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MINUTES
KITSAP COUNTY PLANNING COMMISSION
Administration Building - Commissioner's Chambers
Work Study/Public Hearing
February 13, 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, Fred Depee, Vice Chair Lary Coppola, Tom Nevins, Michael Gustavson, Lou Foritano, and Dean Jenniges. Staff present: Patty Charnas, Karanne Gonzales, Linda Bentley, Eric Baker, Angie Silva, Scott Diener, Katrina Knutson, and Planning Commission Secretary Christina Lindner.

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9:00 AM

A. Call Meeting to Order, Introductions

9:02 AM

B. Approval of Meeting Minutes

A motion was made by Vice Chair Coppola and seconded by Commissioner Jenniges to approve the minutes of January 23, 2007.

The VOTE:

Yes: 6

No: 0

Abstained: 1

Motion carries

A motion was made by Commissioner Foritano and seconded by Commissioner Jenniges to approve the minutes of January 26, 2007.

The VOTE:

Yes: 6

No: 0

Abstained: 1

Motion carries

Foritano: Recommends the word "enjoy" be changed to "enjoin" on page 36, line 33.

00:03:25

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9:05am

C. Open Space/Current Use Assessment, Karanne Gonzales, Forest Practice Administrator/Current Use Assessment/Open Space, DCD

Gonzales: *Summarizes the Current Use Assessment program.*

Jenniges: Is there an attached title to Open Space? Does anything exist that gives the buyer notice of an Open Space property?

Gonzales: A recorded contract will appear in the title report. It assists people in the continuation of the program.

Depee: Is the average 4500 an acre? What are the reduction benefits in designation of forest land?

Gonzales: I hesitate to speak on what the Assessor means by that. 98% of base tax is relieved but there are still storm water fees. The majority of excise tax for the forest product comes back to the County.

Gustavson: When we are finished with these applications today, what percentage of Kitsap County will be considered open space? What activity have we seen in putting property into the private market? What is the acreage of Kitsap County?

Gonzales: I will need to get the information for you after the meeting.

Gustavson: It appears to me that we have a large percentage of the County currently in Open Space and a penalizing process in removing them from the program. The final owner will pay higher taxes.

Gonzales: *Describes the Beverley Frances Leake-Good property.*

Depee: Does the public have access to Open Space properties?

Gonzales: There are different levels of access.

00:23:35

A motion was made by Commissioner Foritano and seconded by Commissioner Jenniges to recommend the acceptance of the Beverley Frances Leake-Good Open Space application.

**The VOTE:
Unanimous
Motion carries**

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Gonzales: *Describes the Phyllis Miller property.*

Vice Chair Coppola: *Recalls a commercial application being considered on Dogwood Road. Would like to know where the project is in relation to the Open Space application.*

A motion was made by Commissioner Nevins and seconded by Commissioner Jenniges to recommend the acceptance of the Phyllis Miller open space application.

**The VOTE:
Unanimous
Motion carries**

Gonzales: *Describes the Bruce Barner property.* **00:33:40**

Depee: Are exemption requests done individually, per property, or is there a set of rules as far as accessibility?

Gonzales: The Public Benefit Rating System talks about types of public access.

Vice Chair Coppola: If Mr. Barner does not live on the property, or in the County, how will he “police” the property?

Gonzales: He makes arrangements to meet people on the property. Open space signs will be posted. He understands that he cannot put a “force-field” around the property.

Jenniges: Will this exclude him from liability if the bridge falls? Or would the County be responsible?

Gonzales: I do not know.

Chair Taylor: Who puts up the conservation signs?

Gonzales: The landowner. **00:37:10**

Jenniges: *Expresses concern about the amount of money being saved by somebody that does not live in the County.*

Vice Chair Coppola: *Feels he is taking advantage of the program.*

Foritano: How is the overall impact considered?

