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MINUTES
KITSAP COUNTY PLANNING COMMISSION
Deliberations
Administration Building - Commissioner's Chambers
January 26, 2007, 10:00 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: Staff present: Chair John Taylor, Fred Depee, Vice Chair Lary Coppola, Tom Nevins, Michael Gustavson, Linda Paralez, Lou Foritano, and Dean Jenniges. Staff present: Patty Charnas, Jim Bolger, Dave Greetham, Scott Diener, Katrina Knutson, and Planning Commission Secretary Christina Lindner.

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10:06 AM

A. Call Meeting to Order, Introductions

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10:08 AM

B. Proposed amendments to Critical Areas Ordinance, Title 19 Kitsap County Code – Patty Charnas, Manager, Natural Resources, DCD

Patty Charnas: *Presents overview of proposed amendments to the Critical Areas Ordinance.*

Jenniges: What is the purpose of the buffer?

Charnas; To protect fish and wildlife habitat areas.

Jenniges: Habitat issues seem to be the last priority on the list.

Jim Bolger: Functions need to be dealt with on these Critical Areas. The biological processes create functional attributes to an area. These functions determine existing habitat in a particular area.

Jenniges: What are the functions of highways along shorelines? If a lawn needs to sit back 150 feet because of function, how does the function of a highway come into the equation? Highway pollution is worse than a person's lawn sitting at 35 feet. 5-10% of the current shoreline not being

1 mitigated, yet a Draconian requirement is setting them back 150 feet.
2 There is no scientific justification.

3
4 ***Discussions held regarding the facilitation of debate.***

00:16:40

5
6 ***Patty Charnas continues presentation and addresses provisions for
7 decreased buffers.***

8
9 **Paralez:** The document does not make a distinction between the
10 protection of rural, semi-rural, and urban shorelines and the protection of
11 natural shorelines.

12
13 **Charnas:** Shorelines have been categorized. Our urban shorelines are not like
14 our natural shorelines.

15
16 **Bolger:** The proposed 150 feet is based on the Hearings Board's direction to the
17 County to look at comment letters provided by the resource agencies that
18 represent the leading edge of expertise. The Hearings Board informed us that
19 our assessment of best available science was not correct and that we should
20 look to the experts. In the instance of urban, semi-rural, and rural shorelines,
21 there is evidence of better protection with a larger buffer.

22
23 **Paralez:** Why are we not proposing more specific buffers for these zones
24 rather than 150 feet for all shorelines?

25
26 **Charnas:** It is only for urban, semi-rural, and rural shorelines.

27
28 **Bolger:** We have grouped the buffers for those three designations in the
29 Ordinance. Until we have better information, we contend that all of Kitsap
30 County's shorelines are considered Critical Areas. There are consistent
31 development patterns in all three areas. We are distinguishing between these
32 areas through this provision for infill.

33
34 ***Patty Charnas continues presentation, addresses provisions for decreased
35 buffers, and explains water dependant activities.***

00:35:20

36
37
38 **Nevins:** The shoreline buffer was based on the Shoreline Management
39 Plan and existing uses rather than best available science and critical
40 areas protection.

41
42 **Bolger:** An advantage of the infill provision for reducing the buffer is the
43 development of the Habitat Management Plan. It will identify fish and wildlife
44 conservation areas and measures to protect net loss.

1 **Foritano:** There is a compelling argument from the public that it is difficult
2 to prove 50 feet and it becomes impossible to prove anything over 100
3 feet, in terms of habitat protection. The basic argument is that more is
4 better.

5
6 **Bolger:** That assessment corresponds to the decision staff had for the original
7 revision to the Comprehensive Plan, thus the 35 feet for urban, semi-rural, and
8 rural shorelines.

9
10 **Foritano:** Why 100 feet?

11
12 **Bolger:** We believe we were justified in recommending that distance based on
13 our assessment of best available science. The Growth Management Hearings
14 Board said we were wrong and told us to use the State Resource Agency's
15 science.

