MINUTES
KITSAP COUNTY PLANNING COMMISSION
Administration Building - Commissioner’s Chambers
Work Study/Public Hearing
June 12, 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: Dean Jenniges, Jim Sommerhauser, Lou Foritano, Tom Nevins, Michael Gustavson, Lary Coppola, Linda Paralez, Fred Depee, and Chair John Taylor. Staff present: Eric Baker, Angie Silva, Jim Bolger, James Weaver, Katrina Knutson, and Planning Commission Secretary Christina Lindner.

9:06 AM
A. Call Meeting to Order, Introductions

9:07 AM
B. Approval of Meeting Minutes

A motion was made by Commissioner Depee and seconded by Commissioner Sommerhauser to approve the minutes of May 22, 2007. The VOTE:
Yes: 8
Abstained: 1
Motion carries

9:02 AM
C. Public Hearing: Open Space/Current Use Assessment, Karanne Gonzales, Forest Practice Administrator/Current Use Assessment/Open Space, DCD

Jenniges: Is it appropriate to take lands off the taxing roles?

Chair Taylor: That is not our problem.
Gustavson: This does not reduce the tax collected. It shifts it to other taxpayers.

Karanne Gonzalez introduces Tamara Beverage, Current Use Administrator and commercial appraiser, from the Assessor’s Office.

Tamara Beverage: With Open Space land, one acre is reserved for the home site. Currently they are assessed two ways: Waterfront and non-waterfront. If the property is waterfront we take one acre at market value for the home site. Any excess value of one acre market value is attributed to Open Space. On a two acre waterfront property assessed at $200,000, the one acre market value is $150,000. $50,000 will be shifted into Open Space. On a non-waterfront property with two acres worth $200,000, one acre is divided by the number of acres. $100,000 will go to the home site value and $100,000 goes to Open Space. We have been instructed by the State of Washington to value one acre of all properties entering the Current Use Program at market value, not at a proportion per acre of the overall acreage value. For waterfront we have been doing this all along. For the 2009 tax year, all other upland Open Space and Current Use programs will be readjusted so that the one acre of home site will be appraised at full market value. Anything in excess of that is prorated for Open Space.

Gustavson: The shape of the property has a tremendous impact on the property value.

Beverage: That is correct. Typically on waterfront properties there is a front foot value and an adjustment for depth. Usually properties entering Open Space have excess depth.

Jenniges: What about lots less than one acre?

Beverage: They cannot go into Open Space with a home site on the property.

Jenniges: If it is not Current Use taxing, what is it called?

Beverage: It is still Current Use tax. The way we apply the market value and the Open Space value is going to be reallocated. Currently with a ten acre parcel worth $100,000, one acre of the home site is $10,000 and $90,000 goes into Open Space. The same parcel in 2009 will be cut in half; $50,000 will run at full market value and $50,000 will be applied toward Open Space.

Sommerhauser: What manner of instruction did you receive from the State?
Beverage: Mike Eastman was notified and the information was relayed to us. Linda Brown with the Current Use program with the Department of Revenue further clarified the information.

Jim Sommerhauser requests a copy of the letter.

Gustavson: This will decrease incentive in the Open Space Plan.

Beverage: It depends on the property shape and size. The tax shift will be much less in 2009.

Public Hearing Open:

Gustavson: For people with properties already in the Open Space program, will the 2009 tax rule affect the amount of tax shift they receive?

Gonzalez: Yes, they will be revalued. The first application is for James and Susan Lane. The property is located at 3061 Twin Spits Road in Hansville. The site is densely wooded with a forested wetland stream. The area going into Open Space is 1.93 acres. The land provides alternate access to the Nature Conservancy property. The owners allow public access. One acre for the house and the shoreline will be exempt for Open Space. They will qualify for a 60% tax reduction. The tax shift will be $176 a year.

Discussions held regarding boundary lines on the map.

A motion was made by Commissioner Foritano and seconded by Vice Chair Coppola to accept the application.

The VOTE:
Unanimous
Motion carries

Gonzalez: The second application is for Kelly Breen. The property is located at 24663 Big Valley Road. The property is approximately 5.39 acres. It is densely wooded and most likely has a forested wetland associated with the nearby creek. The landowners wish to maintain it as a wildlife habitat. The property’s 2.8 acres qualifies for a 50% tax reduction with no public access. The tax shift will be $323 a year.

