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, Lary Coppola, Jim Sommerhauser, Tom Nevins, Fred
Depee, Lou Foritano, Linda Paralez, Mike Gustavson, and Chair John
Taylor.
Staff present: Scott Diener, James Weaver, Katrina Knutson, Phillip
Fletcher, Eric Baker, Angie Silva, Jim Bolger, Larry Keeton, and Mary Seals.

9:08 AM
A. Call Meeting to Order, Introductions

9:09 AM
B. Approval of Meeting Minutes

A motion was made by Commissioner Jenniges and seconded by
Commissioner Sommerhauser to approve the minutes of August 14, 2007.
The VOTE:
Yes: 8
Abstained: 1
Motion carries

9:10 AM
C. Formal Introduction of Steve Bauer, new County Commissioner

Commissioner Bauer: Discussed the role and focus of the Planning
Commission with the Planning Commissioners. They discussed alternating
meeting schedule day to night so that they public can have more access to the
meetings.

9:20 AM
D. Director’s Update – Larry Keeton, Director, DCD

Larry Keeton: Reported on DCD activities including, completion of near shore
assessment, blitz (Engineers from various firms) for storm water review, building
inspection scheduling, the department restructure, and transition of DCD to an Enterprise Fund.

**Depee:** Asked about the Enterprise fund. Will we be given a breakdown, and be able to review the financial differential that you will be proposing in the fees.

**Larry Keeton:** Yes. It’s a public process. We have to do it sooner than later so that people can start planning. The commissioners talked to me about raising fees in the middle of the year and I stayed them off for a couple of reasons. I didn’t think we had a real capture of the costs. Secondly, we didn’t think it was fair to the building community to say in the middle of the year, when they’ve already got their programs formed for 2007 “we’re going to raise your fees”. I think we need to do it in January so we can give people notification ahead of time.

**Larry Keeton:** Discussion about implications and responses of raising fees.

**9:36:05**

**Paralez:** I notice you do have the LID training and Education Outreach to the stakeholders, but at some point it would be nice to see a short, medium and long range education plan for staff. So that you get the consistency and reliability of review, the auditors kind of development. Hopefully we’ll have an opportunity to talk about what some other jurisdictions are doing in developing those educations.

**Larry Keeton:** Discussed visiting other counties and the value and impacts of training staff.

**Gustavson:** You talked about the shoreline assessment. The county has opted to define the entire shores as critical; the Shoreline Management Act only applies to non-critical shorelines. Will we get to the point from the shoreline assessment, will we be able to define which shorelines are in fact critical and which ones are not so that the Shoreline Management Act will apply.

**Keeton:** We will put together a plan to review the shoreline per our requirements.

**Gustavson:** We can’t do the 2011 effort unless we have some non-critical shoreline. And we need to also agree on what science is supportable.

Further discussion about Enterprise Fund impact and implementation issues. Discuss how close DCD is to Enterprise Fund budget now and the Boards role in implementation.
E. Update: Phase II Code Development, Eric Baker, Special Projects Manager, Office of the Board of County Commissioners

Eric Baker: Presented updates to the internal first drafts of the code development; Title 16, Title 17, and Title 18.

Depee: Is there anything there for follow up on any of the codes that you’re revising currently on a future date with this? I didn’t see any. The point I’m trying to get at is, once you implement new revisions such as these, there are always going to be quirks that people didn’t see that were implemented that become more apparent. Is there a check point, for example, six months after implementing is there enough applications to have gone through to see whether there may be another refinement? So at that juncture what I’m asking, could there be a once a year opening that’s required for the public and for staff to review anything that might need to be fine tuned. So that we can put this in a progressive state rather than in a definite state of now and then just hope there’s funds available to address it.

Eric Baker: That is an excellent idea. I am a strong supporter that code development should not be every three year, every five year event. It should be something that happens annually at least. As you noted we’ve already brought one set of code changes forward to you that were exactly the ilk that you indicated; Issues that we just did not note that we created. I would expect that that process would continue on an at least an annual basis, if not a multi-times per year.

Depee: What I’m getting at is something to put some teeth into. You can want all day long, but if it’s a requirement as part of the code revisions that they be revised once annually. That’s what I want to see in here so that there is no doubt that it’s going to be done and not shuffled down in accordance to priority of what’s occurring at the time. This is a huge, huge impact on this whole community, far beyond what many people might know. And forcing that refinement to continue to stay in place is good for everybody.

Eric Baker: A docketing process is what I think you’re referring to. Similar to how we do comp. plan amendments; where at the beginning of every year we indicate that these are the things that were looking to take on. That can be liberating and restricting at the same time.
Depee: You’re the expert on it, in my opinion. I’m just hoping that it’s got enough credence so that it.

Gustavson: There are a number of very specific issues here; I know we are going to talk about it on the 11th. You came to racetrack and ignored the potential for dog and horse racing; you only have automobile racing in there. Where you come to storage containers, 25’, it’s kind of useless when you’re going to replace an existing home. The design criteria for multi-family development, I’m not sure if that’s an effective thing to be doing even. Times change, philosophies change, you can drive around the county and see the kind of themes of the buildings that were built in 2001 as opposed to those built in 1901. Building model homes on parcels that don’t have final plat approval surprised me. These are things I want to talk about on the 11th… Accessory structure, 50sf, I thought it was 120sf, 50sf is 7x7, you can’t put a rowboat in it. In the view blockage requirements…we need to talk about that at length. The director’s authority to interpret the code in the other section; I’m not sure that it’s appropriate. The director is not a planner. Therefore, what qualification does he have to interpret things? Those are the topics I’d like to discuss on the 11th.

