

39 **Charnas:** If the exemption was not remanded, yes.
40

41 **Paralez:** With regard to urban areas and the impact of Class 3 and 4
42 wetlands, do we have enough current data in urban areas to know where
43 these wetlands are so we can say that we know the impact of this change
44 in urban areas?
45

46 **Bolger:** Now that we have altered our UGA boundaries, we may not have as
good information as we might have had in November or December. Within the

1 more developed areas that have been developed since the CAO, we have a
2 good understanding of where they are. The newly expanded areas include
3 subdivisions as well as green fields.

4
5 **Nevins:** The land speaks first. The wetland has a function. The Growth
6 Management Hearings Board agreed with the arguments that there is no
7 scientific basis for exempting wetlands. They are not concerning
8 themselves with the size of any buffer or mitigation problems.

9
10 **Jenniges:** What are the buffer requirements for a category 3 or 4?

11
12 **Charnas:** It ranges anywhere from 25 – 150 feet. The opportunity to monitor
13 and analyze are great. We do not have the team or money to hire a team at this
14 time.

15
16 ***Discussions held regarding staff's proposed language.***

17
18 **Vice Chair Coppola:** What happens if we vote to recommend something
19 different??

20
21 **Bolger:** Once the adoption is made by the Board of County Commissioners, it
22 will open an appeal period where we may be appealed for the legislative action
23 we took on the first remand. We would likely get into a cycle of actions and
24 appeals.

25 **02:15:16**

26
27 ***Discussions held regarding Superior Court appeals.***

28
29 **Chair Taylor calls for a motion to stop debate and vote on original motion.**

30 **The VOTE:**

31 **Yes: 6**

32 **No: 2**

33 **Abstained: 1**

34 **Motion carries**

35
36 **A motion was made by Vice Chair Coppola and seconded by Commissioner**
37 **Jenniges to reconsider the previous (original) motion.**

38 **Vote:**

39 **Yes: 6**

40 **No: 3**

41 **Abstained:**

42 **Motion carries**

43
44 **The Revote:**

45

1 **A motion was made by Commissioner Gustavson and seconded by**
2 **Commissioner Jenniges for the Planning Commission to recommend to the**
3 **Board of County Commissioners that the County retain the exemption of**
4 **small class 3 and class 4 wetlands.**

5 **The VOTE:**

6 **Yes: 2**

7 **No: 5**

8 **Abstained: 2**

9 **Motion fails**

10
11 **A motion was made by Commissioner Foritano and seconded by**
12 **Commissioner Nevins to approve the staff recommended language.**

13 **The VOTE:**

14 **Yes: 6**

15 **No: 2**

16 **Abstained: 1**

17 **Motion carries**

18
19
20 **Nevins:** This is protecting the functions of the wetlands.

21
22 **Gustavson:** We do not know where the wetlands are that are affected by
23 this.

24 **02:42:15**

25 ***Discussions held regarding the continuance of the meeting.***

26
27 **A motion was made by Commissioner Paralez and seconded by**
28 **Commissioner Foritano to continue the meeting to Friday morning, January**
29 **26th at 10:00 AM.**

30 **The VOTE:**

31 **Unanimous**

32 **Motion carries.**

33
34 **A motion was made by Commissioner Jenniges and seconded by**
35 **Commissioner Gustavson to adjourn the meeting.**

36 **The VOTE:**

37 **Unanimous**

38 **Motion carries**

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40 **Meeting adjourned 11:53 AM.**

Kitsap County Planning Commission – January 23, 2007

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EXHIBITS

- A. Miscellaneous letters of testimony.
- B. CAO Ordinance – Remand of Title 19 Code
- C. Proposed Revisions Memo
- D. Items of Reference Packet

MINUTES approved this _____ day of _____ 2007.

John Taylor, Chair

Christina Lindner, Planning Commission Secretary