Depee: Looking at the soils, streams and setbacks, the landowners cannot develop the property any further. This application would do nothing but reduce their property tax.

Gonzalez: Correct.
Jenniges: I see that the plat next to the one in discussion is farther back into the platted area. How is one property considered more wet than the other?

Gonzalez: Some properties are older, have been filled, or drainage has been installed. It depends on the development history. This site is at a slightly higher elevation than the adjacent property. I look at the adjacent properties as well.

Jenniges: Is the property south short platted?

Gonzales: I do not know.

Paralez: The applicant’s drawing shows a stream. Was the stream eligible?

Gonzalez: I did not feel it was eligible. It seemed to be more part of the yard than Open Space.

Paralez: The characteristics of this application that qualify for Open Space are the conservation of wetlands, access to wildlife, and preservation of natural resources.

Jenniges: What is the property currently zoned?

Gonzales: Rural Protection. They could only develop the front two and a half acres.

Gustavson: Are there any other conservation lands listed in the area?

Gonzales: Where they are, I cannot tell you.

A motion was made by Commissioner Nevins and seconded by Commissioner Paralez to accept the application.

The VOTE:
Unanimous
Motion carries

Public Hearing closed
C. Approval of Findings of Fact: Revised policies and/or regulations for the use of alternative wastewater treatment technologies on nonconforming lots in rural zones for buildings connected to onsite sewage systems –Katrina Knutson, Planner, DCD

Katrina Knutson: The Findings of Fact before the Planning Commission is a factual record of the May 22, 2007 meeting and is representative of your unanimous vote.

Gustavson: Requests legal review on item #1, Page 2. Does not believe the Board of County Commissioners should move forward with a decision based on the Planning Commission’s recommendation.

Discussions held regarding the format of the motion related to onsite sewage systems and the Board of County Commissioners’ action on the item.

A motion was made by Commissioner Jenniges and seconded by Commissioner Foritano to recommend to the Board of County Commissioners to approve the Findings of Fact as written.

The VOTE:
Yes: 8
No: 1
Motion carries

E. Work-Study: Review and Discussion on Phase II Code Development Process, Eric Baker, Office of the Board of County Commissioners

Baker: Gives overview of the presentation and explains the changes that will be made to Titles 16, 17, 18 and 21.

Jenniges: Is this a County or State initiative?

Baker: It is a County initiative. Changes, additions, and deletions can be made to anything within the realm of growth management.

Coppola: We will be reviewing four titles in less than six months. Are we talking about a lot of changes?
Baker: I expect a significant number of changes, but because this is not a State
directed initiative we can take more time. I suspect Titles 16 and 21 will look very
different.

Gustavson: Requests a copy of the Buck & Gordon code study
completed under the directorship of Cindy Baker.

Discussions held regarding the June 26, 2007 meeting agenda

Baker: Continues presentation by discussing anticipated changes to the
definitions of terms, specifically the terms “racetrack” and “equestrian facilities”.

Sommerhauser: Recommends discussing BMX bicycle tracks.

Jenniges: Attendance level is the major issue of any sporting event and
should be considered.

Baker: The impact of attendance, definition of terms, and the location of where
these facilities may be appropriate will be discussed. We will also discuss
recreational vehicle parks.

Jenniges: The County lacks places to park recreational vehicles for long
periods of time. It would increase tourism.

Gustavson: Softball tournaments often last a full weekend. It is
particularly handy to have the vehicle on site at the tournament location. It
could also become a County place of revenue generation.

Baker: The parks department is looking at including recreational vehicle
camping in a number of their facilities. It would give us the ability to bring in
additional revenue. The challenge will be determining the difference between
transient and long-term accommodations.

Depee: Could this be attainable through a conditional use permit? And
what zoning would it be allowed in?

Baker: It would be allowed in rural areas. People would not want to pay for it in
the urban areas. The parks need to be located near regional type facilities.

Coppola: How legally defensible is it to put in an RV park in the rural
area?

Baker: If it is made for transient uses, it is entirely supportable.
Jenniges: Had we left the IMPRA in place, it would have been a perfect place to consider.

Depee: Is SKIA a possibility?

Baker: A recreational vehicle park might be not the best expense of our industrial land.