Eric Baker: We’ll be prepared to discuss them

Jenniges: I’ve got a real concern, in the fact that there is an awful lot of director direction. I think we need to redirect that to somebody else other than the director. My other concern is that we’re getting towns such as Keyport and Manchester that are developing their own design standards. And my concern is the conflict between the design standards between the county code and the state code. I was impressed with what Vancil and Palmer did with regards to the Manchester concerns of their design standards. And I believe those concerns should work their way into county code concerns. Because I’m sure there are going to be conflicts in those. If were are going to have ordinances we need to have ordinances, like Fred said, that have teeth in them and not left up to somebody’s, “well I think”. You have to have definitive lines in a county where you say this is what it says and that’s just the way the world turns.

Eric Baker: I leave you with the large scale issue of predictability vs. flexibility. Planning would be a whole lot easier if everything was relatively predetermined by a code. The down side is that all the properties in Kitsap County are not created equal. We can craft code between now and the judgment day and there will be exceptions. References to the director with the directors appeal processes and the need to publish his determinations was an attempt to provide some flexibility while still providing the ability for an appeals process for people don’t
like the way he interpreted the flexibility. So that an individual who has a
particularly oddly shaped property doesn’t get caught by a prescriptive code that
we then through the code preventative process are trying to retool six months
later with out knowing what you are opening up by making it work for that
individual.

**Jenniges:** Instead of putting it to a director, put it to a Development
Engineer, a private Engineer and possible a mediator. That’s what
insurance companies do.

**Eric Baker:** The director has a lot of those professional staff in his employ, and
hopefully is taking all their input before making his decision. One thing we keep
hearing from the development community is that they want one person to go to.
That individual is roughly the final say on these types of decisions. As there is the
accusation that decisions are made, they vary from planner to planner and from
staffer to staffer. So the idea of directing it all to the director and putting it all on
his lap to make the final decision on that was an effort to consolidate flexibility
into one point of accountability.

**Jenniges:** Well I think you can do that with an arbitrator.

**Depee:** In fairness to staff, there has been such a turn over in the
directors that there is no way that that can be addressed. I think you are bringing
up an excellent point, but as I stated earlier, directors’ discretion is a real broad
base that needs to be tightened.

**Jenniges:** I’m only trying to provide an option.

**Eric Baker:** Those are the types of things that we need to discuss.

**Chair Taylor:** I think that’s a DCD internal policy issue. I have a question
that maybe you can enlighten me on. Last year we tried to do these public
hearings, we had them in the evening. I see we’ve moved back to public
hearings for this item, codes, September 11th before the Planning
Commission and then in November before the Board on County
Commissioners with adoption in early 08. My question is, this duplication
of public hearings, it ties up a lot of staff time. It seems to be a duplicate
procedure. Why can’t we either do them both together or elimination the
Board of County Commissioner’s ones? We’re supposed to be the review
and filtering process and the recommendation process to the BOCC. Why
do they need to have another public hearing?

**Eric Baker:** We crafted the 10 year update that way with the hopes that we were
going to be able to do away with a particular public hearing. But the only way that
the BOCC would not need to hold a public hearing on the Planning Commission recommendation is if it’s identical to staff’s recommendation. If you make any changes whatsoever from the time that the public hearing is held to the time that you make your final recommendation that needs to have a separate public hearing even though, in theory, that public hearing should be on only the specific items that were changed by the Planning Commission. As we all know from the Critical Areas Ordinance and the Ten Year update, it is pretty much the same duration of testimony and the same diverse issues and didn’t end up saving us anytime. And arguably, costs us a little bit of time because we had to address the same issues multiple times. We did look at that and can’t find a way around it unless you love what staff did so much that you say ‘go forth with it as written’. And I don’t expect that to happen.

Foritano: Can you go through that again?

Eric Baker: Discussed the process of public hearings.

Foritano: What’s the purpose of the public hearing if we have to either go ‘yes’ or ‘no’ without modification?

Eric Baker: You don’t, but if we go down the way commissioner Taylor would like to see it, he would like to see that second board hearing removed. And the only way to remove the second board hearing is if you are in a ‘Yes this is perfectly fine…’

Foritano: That’s back to my question. Staff comes to their best conclusion and the document looks like such, public hearing causes the Planning Commission to make some recommendations, then you’re saying a second public hearing is required.

Eric Baker: Before the Board of County Commissioners.

Foritano: State statute requires that process? Got it.

Eric Baker: …on the Planning Commission recommendation and it’s changes. So in theory, the public has not had the opportunity to give public testimony on what you guys have changed.

Jenniges: What do you want us to do with this? I got through these documents and I always end up with a lot of questions. And when we have our sit down I’m told either to shut up or it doesn’t matter or it’s noted and nothing is ever done. So, what am I supposed to do with this?

