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, 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, Steve Heacock, and Mary Seals.

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

Chair Taylor: A moment of remembrance of September 11th

9:10 AM
B. Approval of Meeting Minutes

A motion was made by Commissioner Sommerhauser and seconded by Commissioner Foritano to approve the minutes of August 28, 2007.
The VOTE:
Unanimous
Motion carries

9:12 AM
C. Decision and Signature: Keyport Community Plan, James Weaver, Senior Planner, DCD

James Weaver: Requests approval of the findings for the Keyport Community Plan recommendation.

A motion was made by Commissioner Sommerhauser and seconded by Commissioner Gustafson to approve the Findings of Facts for Sub Area Keyport.
The VOTE:
Unanimous
Motion Carries

9:14 AM

D. Public Hearing: Delilah Rene Open Space/ Current Use Assessment, Steve Heacock, Senior Planner, DCD.

Depee: Requests vote from the Commission on whether he can participate due to being an interested property owner.

Sommerhauser: Are they adjacent?

Depee: Oh yes, there’s a long history.

Chair Taylor: Let’s give Fred direction.

Jenniges: May I make one statement first please? I believe that the current crunch of the financial aspect with the county; I believe all open space tax reliefs should be placed in abeyance and we should no longer allow this type of tax relief with the current county’s budgeting process still in turmoil.

Chair Taylor: I think right now we need to decide because Fred Depee owns property adjacent to the two sides.

Discussion on the protocol for Commissioners Depee’s status on this public hearing.

Depee: Decided to recuse himself and present comment as a citizen in public hearing.

Heacock: Reviews application by Delilah Rene. Reviews staff recommendation.

Sommerhauser: A sign? Where are we going to put a sign?

Heacock: I believe there is an access point on the smaller east property. My understanding is the other borders of the properties; this is really the only access to the properties. He shows on the site map.

Motion was made by Commissioner Foritano and seconded by Commissioner Paralez to accept staffs’ recommendation and move to the Board of County Commissioners for approval.

Foritano: I think this for $1,200 a year gets 25 acres and I think this application is totally constant with the spirit of the open space statute.
Gustavson: I kind of chuckle at the way we view our environmental restrictions. One of the things that occur in nature naturally with its own benefits is naturally started fires. Why don’t we have prohibition on putting out said naturally occurring fires in that they serve a very valuable purpose also of opening up to allow fish to propagate and do well? We’ve got a very stilted view here of what’s good for the environment and us humans aren’t real good at getting it right. Typically we get it wrong and I think we’re getting it wrong here again.

9:30:44

Discussion about natural burning.

Jenniges: Requests current address and home site.

Heacock: Shows map of information and provides the address of applicant.

Jenniges: I consider tax relief for those that have financial strains and I don’t think this meets the criteria. I have a real hard spot in approving this with the current financial conundrums of the county. Even though it is approved by law I really have a hard time falling in line with this.

Depee: I’m really familiar with this; I was bidding on it when it was for sale. I’ve kept over the years the maps showing the critical areas and it’s amazing how you can change things on a map to make it look a lot different than the original maps that I’ve kept copies of; it’s expanded and expanded. There’s a lot of controversy over this, he references the 60’ strip of property on second parcel. That is the only opening available for a lot of the land owners around. So when I see like this #4 and #6, no access, no clearing so forth. What that’s doing is locking up probably 30-40 more acres for nothing in the sense of the owner. So I have, I have a personal interest in this, a real problem with that because it is well known that’s what is involved. To the point of having a value put on that 60’ just because of it. And then I see this application come in. The actual property on the north of that though, I agree, I wanted it for density factors, she wants it for open space. It is really sensitive property. It does have the eagles nest, it does have the ravine, it does have the stream, and there are wetlands on it. So there’s my two cents on it. I feel that if you didn’t check with your surrounding property owners about that aspect of it of locking up a tremendous amount of other land or did you?