Sommerhauser: Suggests the Planning Commission adopt a specific dictionary to rely on as a central resource for definitions as well as Black’s Law Dictionary.

Baker: The dictionary needs to be updatable.

Coppola: Suggests the Planning Commission use the same dictionary the State uses.

Baker: Continues presentation with discussions related to lot sizes and densities in the urban growth areas.

Foritano: Aren’t larger houses built on smaller lots?

Baker: People try to stick with an 1800–2100 square foot building.

Foritano: Is that the national average for a desirable home size?

Baker: It is the preferred home size in Kitsap County. Sidewalks are also an important urban amenity and provide safe pedestrian connectivity, but it is expensive to maintain. More impervious surface means more run–off.

Sommerhauser: We ought to have a standard for sidewalks and parking.

Baker: As lots get smaller, the opportunity for on-street parking becomes less. The code says there should be two parking spots per residential area. This will be a continued point of discussion.

Paralez: Are low impact development standards emphasized for on-site parking and sidewalks?

Baker: Yes, but there is a private versus public road issue. At this point low impact development standards diminish impervious surfaces. Public Works has concerns with the cost maintenance.
Paralez: Some studies prove differently. Narrow roads are not as expensive to maintain. It depends on the LID component being installed.

Baker: Public works is moving towards that discussion. We are encouraging low impact development in the private sector. The fire district is another factor.

Paralez: Every jurisdiction is having these discussions and we can learn from them. Low impact development should be a theme as we write the codes.

Break: 10:24–10:34

Chair Taylor leaves

Depee: I would like to see changes made to the term "Director’s Discretion". Discretionary calls should be eliminated unless specific code can be cited.

Baker: That is what we are looking to do.

Discussions held regarding subjective terms.

Baker: Continues presentation by discussing active recreational areas.

Jenniges: In areas with tennis court and play area requirements the battle goes on within those communities over who takes care of them.

Baker: Historically, active recreational areas have not been well designed. The areas are not centrally located. Some Home Builders Associations are more sophisticated than others. These amenities such as tennis courts provide higher property values.

Depee: How often are the fully developed areas actually utilized?

Baker: It depends on location and design.

Depee: We should get feedback from the residents of the subdivisions.

Sommerhauser: An interpretation should be published somewhere until it is incorporated in the code so everybody knows what the current interpretation is.

Discussions held regarding director interpretations and the definition of “director".
Baker: Continues presentation by discussing Performance Based Developments.

Jenniges: Are you taking into consideration the change in demographics?

Discussions held regarding “tot lots” and the balance of demographics in planning.

Depee: Community Development should not be concerned with marketability. If a specific amount of area is set aside for any use it should be left to the discretion of the developer.

Baker: Continues presentation by discussing land use processes such as Master Planning.

Gustavson: Have any Master Plans come forward for SKIA yet?

Baker: Not at this time.

Gustavson: Master Planning is too expensive to accommodate the first guy in. He cannot afford it so SKIA will never happen.

Baker: Some people think Master Planning is too restrictive. I think a larger issue is that the infrastructure is not in place.

Depee: Bethel Avenue has infrastructure available and it has not been developed.

Baker: Improvement will occur when the road is developed.

Depee: Master Planning of that degree has stagnated growth.

Baker: Continues presentation by discussing Conditional Use permits, “Director’s Interpretations”, and the requirement to provide sewer in the urban growth areas.

Nevins: We need to be careful as we look at this to not open doors that will cause problems later.

Baker: In fully developed areas there is no infill potential. Planning for the location of a sewer line would make sense.

Jenniges: There are failing septic systems in Esquire Hills. Luckily, new technology can help with that.
Baker: Continues presentation by discussing the issues being deferred including agricultural regulations, boundary line adjustments, sign codes, and shorelines and view blockage regulations.

Depee: Will we address these issues after code has been reviewed?

Baker: If desired by the Board of County Commissioners, we will look at these in 2008 or 2009.

Depee: Will auxiliary dwelling units be included in the code revisions?

Baker: Yes. Only the four previously mentioned items will not be discussed.

11:23 AM

F. Open Space Public Hearing Continuation

A motion was made by Commissioner Sommerhauser and seconded by Commissioner Jenniges to reconsider the Open Space proposals to correct the process for Public Hearing.