Eric Baker: Predominately what staff is looking for from the Planning Commission is to concentrate on the changed text to see if it is valid, correct,
needs changes, etc. Second, move to the other textual items of the code that were unchanged, but the Planning Commission believes should be changed. When we go through the Planning Commission deliberations we'll be going through what the public had said, as well as what the Planning Commission would like to see changed from the change text and changed from the unchanged text. I think as you found from the Critical Ordinance what the Planning Commission brings forward will go to the BOCC as a Planning Commission draft.

Jenniges: Maybe this is not a fair analysis, but during the Critical Ordinance debate, when we sat down with the BOCC and DCD presented their aspect on the Critical Area Ordinance along with ours. Ours did not really get a fair sharing of viewpoint and many times we were cut off and told that it doesn’t matter. Is this going to be a similar process, because I want to know if my time is going to be wasted or not.

Eric Baker: I don’t have the expectation that it going to be similar to the Critical Areas Ordinance that was not a good example. It’s more similar to how we handled the 10 year update.

Chair Taylor: Thank you Mr. Baker

10:15 AM

F. Deliberation and Recommendation: Keyport Community Plan, James Weaver, Senior Planner, DCD

10:15:12

James Weaver: He gave an overview of the of the Keyport Community Plan and public comments. He opened discussion on the key issues and recommendations.

Jenniges: It seemed to me the only contention in the Keyport plan was the height restriction. Some of them felt there shouldn’t be any. And some felt that they didn’t want to default back to county. Has that aspect of it been resolved? And then the storm water issue. Those were the only two major issues that seemed to come up.

James Weaver: The height issue was the predominate issue. There was comment about not wanting to resort back to the county minimum; and there are two sections of those comments. The majority of the comments were that the county’s height limit at 35’ was uniformly supported by the majority of the comments. I would say about 80-90% of the comment letters you received and the testimony you received supported no view protection and that the county 35’ height was satisfactory. Some of the comments supporting view protection was
that they would be willing to take something in between the 28' and 35'. They were looking for a compromise position.

Jenniges: Is there a county recommendation?

James Weaver: Staff recommendation is discussed in the staff report and endorses the Keyport Community Plan as it stands with the county 35' height maximum uniformly applied to all parcels. There is another recommendation specifically to Keyport Village Commercial, where there was a code section that limited commercial only to 2 stories. The height still would allow 35', but only 2 stories. That has received mixed support from the commercial community and property owners. One of the last items was a proposed resolution to that. That in staffs review appears to be a solution that may fit the bill and be able to mitigate some of the concerns about the adjacencies and heights on Washington Ave. specifically.

Chair Taylor: As I understand you’ve given us some choices here on attachment A, page 15?

James Weaver: That’s correct. It’s a number of different options that this board may take to recommend approval.

Chair Taylor: I have a….My thought was to recommend option 3.

James Weaver: I can go through the different options. He reviewed different options.

Sommerhauser: Under recommendation 1, that is, this document minus appendix F. Is that correct?

10:23:52

James Weaver: Actually it is that document in entirety, if you read the language of the View Protection discussion in Appendix F, it’s only there as context and has no recommendation for view protection. It’s there as a discussion of what was proposed.

A motion was made by Foritano and seconded by Paralez to the staff recommendation number 2. Recommendation #2 reads:

"Designate Keyport as a LAMIRD and recommend approval of the Keyport Community Plan based on staff findings that recognize the existing development (pre-1990) and natural limitations with limited infill opportunities with modifications to the following components.

With Modifications to be discussed"
Paralez: Seconds

James Weaver: At this point we can open up to any recommended changes.

Chair Taylor: As far as the view protection issue, what is the difference between option 2 and option 3?

James Weaver: Option 2 allows us to have recommendations from this board and continue and approve the plan this year. Whatever your recommendations for the view protection will be forwarded to the board and they can approve the plan with those recommendations or their own recommendation this year. Option 3 defers that section of the plan to 2008 to be resolved. It compartmentalizes the plan, the plan is still supported but then defers approval or resolution of that until next year.

Chair Taylor: Where is the language on the view protection?

James Weaver: The comment package of hand out distributed to the Planning Commission today, the very last page.

Depee: So, the very last page would apply to commercial only.

James Weaver: Yes, this would only address Commercial only. It was only commercial that was part of the discussion for design guidelines. There was a proposal for 2 stories to be in the maximum allowed within the commercial district. It was discussed pretty heavily in the community and a number of comments came forward that this may be a better solution in that reducing any mass for commercial entities above 2 stories would be able to solve the same problem, while not constrain the development potential of any of those parcels on the commercial core.

Depee: Let me clarify, it was section 14 which was the view which caused the most controversy. Did that become back in and incorporated as part of the sub area LAMIRD?

James Weaver: The view protection has never been included in the plan. It was only proposed during the community meetings and was voted out of the plan. The draft Keyport Community Plan did not recommend view protection but only had a description as a context of what was discussed.

Chair Taylor: The survey questions. Is this one for commercial or residential?

James Weaver: The survey questions did not specify between either. The survey was conducted very early in the process and was reflective universally to
all of Keyport. It was a philosophical question more of a judging of the
community’s concerns and intent. No specific code language, height or zoning
was applied at that time. There was general concern about views; they were
concerned about views in general, views of their own, views of the water, but not
specifically a height restriction. When the community later concluded how that
question was being interpreted by some, that’s when there was debate over the
interpretation of all those survey questions.

Chair Taylor: So how are you going to control this view issue if there’s n
othing in the code?

