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

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.

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.

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

The Vote:
Yes: 7
No: 1
Abstained: 1
Motion carries 00:13:30

Foritano: Are there impacts to existing homes or commercial developments?

Rowe-Hornebaker: The project is vested to the technically complete building application.

Foritano: What if somebody in the future chooses to build a new driveway?

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

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

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

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

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

A motion was made by Commissioner Nevins and seconded by Commissioner Gustavson to remove changes to section 42: Major Development.

The VOTE:
Yes: 3
No: 6
Abstain:
Motion fails
Rowe-Hornbaker: That definition is key to parcels in rural zones. It is targeted towards the large parcel owner with a long driveway. The language will be the same as it is in the Western Washington manual.


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

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

Chair Taylor calls for a motion to stop debate and vote on the amendment. The VOTE:
Yes: 3
No: 6
Debate continues

Jenniges: Is ¼ and ⅝ crushed gravel pervious or impervious? What is the benefit of an impervious surface?

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

Jenniges: What is the cost is per yard?

Art Castle: It costs the same as six bags of concrete. It is more expensive than traditional asphalt.

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

Bekeny: Who maintains the system?

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

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

Rowe-Hornbaker: We collect data to determine effectiveness over time. We would manage those records and, in some cases, go straight to the stormwater utility for analysis.
Foritano: Would there be more oversight on this program than there would be on septic systems or stormwater drainage?

Rowe-Hornbaker: There would be no additional oversight.

A motion is made by Commissioner Gustavson and seconded by Commissioner Jenniges to change section 5B 2-1A to state “all permeable pavements shall not be considered impervious”.

The VOTE:
Yes: 2
No: 7
Motion fails.

Rowe-Hornbaker: The way it is written makes sense for the person reading the manual. If they use the first 5,000 square feet of permeable pavement, it does not count towards the sum total of the project.

Paralez: What is the reason for the 5,000 square feet?

Rowe-Hornbaker: The threshold for impervious area is 5,000 square feet. This gives the builder the option to stay beneath that threshold.

Bekeny: The 5,000 square foot area allows the builder to call his development minor to save money. This doesn’t control how much cement will lay on this property.

Discussions held regarding the square footage of pervious pavement.

Gustavson: I can use as much pervious pavement as I want and it will not count as hard surface?

Rowe-Hornbaker: Correct.

Bekeny: We are addressing pavement only.

Depee: If my home was under the 5,000 square foot impervious area, I would be under the threshold for stormwater and I could still add a ½ mile driveway and not be inclusive in that 5,000, which would then be acceptable so no stormwater ordinance would be triggered to be put in?

Depee: Do I have to put in engineering with my application for that driveway? Do I also have to submit specific site plan details?

Rowe-Hornbaker: We need to implement this to understand everything. We are currently using technical deviations. This will make it easier to get approval.
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

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 line with vegetative soil.

Gustavson: We fail to properly define the underlying soil.
Rowe-Hornbaker: We pay close attention to infiltration design. That is a separate element from what we are trying to move forward with.

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

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

Chair Taylor calls for a motion to stop debate and vote on the original motion.

The VOTE:
Yes: 6
No: 3
Motion carries

01:17:55

10:30 AM

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

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

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

The VOTE:
Yes: 5
No: 3 (STRONG MINORITY DISSENT)
Abstained: 1
Motion carries.

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

Bolger: A “no recommendation” from the Planning Commission is valid. I do not know how the Board will react to a recommendation to reject the Hearings Board decision.
Discussions held regarding decision options against the Hearings Board.

01:42:00

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

Fortano: What can be said about the ease of the mitigation processes?

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

Paralez: Do we have a water recharge map?

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

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

Discussions held regarding Classification 3 and 4 wetlands.

Bolger: Staff is now proposing that any wetland smaller than 2500 square feet is regulated. The Hearings Board made the determination that, by excluding these wetlands, we were supporting the "no net loss" policy.

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

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

01:59:55

Gustavson: Would the non-regulated wetland require mitigation?

Charnas: If the exemption was not remanded, yes.

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

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

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

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

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

Discussions held regarding staff’s proposed language.

Vice Chair Coppola: What happens if we vote to recommend something
different??

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

Discussions held regarding Superior Court appeals.

Chair Taylor calls for a motion to stop debate and vote on original motion.
The VOTE:
Yes: 6
No: 2
Abstained: 1
Motion carries

A motion was made by Vice Chair Coppola and seconded by Commissioner
Jenniges to reconsider the previous (original) motion.
Vote:
Yes: 6
No: 3
Abstained:
Motion carries

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

The VOTE:
Yes: 2
No: 5
Abstained: 2
Motion fails

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

The VOTE:
Yes: 6
No: 2
Abstained: 1
Motion carries

Nevins: This is protecting the functions of the wetlands.

Gustavson: We do not know where the wetlands are that are affected by this.

Discussions held regarding the continuance of the meeting.

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

The VOTE:
Unanimous
Motion carries.

A motion was made by Commissioner Jenniges and seconded by Commissioner Gustavson to adjourn the meeting.

The VOTE:
Unanimous
Motion carries

Meeting adjourned 11:53 AM.
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.

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John Taylor, Chair

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Christina Lindner, Planning Commission Secretary