The VOTE:

Unanimous

Motion carries

Public Hearing Open:

Karanne Gonzalez: The first application is for James and Susan Lane. Property located at 3061 Twin Spits Road in Hansville. A description of the property has been provided so staff would like to recommend this application for approval.

A motion was made by Vice Chair Coppola and seconded by Commissioner Gustavson to accept the application.

The VOTE:

Unanimous

Motion carries

Karanne Gonzalez: The second application is for Kelly Breen. The property is located at 24663 Big Valley Road. The property is approximately 5.39 acres and 2.8 acres qualify for Open Space.

Vivian Henderson: I have serious concerns with the Open Space Plan. We are inviting the public to take the land and asking others to carry the tax burden. There are no income limits. For all I know, this person could be a millionaire. For us to take acres of land that are not developable and shift the tax burdens on
others is unacceptable. When people buy land they should be able to pay their own taxes. If the County is taking this land, nobody should be paying taxes on it. We need to talk to the people in the County to determine if they would like to continue this program. Also, I agree that Director’s Interpretations need serious consideration. Our director is not a planner. He is an administrator. If he is going to make an interpretation, he will need to depend on staff. I would like to ask him to consider opinions outside of staff. And unless I live adjacent to a “Tot Lot”, I would not allow my grandchildren to play there because I believe they are grounds for pedophiles.

02:23:25

Ron Ross: In the 1970’s the Homeowner’s Association stopped paying taxes on Parkwood East. These lots are being sold for $60-$100. The sharks that bought the properties are talking to the owners about adverse possession and acquiring through private condemnation in order to gain access to the property. The man that owns the lot should have legal access. The Open Space program creates problems for the community. Parkwood East is a good example. If the public does not want it, please consider that. Also, Buck & Gordon made a detailed report of 400 items in the zoning code with conflicts of interest. I suggest contacting Anna Nelson, the author of the report, prior to deliberations.

Sommerhauser: On the applicant checklist, a space is available to indicate the category the property qualifies for; public benefit, etc. Checked off on this form is “to conserve and enhance natural and scenic resources”. I believe that is considered a public benefit and justifies being put into Open Space. I do feel there is a use for Open Space.

Jenniges: The Critical Areas Ordinance was passed to take those things into consideration. The issues here are not aesthetic. The private owner can do all of that and pay their taxes. The issue is the loss of the tax dollars being distributed to other tax payers. The issue is whether or not the program is a benefit to the County.

Gustavson: If we as a group feel that the program is in error, what is the mechanism for changing the direction of the ship?

Gonzalez: You will need to contact Board of County Commissioners and ask them to put a public benefit rating system into the work program. It is a document based on the state RCW 84.34.05. It is the tax code that allows for Current Use Assessment. This is not a planning document; it used as a carrot in conjunction with the Critical Areas Ordinance. Most properties are encumbered by critical areas. You may want to wait to see what the impact of the new appraisal system is.

02:31:27
Gustavson: It appears that a decision has been made to deemphasize the program, which would require going to the state legislature.

Depee: Can a property be taken out of Open Space?

Gonzalez: Yes.

Paralez: It is not our purview to penalize the applicants. Our job is to assess the application regardless of our opinion of the program.

Jenniges: Are they going to penalize the people that have been in this program for years?

Gonzalez: The assessor has not been assessing them in the manner that the Department of Revenue would like them to. We are now correcting that. They can enjoy that benefit.

Sommerhauser: I think it is a great program for those people with many restricted uses. If for no other reason, this is an opportunity to get something back on un-developable property.

A motion was made by Commissioner Sommerhauser and seconded by Commissioner Gustavson to approve the application.

The VOTE:
Yes: 8
No: 0
Motion carries

Public Hearing closed

Vice Chair Coppola: We spent nine months debating the Critical Areas Ordinance. When we come across an application not affected by the CAO, I have no problem granting them a tax reduction.

A motion was made by Vice Chair Coppola to adjourn the meeting.
The VOTE:
Yes: 8
No: 0
Motion carries

Meeting adjourned 11:44 AM

EXHIBITS
A. Findings of Fact: Large On-site Sewage Systems
B. Open Space Application: Kelly Breen
C. Open Space Application: James and Susan Lane

MINUTES approved this _______ day of _______2007.

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John Taylor, Chair

_________________________________________
Christina Lindner, Planning Commission Secretary