James Weaver: The current county code does have a view protection ordinance
for shoreline property. Typically that protects the view of adjacent properties on
the waterfront. Keyport is a very flat community; it is not like Manchester where
you definitely have the views. There are occasional parcels that have views
across larger parcels that have not been developed fully. They enjoy those views
at the discretion of their neighbors. At this time the neighbors can block those
views because they are not shoreline themselves. They can block them with
structures, landscaping or otherwise. That’s pretty much the situation for most
non-shoreline properties, county wide. The only views that are consistently
protected are the shoreline views because they have unobstructed access to the
waterfront. That would remain in place for Keyport.

Gustavson: I move that all language be stricken that relates to view
restriction in the Keyport plan. All the public comments that I see support
that direction.

James Weaver: Before we go to vote, can I ask clarification?

Gustavson: We’re not going to vote, we’re going get a second, maybe,
and then we’re going to discuss it.

Jenniges: Seconds, just for discussion.

James Weaver: Are you requesting that the view protection discussion and
comment of deliberation and how they got that process be stricken as well?
Because currently the plan does not promote any view protection whatsoever. It
defaults to the existing county code.

Gustavson: That’s my desire. That’s what the people seem to be going
toward; I’d like to support their position.

James Weaver: Right, the existing motion to approve the plan as written actually
supports that exact same recommendation.

Jenniges: I didn’t see where it says it defaulted anywhere.
James Weaver: It does. If you look at appendix B, there’s height restriction. That code proposal amends the county guidelines for Keyport community plan zones, commercial residential with a height restriction of 35’. That’s what would be in effect with approval of the plan.

Chair Taylor: Are we ready vote on the amendment?

Sommerhauser: I’d like some clarification on what the amendment does. So far I think this is what we’re voting on. It would exclude from this plan the appendix F. Appendix F is a discussion that is also in the introduction of what came about? A discussion that we looked at view protection. Is the intent of the amendment to exclude that also? I think the way you stated it is overbroad to what your intent is. I think your intent is to kill appendix F, part of this and then vote. If that’s your intent, then I’m with you. If your intent is to go beyond that and look everyplace in the document and find reference to view protection, including the discussion of the community discussion. I don’t go along with that.

Chair Taylor: I think that was your intent, Mike?

Gustavson: It appeared to me that the citizens were very much not in favor of having view protection requirements in the document. I don’t know that the comments spoke to waterfront specifically, but we’ll talk about that on the 11th of September in the general county code. The whole view protection of the waterfront may have been a fine idea for the flat land straight waterfront line concept, but it doesn’t do anything except get uniform setbacks.

James Weaver: The clarification that I think is requested is the fact staff recommendation and the plan that is written also supports that process. There is no view protection or requirements for view protection with in the document as it presently reads.

Gustavson: Given that the case and your satisfied that in fact is there, I withdraw the motion.
Jenniges: Seconds withdrawn

Chair Taylor: Motion and second is withdrawn. So were back now to the original motion to go with option 2.

Jenniges: I agree with option 2. I still have some discussion with staff on this 30” limit.

James Weaver: I would be happy to discuss that. If desired that can be a motion to recommend a discussion or a change to the commercial height 2 story issue. That’s where we can discuss not only the 30”, but also whether 2 stories is a recommended limitation that this board would recommend or the proposed community change would be what the board would recommend.

Chair Taylor: We’re back to the original motion.

Jenniges: Yes. To me the 35’ and 2 stories seems to be the conflict. I would recommend that it just be a height restriction rather than the subjective identity of 2 stories.

James Weaver: That could be a motion to strike all of the section of Appendix B that limits commercial structure to 2 stories. It is identified on Page 3 of Appendix B, Kitsap County Code Section 17.321D.060.

Jenniges: Make a motion to establish height limit at 35’.

Sommerhauser: Seconds motion

Depee: Does that include the elimination of 30” above grade that you are asking to put in there.

Chari Taylor: That’s total height from the grade?

Jenniges: Yes.

James Weaver: The easiest way for that would be to have a motion that eliminates that section of code 17.321B.060 in its entirety. That would clean up the plan and eliminate all the issues that have been brought before us.

A motion for an Amendment was made by Jenniges and seconded by Gustavson to eliminate that particular aspect of the code17.321B.060. And then restrict heights to 35’ and eliminate any reference to stories.

Chair Taylor: And you’re saying in effect that eliminates 17.321B.060?
James Weaver: Correct, that would be the elimination of the entire section. It would default to the 32.382 which defines heights at 35’ with no limitation for either commercial or residential.

Nevins: I think this simplifies things; however, what it does allow is construction of 35’ boxes throughout the village. What I heard and read it is not the intent of the community. Perhaps you can clarify.

James Weaver: There was a concern from the community for the adjacency issues for the small cottages next to large commercial structures. There could be conceivably a solid wall of 35’ 3 stories. The setback proposal that was a way to mitigate that, showing a 2 story façade along Washington Street to be uniform. And then stepping back anything above 2 stories, 10ft because visually once you look at that 2 story cornice line you truly can’t see 10ft beyond to the next story unless its more than 12’ high. It essentially mitigated that concern maintaining the 2 story visual perception of their main street while allowing the full development potential of their lots within the commercial core.

Nevins: Then I’m a little confused with the motion we’re speaking to is only the commercial area?