Heacock: No. This is the particular request. What we take a look at is the fact that we have a wetland here in the front. It wouldn’t preclude development, but what we’d have to do is take a special consideration for that wetland...
Depee: If you use that map as your only reference and assume that it is 100% accurate.

Foritano: Would your notice lead to a public hearing notice being sent to adjacent home owners, so they’d have a chance to come to a public hearing process and testify to Fred's concerns?

Heacock: I believe so; I believe that notice was sent out to adjacent owners

Depee: No it wasn’t.

Heacock: Okay.

Discussion and clarification of both parcels on the maps.

Chair Taylor: Opens for Public Hearing

9:39:44

Carolyn Back: I’m an associate land use planner with BCRA in Tacoma WA. She Points out location of parcels on the maps. A couple of things that I want to address, you brought up that you didn’t want it to come up recently; we applied for this on September 19th of ’06 and that’s how long it has take us to get through the process because of the back log of work. So this wasn’t a recent application. The second thing I’d like to bring up, a property owner, Mr. Depee, commented that that is the only access and that is incorrect. The other access, this piece of property is owned by attorneys and that is a trust. And actually, you can go up Baby Doll Rd, and get your access across. This piece of property is owned by Linda Depee, so that piece of property you could get access across the bottom and then you could go across the Depee's property to access the property, so there is still access. It is not land locking that property. The third thing I’d like to talk about is the access across the wetland, if you did come down on Baby Doll just a little bit and came across the attorney trust land; then it would have to be negotiated with them obviously, as you would have to negotiate with any property owner. But you could negotiate across that land and you would not encroach on that wetland area. I’d like to open it up for questions.

Coppola: So, from what you are saying, access to the property could be through those two other properties. Has that access been granted?

Back: If I understand you correctly, if your access coming up Baby Doll and going across this property here has been granted? That is incorrect; there would be no reason why we would want to access that because we have access through our property. If another property owner wanted to access, they could go to this property owner here as they would have gone here, and ask for ingress, egress access. And then they could go to Linda Depee and ask if they could get
access across her property to access their parcels. However, I would like to say, those parcels are on a…

Coppola: I’m missing some information here, where is the current access to the property?

Back: There is no current access to the property; it would have to be negotiated through Ms. Rene.

Coppola: That was my question; there is no access to that property currently?

Back: That’s correct. To the properties on the slope; there is not access, there no ingress or egress easement granted to anybody to access across this property right here. There’s not agreement. It would have to be negotiated with the property owner, owners, whomever.

Coppola: So if the property owners chose not to negotiate then that property would be land locked as it currently is?

Back: That is correct. And that was another issue that came up during the annexation of that area as well.

Chair Taylor: Anyone else?

Depee: She has brought forth an issue, if you look at the configuration of the property, the reason it has that 60’ to begin with is that the prior owner put that in on a negotiated basis. There was a law suit by all the rest of the owners to finish it, it got by the side way, Rene bought the property and that is the only access off of a public road, which is what she didn’t mention. Baby Doll is all a public thing, that’s why it was configured like that to eventually come over to the other owners. Why the importance of that being an attorney trust, I have no idea; that is a family trust. That large piece has been in the family for many, many, many years. I have talked to them numerous times about it and eventually there could be something there. This is probably going to go to court for litigation eventually because of what’s trying to be placed here in the situation. They’re trying to use that small piece to lock up the whole area, which then preserves it because there is not other access to it. Which is not, in my opinion, fair, but it’s just my opinion and I am very prejudiced because I’ve been buying property up there since 1990. So I am not against her going as open space on this, I’m really not. I’m with Dean; the taxes are an issue, Ms. Rene is fully capable of paying these taxes. But the property could be considered, under the criteria, exactly what you’re after with the exception of the 60’ on the south part of that property which is the only contentious point of this whole process. Putting that as open space is putting another huge hurdle for the people who have for years and years have been trying to get access into that property.
Foritano: Do you disagree, then, with the prior speaker who suggested that access could be negotiated with Linda Depee?

