

1  
2  
3  
4  
5  
6  
7  
8  
9  
10

**MINUTES**  
**KITSAP COUNTY PLANNING COMMISSION**  
**Administration Building - Commissioner's Chambers**  
**Work Study/Public Hearing**  
**June 12, 2007, 9:00 AM**

11  
12  
13  
14  
15  
16  
17  
18  
19

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.

---

20  
21  
22  
23  
24  
25  
26  
27

**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.**

28  
29  
30  
31  
32  
33  
34  
35

**9:06 AM**

36  
37  
38  
39  
40  
41  
42  
43  
44

**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 Gonazalez, 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.

1           **Gustavson:** This does not reduce the tax collected. It shifts it to other  
2 taxpayers.

3  
4           **Karanne Gonzalez introduces Tamara Beverage, Current Use Administrator**  
5 **and commercial appraiser, from the Assessor's Office.**

6  
7           **Tamara Beverage:** With Open Space land, one acre is reserved for the home  
8 site. Currently they are assessed two ways: Waterfront and non-waterfront. If  
9 the property is waterfront we take one acre at market value for the home site.  
10 Any excess value of one acre market value is attributed to Open Space. On a  
11 two acre waterfront property assessed at \$200,000, the one acre market value is  
12 \$150,000. \$50,000 will be shifted into Open Space. On a non-waterfront  
13 property with two acres worth \$200,000, one acre is divided by the number of  
14 acres. \$100,000 will go to the home site value and \$100,000 goes to Open  
15 Space. We have been instructed by the State of Washington to value one acre of  
16 all properties entering the Current Use Program at market value, not at a pro-  
17 ration per acre of the overall acreage value. For waterfront we have been doing  
18 this all along. For the 2009 tax year, all other upland Open Space and Current  
19 Use programs will be readjusted so that the one acre of home site will be  
20 appraised at full market value. Anything in excess of that is prorated for Open  
21 Space.

22  
23           **Gustavson:** The shape of the property has a tremendous impact on the  
24 property value.

25  
26           **Beverage:** That is correct. Typically on waterfront properties there is a front foot  
27 value and an adjustment for depth. Usually properties entering Open Space  
28 have excess depth.

29  
30           **Jenniges:** What about lots less than one acre?

31  
32           **Beverage:** They cannot go into Open Space with a home site on the property.

33  
34           **Jenniges:** If it is not Current Use taxing, what is it called?

35  
36  
37           **Beverage:** It is still Current Use tax. The way we apply the market value and  
38 the Open Space value is going to be reallocated. Currently with a ten acre parcel  
39 worth \$100,000, one acre of the home site is \$10,000 and \$90,000 goes into  
40 Open Space. The same parcel in 2009 will be cut in half; \$50,000 will run at full  
41 market value and \$50,000 will be applied toward Open Space.

42  
43           **Sommerhauser:** What manner of instruction did you receive from the  
44 State?  
45

00:07:36

1 **Beverage:** Mike Eastman was notified and the information was relayed to us.  
2 Linda Brown with the Current Use program with the Department of Revenue  
3 further clarified the information.  
4

5 ***Jim Sommerhauser requests a copy of the letter.***  
6

7 **Gustavson:** This will decrease incentive in the Open Space Plan.  
8

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

11 **00:09:48**

12 **Public Hearing Open:**  
13

14 **Gustavson:** For people with properties already in the Open Space  
15 program, will the 2009 tax rule affect the amount of tax shift they receive?  
16

17 **Gonzalez:** Yes, they will be revalued. The first application is for James and  
18 Susan Lane. The property is located at 3061 Twin Spits Road in Hansville. The  
19 site is densely wooded with a forested wetland stream. The area going into  
20 Open Space is 1.93 acres. The land provides alternate access to the Nature  
21 Conservancy property. The owners allow public access. One acre for the  
22 house and the shoreline will be exempt for Open Space. They will qualify for a  
23 60% tax reduction. The tax shift will be \$176 a year.  
24