James Weaver: My understanding of the motion on the table is that it removes all 2 story restrictions throughout Keyport. Effectively there are no restrictions in residential, so relating to number of stories, it’s a moot point. So now the only effect it will have is to eliminate that restriction in the commercial core.

Sommerhauser: What was the opinion in the community as it relates to that?

James Weaver: Them community was somewhat split. There’s a concern expressed both in the survey notes and the testimony that they wanted to maintain their small town character, the semi-historic quality of Washington Ave. as their main street and not to have the adjacency issues of a looming structure blocking all light and view next to a small cottage that has not converted yet. The language that was proposed on that sheet was an attempt to mitigate the concern from some of the commercial owners was that 2 stories was too limiting and having the setbacks may as a possible way to mitigate that factor could be a compromise that would meet both the needs of the community and the needs of the developers and the property owners.

Jenniges: Looking at it from you perspective, do you believe that it is necessary to have the 2 story statement in there rather than just the 35’
limitation? I don’t believe that anybody building there is not going to have a 2 story building.

James Weaver: That was the concern. That was the reason it was originally inserted there is the design guidelines, which are more advisory. They do provide the director the power for interpretation to review each project as it comes in for that adjacency issue.

Paralez: What is the intent of the detail of the 30” above natural grade or sidewalk grade?

James Weaver: To not have an 8’ basement at grade or similar building type that discouraged any interaction with the main pedestrian functions on Washington Avenue. It has been experienced.

Paralez: So it’s appearance.

James Weaver: It’s about pedestrian connectivity with the front street and not having the blank basement levels be the predominate factor along the main street.

Paralez: So again by us just believe that nobody’s ever going to build a Costco or Home Depot there. We’re just assuming everybody’s going to be good guys.

James Weaver: Being a planner for the last 15 years in creating development code, I always try to take the worst case scenario because usually someone tries to beta test the code.

Sommerhauser: In discussion on my friends’ proposal. I believe that the proposal from the community, that frontage 2 story limitation is reasonable. I recommend voting down the proposal and going with the original document as proposed.

10:46:11

A request to review the amendment is on the floor.

James Weaver: Reviewed the amendment.

Jenniges: The foundation requirements at times exceed above 30” grade. And therefore, I consider a restriction to somebody attempting to build a decent building that is only able to that because his foundation requirements would put him above the 30” grade.
James Weaver: I don’t believe that would be the concern, essentially the grade would be excavated further to accommodate that addition foundation cement and structure. Essentially, the difference is how the first floor level interacts with the sidewalk.

Gustavson: In the literature are you exactly saying what you’re intending specifically to the frontage of Washington Ave.

Chair Taylor: I think we need to move on from this amendment and vote it up or down and get back to the main motion.

James Weaver: Read the language pertaining to frontage on Washington Ave. from the proposal. You’re correct the sub grade stories language only discusses in general, the 30” grade difference around the entire parcel. So that language about Washington Avenue would have to be added. It was intended that sidewalk grade was predominate focus of that code, but if you remove natural grade and only have the sidewalk, since sidewalks are only required Washington Avenue, that would maintain that difference along Washington Ave.

Gustavson: Offers a Motion that staff clarify the language so it’s specific to the problem.

Jenniges: Withdraws the motion of an Amendment to eliminate the section of the code: 17.321B.060. And then restrict heights to 35’ and eliminate any reference to stories. Gustavson: Withdraws second to that motion.

Gustavson: Is there a second to the staff cleaning up the motion on Washington Ave?

Depee: Can’t we get that from passing the original motion?

James Weaver: No, the original motion is still supporting 2 story limitations. You’re recommending an amendment to the original motion. From what I understand, the community supported language – He reads from the plan. And then another change to that #1 “sub grades stories and basements are permitted up to 30” of natural grade facing Washington Ave or sidewalk grade, whichever is lower.”

Gustavson: That’s your intended language?

James Weaver: That would be the changed language.
A motion was made by Sommerhauser and seconded by Jenniges for an amendment to adopt language into the plan with the clarification that we are talking out the portion regarding to natural grade in A1.

Proposed Language change for Keyport Community Plan, Appendix B reads

"Section 17.321D.060 Height

A. No structure in the Keyport Village Commercial zone shall be constructed to have more than two stories facing Washington Avenue, with all stories above the second story setback a minimum of 10 additional feet from the façade line.

1. Sub-Grade stories and basements are permitted up to 30 inches above sidewalk grade along Washington Avenue.
2. All other height requirements shall be in accordance with Chapter 17.382 and 17.382.090, Rural Sub-Areas Density and Dimensions"

Chair Taylor: Will that move, James?

James Weaver: That amendment will because sidewalks are only required on Washington Ave.

Sommerhauser: That gets us to remove the 2 story limitation in the commercial zone only. The rest of the height limitations for all of the LAMIRD will be 35’ with no story discussion. In the commercial zone only it will be 35’ with the first 10’ limited to 2 stories and anything behind 10’ can go up to 35’, no story limitation.

Chair Taylor: Are we ready to vote on that amendment?

Nevins: Would it be cleaner to modify the original motion to embrace all this? It was very easy for me to agree to modify the original motion.

Chair Taylor: That in effect is what this motion is. I don’t think the primary motion deals with this amendment.

Nevins: What I’m saying is would it be cleaner just to adjust the original motion to embrace the secondary amendment?