16
17 **Coppola:** In the Critical Areas Ordinance, 35 feet was acceptable. The
18 science did not change. If that science was acceptable then, why is it not
19 acceptable now?

20 **00:47:10**

21
22 **Bolger:** New science had been developed subsequent to the passage of the
23 previous (1998) Critical Areas Ordinance. The other change was the
24 Washington Administrative Code requirements for best available science. There
25 was no identified criterion prior to 1998.

26
27 **Coppola:** What is the largest setback for similar shorelines in other
28 counties?

29
30 **Bolger:** Whatcom County has 150 feet.

31
32 **Paralez:** Is the best available science correlated to streams and not
33 saltwater areas? And is the development of saltwater buffers based on
34 marine data?

35
36 **Bolger:** That was staff's interpretation when we reviewed the best available
37 science. For many of the functions that have been identified, information is
38 based on studies in relationship to freshwater systems.

39
40 **A motion was made by Commission Depee and seconded by**
41 **Commissioner Gustavson to recommend that shoreline buffers be set at 70**
42 **feet, lake buffers at 50 feet and urban areas at 40 feet and accept staff's**
43 **language for the remaining changes**

44 **The VOTE:**

45 **Yes: 4**

46 **No: 3**

1 **Abstained: 1**
2 **Motion fails**

3
4 **Gustavson:** A study was done on Sinclair Inlet and habitat populations
5 are doing well with no buffer.

6
7 **Dave Greetham:** There is an additional 15 foot construction setback.

8 **01:00:35**

9
10 **A motion was made by Commissioner Nevins to move forward with staff**
11 **recommendations as written.**

12 **No second. Motion fails.**

13
14 **A motion was made by Commissioner Paralez to change the 150 foot buffer**
15 **to 100 feet and accept staff's language for the remaining changes.**

16 **No second. Motion fails.**

17
18 **Charnas:** The State is still grappling with this issue. Critical Areas are clearly
19 managed by the Critical Areas Ordinance.

20
21 **A motion was made by Commissioner Gustavson and seconded by**
22 **Commissioner Jenniges that Kitsap County differentiate the Ecological**
23 **resources of the Shoreline as recommended by the State Agencies prior to**
24 **adopting a change in the buffer widths, and the existing 35 foot buffer**
25 **remain intact as directed by state law.**

26 **The VOTE**

27 **Yes: 3**

28 **No: 4**

29 **Abstained: 1**

30 **Motion fails**

31
32 **Nevins:** The Hearings Board is aware of the Senate Bill. They are also
33 aware of our decision of 35 feet as being inadequate. They are looking for
34 an answer. I recommend a no vote.

35 **01:08:30**

36
37 ***Discussions held regarding the Growth Hearings Board's decision.***

38
39
40 **Bolger:** Our Board of County Commissioners had an opportunity to argue this in
41 Superior Court. The decision was not to appeal at that time. *Refers the Planning*
42 *Commission to the Washington Administration Code.*

43
44 **Foritano:** We are not offering our best if we recommend they stand firm.

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46 Break. 11:22

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A motion was made by Commissioner Gustavson for each member of the Planning Commission to give their personal opinion regarding buffer footage.

No second. Motion fails. 1:30:30

A motion was made by Commissioner Jenniges and seconded by Commissioner Gustavson to recommend that the original buffer width of 35 feet be incorporated and that minimum buffer widths from that point on be increased by 1.2 meters per 1% slope increase to attain the greatest protection.

**The VOTE:
Yes: 3
No: 5
Abstained:
Motion fails**

Nevins: The Growth Management Hearings Board has found that it is not a good idea to search around for personal data. I do not believe this is helpful.

A motion was made by Commissioner Paralez and seconded by Commissioner Foritano to recommend to change the 150 buffer width to 100 feet, accept staff's language, and include a proposed conditional language that "existing properties and lots be deemed conforming existing rather than non-conforming existing".