25 ***Discussions held regarding boundary lines on the map.***  
26

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

29 **The VOTE:**

30 **Unanimous**

31 **Motion carries**

**00:13:52**

32  
33 **Gonzalez:** The second application is for Kelly Breen. The property is located at  
34 24663 Big Valley Road. The property is approximately 5.39 acres. It is densely  
35 wooded and most likely has a forested wetland associated with the nearby creek.  
36 The landowners wish to maintain it as a wildlife habitat. The property's 2.8 acres  
37 qualifies for a 50% tax reduction with no public access. The tax shift will be \$323  
38 a year.  
39

40 **Depee:** Looking at the soils, streams and setbacks, the landowners  
41 cannot develop the property any further. This application would do nothing  
42 but reduce their property tax.  
43

44 **Gonzalez:** Correct.  
45

1           **Jenniges:** I see that the plat next to the one in discussion is farther back  
2 into the platted area. How is one property considered more wet than the  
3 other?  
4

5           **Gonzalez:** Some properties are older, have been filled, or drainage has been  
6 installed. It depends on the development history. This site is at a slightly higher  
7 elevation than the adjacent property. I look at the adjacent properties as well.  
8

9           **Jenniges:** Is the property south short platted?  
10

11          **Gonzales:** I do not know.  
12

13          **Paralez:** The applicant's drawing shows a stream. Was the stream  
14 eligible?  
15

16          **Gonzalez:** I did not feel it was eligible. It seemed to be more part of the yard  
17 than Open Space.  
18

19          **Paralez:** The characteristics of this application that qualify for Open  
20 Space are the conservation of wetlands, access to wildlife, and  
21 preservation of natural resources.  
22

00:19:00

23  
24          **Gonzalez:** Correct. They would not have met the minimum buffer requirement  
25 on the side piece.  
26

27          **Jenniges:** What is the property currently zoned?  
28

29          **Gonzales:** Rural Protection. They could only develop the front two and a half  
30 acres.  
31

32          **Gustavson:** Are there any other conservation lands listed in the area?  
33

34          **Gonzalez:** Where they are, I cannot tell you.  
35

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

38          **The VOTE:**

39          **Unanimous**

40          **Motion carries**  
41

42  
43          **Public Hearing closed**  
44  
45  
46

9:27 AM

1  
2 **C. Approval of Findings of Fact: Revised policies and/or regulations for**  
3 **the use of alternative wastewater treatment technologies on**  
4 **nonconforming lots in rural zones for buildings connected to onsite**  
5 **sewage systems –Katrina Knutson, Planner, DCD**  
6

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

10  
11 **Gustavson:** *Requests legal review on item #1, Page 2. Does not believe*  
12 *the Board of County Commissioners should move forward with a decision*  
13 *based on the Planning Commission's recommendation.*  
14

15 **Discussions held regarding the format of the motion related to onsite**  
16 **sewage systems and the Board of County Commissioners' action on the**  
17 **item.**

18 00:26:50

19  
20 **A motion was made by Commissioner Jenniges and seconded by**  
21 **Commissioner Foritano to recommend to the Board of County**  
22 **Commissioners to approve the Findings of Fact as written.**

23 **The VOTE:**

24 **Yes: 8**

25 **No: 1**

26 **Motion carries**  
27

28 9:34 AM

29 **E. Work-Study: Review and Discussion on Phase II Code Development**  
30 **Process, Eric Baker, Office of the Board of County Commissioners**  
31

32  
33 **Baker:** *Gives overview of the presentation and explains the changes that will be*  
34 *made to Titles 16, 17, 18 and 21.*  
35

36 **Jenniges:** Is this a County or State initiative?  
37

38 **Baker:** It is a County initiative. Changes, additions, and deletions can be made  
39 to anything within the realm of growth management.  
40

41 **Coppola:** We will be reviewing four titles in less than six months. Are we  
42 talking about a lot of changes?  
43

44 00:35:08

1 **Baker:** I expect a significant number of changes, but because this is not a State  
2 directed initiative we can take more time. I suspect Titles 16 and 21 will look very  
3 different.