James Weaver: Staff would not suggest that’s not the case. The original motion supports the entire plan as written. This motion is an amendment to that original to propose a recommend change for this specific item. Additional recommended
changes may also have separate amendments that would be voted on independently, all under the umbrella of the original base motion of support.

A motion was made by Sommerhauser and seconded by Jenniges for an amendment to adopt page into the plan with the clarification that we are talking out the portion regarding to natural grade in A1.

The VOTE:

Yes: 8
Opposed: 1

Amendment carries

Break

11:09:28

Gustavson: I have a motion. Mixed use applications in the commercial district should not be limited to mixed use only.

James Weaver: They’re not, commercial only development is permitted outright and mixed use developments may occur at the parcel owner’s desire. It is optional currently.

Gustavson: Are all the parcels in that commercial zone already filled?

James Weaver: There are very few vacant parcels. Perhaps one or two.

Chair Taylor: Do you have everything you need?

James Weaver: We need a vote on original underlying motion.

Sommerhauser: On the original motion we are looking at 2. It says we are going to buy this document with appendix F still in as a discussion of what the community did, but not as a limitation in the LAMIRD. With the change that we made adding these in and wrapping things up in 2007, but opportunities for modifications to the following components: A.) View protection proposal. I think that’s just this. I don’t think there’s anything else. If that’s the case then I’m ready to vote.

James Weaver: The view protection was only an example of what elements of this plan that could be modified. That modification to remove the limitation for commercial stories to two stories that was approved through your vote would be the only modification to the plan as it stands now.
A motion was made by Foritano and seconded by Paralez to the staff recommendation number 2.

The VOTE:
Yes: 8
Opposed: 1
Motion Carries

Sommerhauser: There were a lot of people invested helping you. How are you going to get the word back to what we’ve done in relation to moving on to the commission?

James Weaver: Our first step is to record all the documents from these meetings and we have an email list to distribute all decisions to the community. We also have a online posting of all the information in and the recommendations. All of those will be presented to the Board of County Commissioners in public meetings and to the community as well. And then in our advertisement for the public hearing for those final decisions will go through the entire public process again. That is our typical public process for these types of plans. Thank you again, it has been a pleasure working with this Commission and with the community on this project.

11:19 AM

G. Deliberation and Recommendation: Manchester Design Standards, Phillip Fletcher, Senior Planner, DCD

Phillip Fletcher gives a report on the Manchester Design Standards. He gives his conclusions to postpone deliberations and recommendations for today. To give the staff an opportunity to provide more research and document the changes.

Chair Taylor: I think we’re fine with that.

Gustavson: I heard a lot of comments the other night in the hearing about parking difficulties in Manchester; particularly, regarding fishermen. I heartily support the concerns of the community. One thing that will kill our town more than anything else is inadequate parking. It becomes a real contentious issue for the people whose homes are blocked by it; it’s a problem for the businesses to try to operate. I think the first thing we need to do is to define the requirement for parking in numbers of spaces, include the double spaces for boats and trailer And then identify where that can be obtained. The port has the ability to condemn property to provide parking. One of the benefits that come out of that is that you get some view corridors from the commercial section if there are parking areas on the main street. The mechanical issue of downtown Manchester is that the west side of Colchester has a grade issue. And that requiring
rear entry commercial for that on the street above Spring Street makes those buildings so skinny that they become economically undoable.

**Phillip Fletcher:** I think you are aware, from some of the comments from the public that it’s such an important issue that even after we go through the design standards process that there be a special parking study and a whole process done on parking to address the broader scopes of that. In the design standards themselves parking is discussed many times, but none of it will address your concern.

**Gustavson:** It’s such a binding constraint that I think if we don’t solve that first before we do anything else we are not going to come to a solution that’s going to work.

**Phillip Fletcher:** It won’t be solved within the design standards.

11:25:58

**Jenniges:** I realize you have a monumental task; and that is on the design standards because what I will do is I’m going to take Mr. Palmer’s comments and Mr. Vancil’s and where they say these are vague and this is confusing I going to verify that that gets cleaned up. Because you can’t move forward.

**Phillip Fletcher:** Let me suggest to you that in addition to reading those two comments, you read the comments that staff wrote and critiqued it. Line by line they’re almost the same comments, although done more diplomatically. It’s consistent; you not only want to pass a good set of design standards you want them to survive legal challenges or have them easy to implement with a certain degree of fairness. There was a lot of vagueness and ambiguity in them and just difficult to follow. That’s part what I’m say is I’m tying to clean that up with a pretty analytical eye to it.

**Jenniges:** I think it’s important in the fact that when a contractor has invested, or a developer or a homeowner, a lot of dollars into his property, he has guidelines that he feels he can properly interpret without getting a stop work order.

**Coppola:** I have some serious reservations about the integrity of public process for this whole thing here. No minutes were kept at the meetings, so all we have is one person’s or two peoples word that that is actually what happened. And the decisions were made by a small number of people, by the people that showed up at the meetings. As someone who owns two properties in Manchester, I never received any notification of any of the meetings. I would have probably gone. So, I’m not real sure exactly how honest this process has been.
Phillip Fletcher: The process as it was, good bad or indifferent, was outlined in the staff report. I note that the only formal action addressing this problem was that the MCC was given monthly reports by the subcommittee.