Gonzalez: State Law allows for these in the tax codes. We also have policies in the Comprehensive Plan that encourage Open Space areas. Finally, the Public

1 Benefit Rating System explains the qualifications. Those goals and policies state
2 that this is a prime example of a property we should preserve. He could get five
3 residential lots on this property but instead he is giving up his development rights
4 and conservation easements because he wants to preserve this property.

5
6 ***Discussions held about the Conservation Easement and possible***
7 ***development alternatives.***

8
9 **Vice Chair Coppola:** He wants a \$9,000 tax reduction because he does
10 not have a lot of other alternatives and does not want future heirs to
11 develop the property.

12 **00:41:50**

13
14 **Jenniges:** Is this land now zoned one home per 20 acres? I do not
15 believe he could develop the property anyway. If he could, I would like to
16 know. It would affect how I vote.

17
18 **Gonzales:** The zoning is rural residential, which is one unit per five acres.

19
20 **Jenniges:** What is the profit margin?

21
22 ***Discussions regarding tax numbers and the property.***

23
24 **Coppola:** This is tax avoidance.

25
26 **Depee:** He is putting himself in a position for future gain. I feel there is a
27 good financial planning process on that property and there is a motive
28 here that is not clear.

29
30 **Gonzales:** His intentions are to preserve the land.

31
32 **Jenniges:** *Feels that the owner is "gaming" the system.*

33
34 **Chair Taylor:** We are focusing on what the property owner may or may
35 not do in the future. Instead, we should focus on the application in front of
36 us.

37
38 **A motion was made by Commissioner Nevins and seconded by**
39 **Commissioner Foritano to recommend acceptance of the Bruce Barner**
40 **open space application.**

41 **The VOTE:**

42 **Yes: 3**

43 **No: 4**

44 **Motion fails**

45 **00:52:00**

46 **10:00 AM – Break**

10:14 AM

2 **D: Findings of Fact Approval: Critical Areas Ordinance Remand – Patty**
3 **Charnas, Natural Resources Manager, DCD**

4
5 **Charnas:** *Provides overview of the Findings of Fact.*

6
7 **A motion was made by Commissioner Nevins and seconded by**
8 **Commissioner Jenniges to recommend approval of the Findings of Fact.**

9 **The VOTE:**

10 **Yes: 6**

11 **No: 1**

12 **Motion carries**

13
14 **Gustavson:** Staff inserted new words that need to be looked at
15 constitutionally. The words “fish and wildlife or conservation areas” need
16 to be deleted. We agreed that we are protecting habitat not areas.

17
18 **A motion was made by Commissioner Gustavson and seconded by**
19 **Commissioner Jenniges to remove the words “conservation areas” and**
20 **“fish and wildlife”.**

21 **The VOTE:**

22 **Yes: 5**

23 **No: 2**

24 **Motion carries**

01:20:30

25
26
27 10:21 AM

28 **D. Code Revisions (Manufactured Homes and Single Family Housing)**
29 **Draft Code Revisions – Eric Baker**

30
31 **Eric Baker:** *Gives overview of presentation, and explains each page of the*
32 *distributed documents.*

33
34 **Jenniges:** Are these temporary or permanent facilities?

35
36 **Baker:** Permanent.

37
38 ***Discussions held regarding Accessory Dwelling Units and the differences***
39 ***between Manufactured Homes and Mobile Homes***

40
41 **Depee:** Have there been any appeals filed regarding the 10-Year? Does
42 this put code development on ice?

43 **01:34:30**
44

1 **Baker:** We have not received an appeal to date, except for the NASCAR
2 designation. February 20, 2007 is the last day for 10-Year Comp Plan appeals.
3 We will know more at that time.