4  
5 **Gustavson:** *Requests a copy of the Buck & Gordon code study*  
6 *completed under the directorship of Cindy Baker.*

7  
8 **Discussions held regarding the June 26, 2007 meeting agenda**  
9

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

12  
13 **Sommerhauser:** *Recommends discussing BMX bicycle tracks.*

14  
15 **Jenniges:** Attendance level is the major issue of any sporting event and  
16 should be considered.

17  
18 **Baker:** The impact of attendance, definition of terms, and the location of where  
19 these facilities may be appropriate will be discussed. We will also discuss  
20 recreational vehicle parks.

21  
22 **Jenniges:** The County lacks places to park recreational vehicles for long  
23 periods of time. It would increase tourism.

24 **00:49:35**

25  
26 **Gustavson:** Softball tournaments often last a full weekend. It is  
27 particularly handy to have the vehicle on site at the tournament location. It  
28 could also become a County place of revenue generation.

29  
30 **Baker:** The parks department is looking at including recreational vehicle  
31 camping in a number of their facilities. It would give us the ability to bring in  
32 additional revenue. The challenge will be determining the difference between  
33 transient and long-term accommodations.

34  
35 **Depee:** Could this be attainable through a conditional use permit? And  
36 what zoning would it be allowed in?

37  
38 **Baker:** It would be allowed in rural areas. People would not want to pay for it in  
39 the urban areas. The parks need to be located near regional type facilities.

40  
41 **Coppola:** How legally defensible is it to put in an RV park in the rural  
42 area?

43  
44 **Baker:** If it is made for transient uses, it is entirely supportable.  
45



1           **Paralez:** Some studies prove differently. Narrow roads are not as  
2           expensive to maintain. It depends on the LID component being installed.

3

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

6

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

10

11           **Break: 10:24–10:34**

12

13           **Chair Taylor leaves**

01:31:15

14

15

16           **Depee:** I would like to see changes made to the term “Director’s  
17           Discretion”. Discretionary calls should be eliminated unless specific code  
18           can be cited.

19

20           **Baker:** That is what we are looking to do.

21

22           ***Discussions held regarding subjective terms.***

23

24           **Baker:** *Continues presentation by discussing active recreational areas.*

25

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

28

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

33

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

35

36           **Baker:** It depends on location and design.

01:41:39

37

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

39

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

43

44           ***Discussions held regarding director interpretations and the definition of***  
45           ***“director”.***

46

1 **Baker:** *Continues presentation by discussing Performance Based*  
2 *Developments.*

3  
4 **Jenniges:** Are you taking into consideration the change in  
5 demographics?  
6

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

9  
10 **Depee:** Community Development should not be concerned with  
11 marketability. If a specific amount of area is set aside for any use it should  
12 be left to the discretion of the developer.  
13

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

16 **01:59:01**

17 **Gustavson:** Have any Master Plans come forward for SKIA yet?  
18

19 **Baker:** Not at this time.  
20

21 **Gustavson:** Master Planning is too expensive to accommodate the first  
22 guy in. He cannot afford it so SKIA will never happen.  
23

24 **Baker:** Some people think Master Planning is too restrictive. I think a larger issue  
25 is that the infrastructure is not in place.  
26

27 **Depee:** Bethel Avenue has infrastructure available and it has not been  
28 developed.  
29

30 **Baker:** Improvement will occur when the road is developed.  
31

32 **Depee:** Master Planning of that degree has stagnated growth.  
33

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

37 **02:05:56**

38  
39 **Nevins:** We need to be careful as we look at this to not open doors that  
40 will cause problems later.  
41

42 **Baker:** In fully developed areas there is no infill potential. Planning for the  
43 location of a sewer line would make sense.  
44

45 **Jenniges:** There are failing septic systems in Esquire Hills. Luckily, new  
46 technology can help with that.