Coppola: But there were no minutes of the subcommittee meetings taken. All that the reports detail are what the person that wrote them interpreted. So that goes directly to my question of the integrity of the process because the people driving the process had their own goals in mind. Their own agenda.

Phillip Fletcher: It’s not anything that will be addressed in anymore detail than it already has been addressed in the staff report. The process is what the process was, and retrospectively.

Coppola: I believe that if that’s the counties attitude then they’ve done a very poor job of managing the process and perhaps it should be started over.

Phillip Fletcher: That’s a legitimate concern, but it’s a statement that the Planning Commission will have to decide upon.

Coppola: My next issue is with the design standards, most of the redevelopment of the downtown area has already been approved and construction started, so the design standards are pretty much a waste of time, because they are not going to apply to anything.

Phillip Fletcher: Two comments to that, specifically I think I counted 7 vacant lots within the zone of which 2 or 3 have already had approved site plans. So you’re largely correct on that. The second thing is that the design standards do not deal just with new buildings it also deals with existing...

Coppola: But there’s nothing existing to remodel of any consequence.

Phillip Fletcher: Well there is some feeling that because of the value of the real estate and the views, that in the fairly near future that some of the fairly lower valued (lower than average) properties will be removed or demolished. If this does indeed happen these design standards will address demolition and rebuilding. So you need that for new building constructed, not just on the 7 lots that will be available. So, anticipated renovations and new construction as a result of demolition, I think that’s very valuable, very pertinent concerns that the design standards do address.

Foritano: Larry introduced the two areas that I found of greatest interest. One being the whole integrity of the process, which certainly came up in the public hearing over and over again. When you get to the other one of
the 8 key issues, the height limitations and the view protection, one of the things that Mr. Palmer keyed me to in his comments and his report, is just what’s left to discuss. That is something I’m going to be looking for in your report and the walking tour, just how significant is any impact of our discussion and debate in what’s left if in fact he’s up to his ears managing 4 properties that were approved. I think he said there are only 2 more that have the possibility of being 4 stories. And that was the key issue.

Phillip Fletcher: True, but let’s go back to my answer to that as well. There are two reasons they were concerned about height limitations as well as two reasons they were concerned about the standards themselves. One is, depending on the structural integrity of the building; I’ve seen many times where a third story is added on top of the second story. But even more important, the word planning anticipates some future action, some future occurrence. There’s a fairly significant feeling that depending on how the design standards come out, depending on the market conditions that there are going to be some demolition. If we do pass them and there isn’t enough vacant building lots to make them is important, all we’ve lost is some time. If we don’t anticipate them, then we will have an unfortunate situation.

Sommerhauser: In wading my way through Mr. Vancil and Palmer’s comments, I’m coming up to two different categories of comments. For staff and your relay I want to offer you my opinion. The one category of comments is “I can’t understand what this means and what standard I’m supposed to meet”. That’s got to be fixed. Some of the other comments are along the lines of ‘if you do this, it going to make development hard’. I’m not giving a whole lot of sympathy to those types of comments in that if that’s the community’s desire in look and feel and it makes development hard, then it makes development hard, tough.

11:37:35

Coppola: But that goes back to the integrity of the process. Did the community want it or did a small number of people want it.

Sommerhauser: That’s what I believe we’ll find out in the course of doing our work when staff rewrites and tries to filter between the difficulty or cost of development vs. what the community wants. We’re going to come out with an easier to read process.

Phillip Fletcher: The question of community character is related to this as well and I think that going out there...

Depee: Although I really respect your opinion, I’m very much against design standards. What I’d like to bring to your attention is that in my opinion, Manchester is posed to take an easy transformation soon in
there. I looking it over, I think that an assemblage on that property on
there is going to be ripe for development. And I think that what is being
proposed may be a little bit more important than what people think
specifically, the height restrictions. What happens if the Manchester Inn
decides to sell and somebody comes in there and completely remolds?

Sommerhauser: I agree with that, in fact that explains why I made the
request before. When you talk about community standards, one of the
things to figure out is how fast is the community changing? If I could
figure out what the length of ownership around the commercial core is,
that would give me some feel to how fast that community is changing.

Depee: I'll bring up on point. In development of community standards,
there was never a more comprehensive, long term discussion of this as
the Bethel corridor and it has shown to be a complete dead zone, failure
because of it. If we know what’s successful and what’s not successful,
why are we duplicating what didn’t work. I don’t see anywhere in Kitsap
County where it has been a positive. In Kitsap County I have not seen it
be successful.

Nevins: I will not belabor the point, but I do support design standards. I
do think they make things more expensive and more difficult to develop
and may actually slow down the development of that area where the
design standard is in place. The net result will be more pleasing to the
community in the long run and more valuable and will attract more
economic activity than a place is allowed to go with out design standards
such as many of our strip malls, which are economically functional, but are
in decline. That’s what you get with out design standards. That’s what
Kitsap County has been, that’s not what Kitsap County needs to be.

Depee: Could you give me just one spot in the county where it would
worked?


Depee: They have design standards?

Phillip Fletcher: Yes they do. And I’m familiar with our staff reviewing building
permits and site development permits with those site standards in mind.

Foritano: Is that also true of Poulodbo?

Phillip Fletcher: Is that true? Yes, James Weaver says yes.

Scott Diener: Bainbridge Island too.
Chair Taylor: Phillips’ work is not done; it’s coming back to us; hopefully, with resolution on some of these issues. Could we move on?