**The VOTE:
Yes: 4
No: 4
Abstained:
Motion fails**

A motion was made by Commissioner Gustavson and seconded by Vice Chair Coppola to incorporate the words "existing properties and lots be deemed conforming existing rather than non-conforming existing"

**The VOTE:
Unanimous
Motion carries.**

01:40:05

A motion was made by Commissioner Paralez and seconded by Vice Chair Coppola to change buffer widths from 150 feet to 100 feet and accept staff's language for the remaining changes.

**Yes: 5
No: 2
Abstained: 1**

1 **Motion carries**

2
3 **A motion was made by Commissioner Gustavson and seconded by**
4 **Commissioner Jenniges to modify the sentence to read "...where a vacant**
5 **parcel has a common property line with two or more lots which abut the**
6 **ordinary high water line and which are developed with structures or a**
7 **county road."**

8 **The VOTE:**

9 **Unanimous**

10 **Motion carries**

11
12 **Gustavson:** I would like to have the Board vote on when we begin the
13 process of the Shoreline Master Plan and the science to support it.

14
15 **Larry Keeton:** We have a proposed work plan that will be presented to the
16 Board of County Commissioners.

17
18 ***Discussions held regarding the work plan docket.***

19
20 **01:53:00**

21
22 **12:00 PM**

23 **C. Wastewater Treatment Technologies – Jim Bolger, Assistant**
24 **Director, DCD**

25
26 ***Jim Bolger gives brief description of wastewater treatment technologies***
27 ***and actions-to-date.***

28
29 **Jenniges:** Manchester is a planned community and should be designated
30 accordingly.

31
32 **Bolger:** Manchester is not affected by the Moratorium. A working group has
33 been established to identify the locations of historically platted lots. We are
34 looking at mechanisms to limit urban development and the expectations for urban
35 services. We are also looking at establishing LAMIRDs and revising the
36 resolution that identifies what conditions sewer can be extended to. With the
37 Moratorium the County is required to hold a public hearing within 60 days. The
38 Board will have the hearing on February 12th to determine if an extension is
39 required.

40
41 **Paralez:** What happens if the Moratorium is cancelled?

42
43 **Bolger:** If they terminated the Moratorium and established a Limited Area of
44 More Intense Rural Development, we may not use a site specific measure to
45 control projects coming in at this point. These projects are coming in as building
46 permits. That is something we are looking at right now.

47 **02:01:40**

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Gustavson: *Requests the total amount of lots.*

Bolger: The entire county is not mapped at a micro-level. Actual lot lines are not available for every parcel.

Gustavson: We were short on our Comprehensive Plan for projected population.

Bolger: Those short-comings accommodated population in the urban growth areas, not rural areas.

Discussions held regarding the use of similar systems in other locations.

Nevins: Prior to the Growth Management Act appearing online there were a significant number of properties carved into smaller pieces, causing a similar problem. A) Is there anything we can do? and B) how will the size affect our projection?

Bolger: Part of that will be answered through the County's Buildable Lands Report. I will talk with GIS about getting a non-conforming lot count.

Foritano: To what extent have these controls and methodologies been put in place to reuse waste water and control lot size? Is wastewater being recycled at the golf-course in Indianola?

Bolger: No. Patty Charnas' staff is trying to bring that idea to the County. They are working closely with water purveyors and waste water treatment providers.

02:12:27

Foritano: Olympic Resources is 1600 acres of timber. I hope we have a chance to actively enjoin in that process.

Bolger: The workgroup has identified all of these areas.

Depee: *Recommends the Moratorium be lifted, using Manchester as an example.*

Discussions held regarding the Board of County Commissioners' Public Hearing.

02:16:10

Chair Taylor: Items E and F on the agenda will be moved to the February 13, 2007 meeting.

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

**The VOTE:
Unanimous
Motion carries**

Meeting adjourned 12:27 PM.

EXHIBITS

A. Miscellaneous Public Testimony

MINUTES approved this _____ day of _____ 2007.

John Taylor, Chair

Christina Lindner, Planning Commission Secretary