4
5 **Gustavson:** Administrative Conditional Use Permits (ACUP) are allowed
6 in Urban Low and Urban Rural to encourage small businesses. Why
7 would they not be allowed in Urban Medium and Urban High?
8

9 **Baker:** They are generally still allowed. Noise and deliveries throughout the day
10 could potentially be more offensive. Conditional permits would take care of those
11 businesses. We wait for a complaint. However, with a conditional use permit,
12 we would be able to look at the impacts before the business begins.
13

14 **Gustavson:** On item #43, under Manufacture Homes, are we
15 encouraging Manufactured Homes to become part of the landscape or to
16 be removed within three months of the injured person no longer living
17 there?
18

19 **Baker:** It indicates that Special Care Mobile Homes can be a component of a
20 Manufactured Home. On properties with an existing residence you can have a
21 Special Care Manufactured Home.
22

23 **Gustavson:** *Requests a review of the wording of #43.*
24

25 01:41:00
26

27 10:40 PM

28 **E. Staff Update: Approved 2006 Comprehensive Plan Update and Minor**
29 **Presentation – Eric Baker**
30

31 **Baker:** *Gives overview of presentation and describes each exhibit.*
32

33 ***Discussions held regarding Mixed Use and Commercial Zones.***
34

35 **Depee:** Are you saying there are only 30 acres available to look at
36 additional parcels that may want to be included? For the next 10 years,
37 the only ability to add to the Comp Plan is 30 acres of commercial property
38 regardless of any site specific request?
39

40 **Baker:** The 10-Year Comp Plan is supposed to allocate all commercial land.
41 30 acres is added *through* site specific requests. That would be the cap unless
42 the Board of County Commissioners elected to review employment demand
43 numbers.
44

1 **Foritano:** There are good examples of design in Ballard and Gig Harbor.
2 This could be the center point of the County depending on how these
3 design guidelines go.

4
5 **Depee:** How many people were on the Silverdale Citizens Advisory
6 Group?

7
8 **Bentley:** There were 20 regular attendees.

9
10 **Depee:** What was their consensus? Were they in favor of this?

11
12 **Bentley:** I received no responses from the group members. **02:45:30**

13
14 **Chair Taylor:** Is there a way to consolidate these categories? It seems
15 like a lot for a small town of Silverdale.

16
17 **Bentley:** Originally the Design Guidelines were simply design areas. We
18 removed the special design areas but stayed with the original districts.

19
20 **Foritano:** Is there any opposition to this?

21
22 **Bentley:** I have heard none.

23
24 ***Discussions held regarding the Planning Commission's preferences for the***
25 ***Public Hearing.***

26
27 **Jenniges:** *Requests a developable lands map.*

28
29 **Nevins:** Six years ago a plan was developed for Old Town. Citizens
30 were angry because they thought there were too many restrictions. This
31 shot down any opportunity for discussion. Will there be rumor control?

32
33 **Bentley:** We planners are always prepared for that.

34
35 **Jenniges:** Most people have resigned to the fact that Silverdale is going
36 to grow. Old Town will remain that way until old buildings are taken down
37 and replaced with new development.

38
39 ***Discussions held regarding redevelopment in Silverdale.*** **02:52:30**
40

41
42 **A motion was made by Commissioner Gustavson and seconded by**
43 **Commissioner Nevins to adjourn the meeting.**

44 **The VOTE:**
45 **Unanimous**
46 **Motion carries**

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Meeting adjourned 11:59 AM.

EXHIBITS

- A. Silverdale Draft Design Guidelines Manual
- B. Silverdale Draft Design Guidelines Checklist
- C. Silverdale Draft Design Guidelines Maps
- D. Beverley Frances Leake-Good Open Space Application
- E. Phyllis Miller Open Space Application
- F. Bruce Barner Open Space Application
- G. CAO Remand Revisions: Findings of Fact
- H. CAO Revisions based on Remand Order
- I. CAO Revisions to Title 19
- J. Title 17 Code Revisions
- K. Attachments A, C, E, and G of Comp Plan Update

MINUTES approved this _____ day of _____ 2007.

John Taylor, Chair

Christina Lindner, Planning Commission Secretary