Jenniges: I would like to add just a little of what brought Manchester’s character to Manchester character from a historical perspective. That’s when the ferry ran to Seattle during the war. They had three things there; they had a small part, a boat ramp, and a tavern. Then they added a store. That was the character. When the boats going to Seattle moved, it was a substance area from then on. When you’re talking about this big aesthetic thing with Manchester, when you finally get there, the area is less than what you have at Kingston. To me the, the simple fact is, do they want condos there or don’t they and what are the restrictions around those condos? And how can we keep the boat ramp going?

Chair Taylor: I think we need to bring this discussion to a close at this particular time. We still have a couple of minor items on the agenda to clean up.

Sommerhauser: What is the timeline?

Chair Taylor: We’ve already moved it to September 11th.

Scott Diener: We are under a bit of a gun here. We have the interim zoning controls that are set to expire the first part of November. That was set by the board so that we would be able to do this. We’ve already slipped this to September 11th, if we need more time because we have an inadequate product or the Planning Commission needs more time for deliberation after September 11th, then we’ll do what we need to do. But right now we are targeting September 11th to begin to wrap up this one component of the overall process. The Planning Commission needs to make a motion to continue deliberations until September 11th.

Motion was made by Commissioner Gustavson and seconded by Commissioner Sommerhauser to continue to deliberation on September 11th.

The VOTE:

Unanimous

Motion carries

H. Work Study: 2007 Site Specific Requests, Phillip Fletcher, Senior Planner, DCD

Chair Taylor: We have work study on the site specific requests. Is it your intention, Philip, to have us votes on each one of those today?
Phillip Fletcher: On the six, no. There were six site specifics that were submitted in which you have staff report on. There are only two left standing today. One was withdrawn. Three have been given extra time to submit new information or new legal/policy arguments that weren't there previously. The only important thing I think you need to consider is that depending on what information that they need to submit, staff recommendations could change. Staff is suggesting that rather than go over these four that we defer that until we get all the information and staff has a chance to look at them. This leaves us with only two, both of which were recommended by staff, both of which were recommended for essentially the same reasons.

Chair Taylor: Is it your desire to defer the six? I need a motion to defer the six.

Phillip Fletcher: We can defer the whole bunch of the six if you want.

Sommerhauser: I think we can take the two today. We've had plenty of time to go through them.

Chair Taylor: I need a consensus on your opinion if you want to try to process the two of them?

A motion was made by Commissioner Gustavson and seconded by Commissioner Depee to defer all six of the site specifics to the September 11th meeting.

The VOTE:
Yes 7
Opposed 2
Motion Carries

Sommerhauser: One of my questions to staff before the meeting today was on both of these I see discussions of critical areas on the property. Once we take action and once the BOCC takes action on these, will notice to title on these two properties about those critical areas happen?

Jenniges: The ordinance is supposed to. We fought that tooth and nail and I think the ordinance that was approved by the BOCC was the attachment to the title.

Chair Taylor: He can bring clarification on that issue.

Sommerhauser: My reasoning for the Commissioner is that on the Illahee property that was recently fought through the papers that land sold with a building permit in process. As soon as the building permit went in under the critical areas ordinance at the time a Notice to Title should have gone in also. So that that buyer had an awareness that there was a critical
area problem on that property, they would have has some idea of what the
cost was going to be. They didn’t find that out until they were in trying to
finish the building permit. The community center, we’ve got two critical
areas that overlap in the middle of the property, that building permit has
been in process for 10 years. Those people bought that land even though
our requirement for notice to title goes all the way back and they ran into
the same thing.

**Jenniges:** Not true, critical ordinance wasn’t thrown in until 98. And as
far as the land that was fought over in the newspaper; that used to be
farmland. So it was just until we change the rules and make that critical
area.

**Sommerhauser:** My concern is here both of these applicants here what
to change their zoning. Both of them, for the purposes of possible
subdivision. I think it’s incumbent that when the county knows, takes an
action to rezone, issue a building permit, and we know that there’s a
critical area there that the notice to title happens.

**Depee:** I appreciate what you’re saying, but they have check and
balances in place now. When the application comes through there’s and
environmental review at that point, which is what the purpose of that is.
They do have a site inspection, if there’s any challenges, questions to that
issue.

**Chair Taylor:** So noted

**11:57 AM**

I. **Upcoming Planning meeting, Scott Diener, Planning Manager, DCD**

**Scott Diener** reviews what is on the agenda for the September 11th
meeting.

**Jenniges:** The other thing that I want to make note of in the minutes is
that I’m still holding the department accountable for a very comprehensive
sewer report.

**Scott Diener:** Yes, once the board comes back with it’s direction as a result of
some appeal items that we had with the comprehensive plan then you will see
some clarity with respect to direction from staff.
A motion was made by Commissioner Jenniges and seconded by Commissioner Paralez to adjourn the meeting.

The VOTE:

Unanimous

Motion carries

Meeting adjourned 12:07 PM

EXHIBITS

A. Keyport Community Plan: Public Comments
B. Draft Manchester Design Standards
C. Manchester Design Standards Staff Report
D. Attachment 3: Manchester Design Standards

MINUTES approved this _______ day of _______ 2007.

________________________________________
John Taylor, Chair

________________________________________
Mary Seals