1  
2 **Baker:** *Continues presentation by discussing the issues being deferred including*  
3 *agricultural regulations, boundary line adjustments, sign codes, and shorelines*  
4 *and view blockage regulations.*

5  
6 **Depee:** Will we address these issues after code has been reviewed?  
7

8 **Baker:** If desired by the Board of County Commissioners, we will look at these in  
9 2008 or 2009.

10  
11 **Depee:** Will auxiliary dwelling units be included in the code revisions?  
12

13 **Baker:** Yes. Only the four previously mentioned items will not be discussed.  
14

15 **02:17:50**

16 **11:23 AM**

17 **F. Open Space Public Hearing Continuation**  
18

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

22 **The VOTE:**

23 **Unanimous**

24 **Motion carries**  
25

26 **Public Hearing Open:**  
27

28 **Karanne Gonzalez:** The first application is for James and Susan Lane.  
29 Property located at 3061 Twin Spits Road in Hansville. A description of the  
30 property has been provided so staff would like to recommend this application for  
31 approval.  
32

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

35 **The VOTE:**

36 **Unanimous**

37 **Motion carries**  
38

39 **Karanne Gonzalez:** The second application is for Kelly Breen. The property is  
40 located at 24663 Big Valley Road. The property is approximately 5.39 acres and  
41 2.8 acres qualify for Open Space.  
42

43 **Vivian Henderson:** I have serious concerns with the Open Space Plan. We are  
44 inviting the public to take the land and asking others to carry the tax burden.

45 There are no income limits. For all I know, this person could be a millionaire.

46 For us to take acres of land that are not developable and shift the tax burdens on

1 others is unacceptable. When people buy land they should be able to pay their  
2 own taxes. If the County is taking this land, nobody should be paying taxes on it.  
3 We need to talk to the people in the County to determine if they would like to  
4 continue this program. Also, I agree that Director's Interpretations need serious  
5 consideration. Our director is not a planner. He is an administrator. If he is  
6 going to make an interpretation, he will need to depend on staff. I would like to  
7 ask him to consider opinions outside of staff. And unless I live adjacent to a "Tot  
8 Lot", I would not allow my grandchildren to play there because I believe they are  
9 grounds for pedophiles.

10  
11 **02:23:25**  
12

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

22  
23 **Sommerhauser:** On the applicant checklist, a space is available to  
24 indicate the category the property qualifies for; public benefit, etc.  
25 Checked off on this form is "to conserve and enhance natural and scenic  
26 resources". I believe that is considered a public benefit and justifies being  
27 put into Open Space. I do feel there is a use for Open Space.

28  
29 **Jenniges:** The Critical Areas Ordinance was passed to take those things  
30 into consideration. The issues here are not aesthetic. The private owner  
31 can do all of that and pay their taxes. The issue is the loss of the tax  
32 dollars being distributed to other tax payers. The issue is whether or not  
33 the program is a benefit to the County.

34  
35 **Gustavson:** If we as a group feel that the program is in error, what is the  
36 mechanism for changing the direction of the ship?  
37

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

45 **02:31:27**  
46

1           **Gustavson:** It appears that a decision has been made to deemphasize  
2           the program, which would require going to the state legislature.

3

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

5

6           **Gonzalez:** Yes.

7

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

10

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

13

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

17

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

21

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

24           **The VOTE:**

25           **Yes: 8**

26           **No: 0**

27           **Motion carries**

28

29           **Public Hearing closed**

30

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

34

35           **02:38:30**

36

37           **A motion was made by Vice Chair Coppola to adjourn the meeting.**

38           **The VOTE:**

39           **Yes: 8**

40           **No: 0**

41           **Motion carries**

42

43           **Meeting adjourned 11:44 AM**

44

45

46           **EXHIBITS**

Kitsap County Planning Commission – June 12, 2007

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

4  
5  
6  
7  
8  
9

10 MINUTES approved this \_\_\_\_\_ day of \_\_\_\_\_ 2007.

11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

\_\_\_\_\_  
John Taylor, Chair

\_\_\_\_\_  
Christina Lindner, Planning Commission Secretary