Depee: No, because that’s the one that connects it currently with the public road. Her scenario would have to start from scratch and go back and renegotiate through another private party to get to the property. The people who own it have indicated they don’t currently want development there. That is a nice 40 acre piece. The map is not correct. He clarifies that the public road is Baby Doll rd and its location on the map. This originally was reconfigured and taken off of this parcel here, specifically for future access.

Coppola: When was that?

Depee: I’m guessing 6 years ago. The property, for me is a long term project because it hasn’t matured to it yet. I try to buy all my properties on a path to some day in the future of 8, 10, 12 year type cycles.

Paralez: Are you suggesting that the treatment of the 2.2 acres separate from the 22.5 acres would help resolve this access issue

Depee: If you were to exempt the south 60’ of the 2.5 acre parcel and proceed ahead with the rest of it you’d be good. Stipulation 4 of 6 on her proposal coming in is really specifically, I’ve not seen those in any other applications to come forward for open space. So that tells me they’re focusing in on that aspect, in my opinion. Look back through any of the other ones you’ve done, you don’t see that type of stipulation put in there; it is part of the ordinance that occurs when the property is accepted as open space. So when I saw those two in there, it’s like, they’re just trying to zero in to try to stop what’s been negotiated through the years and not completely consummated between all the owners in there.

Paralez: So I would have a question for DCD staff. Are both pieces of property equally essential to this application?

Heacock: I don’t think it really is integral to the open space classification. There are really two separate parcels. So I think it’s up to your…

Paralez: So clearly where the eagle habitat, the salmon, in terms of the environmental sensitivity, it would be farther north.

Heacock: We do have hydric soils on this particular parcel.

Chair Taylor: I have a suggestion. We have an application containing two pieces of land. We’ve all got questions about access to other pieces of
land around it and how it will affect those. I’d like to see the staff report come back with answers to the questions that we have. We’re making a decision that’s going to affect other people’s ingress egress access. And we don’t have the answers; we don’t even have the right maps. This map only showed one piece highlighted. I just don’t think we have enough information. I want to send it back to staff and get the answers to the question, all of them.

Nevins: Is it better to put in two applications, one for each parcel?

Heacock: There are two applications before you. So you do have an option of saying yes to one no to the other.

Chair Taylor: They’re put before us as two together. And I’m hearing developing concerns about doing them both.

Paralez: He just clarified something for us that I didn’t hear. We can treat these separately.

Nevins: Whether we allow both pieces to go forward or not, the owner of the ‘L’ shaped property seems to be, has not Okayed the road through anyway. Even though it was shaped that way in the past by someone who had that in mind, evidently there was a transaction and it was sold to a different owner. I doubt if anybody could force that through, unless they had some legal recourse. I’m not sure where that is. The two pieces of property are at the owners’ discretion to apply for this and we can make a decision on one, both or none. In any case it seems that the owners of the landlocked property are going to have to negotiate with somebody.
Sommerhauser: I need some staff answers. If a piece of property goes into open space the way I read the designations at anytime you can negotiate an additional access across one piece of open space and that would terminate the open space agreement. Is that correct?

Heacock: Let me understand what you’re saying. If we allowed access through the 60’ piece of property…

Sommerhauser: No, if this open space on the 2.2 acres was approved, and ongoing negotiation or legal action produced down here on the lower leg, the ‘L’ shape, a different condition, then that section would come out of open space because it wouldn’t meet the conditions. Is that correct?

Heacock: I think that what you would be able to do is renegotiate the piece of property that would be in open space. So there’d be a recalculation on the square footage of that piece of property. That’s allowed to make amendments to the application per property, so that is allowed in the program.

Sommerhauser: So am I correct in understanding that the suggestion that approving this is locking up something; is not an accurate characterization?

Heacock: I think that any of that can be negotiated. That’s my understanding; you can make amendments to the agreement for each piece of property. But they would have to be agreed upon and so they more than likely would come back to this body.

Jenniges: But doesn’t that then, according to the current ordinance, if you take something out of open space property…let’s say this takes place 5 years down the road through litigation, whatever; that then null and voids the original open space agreement in which there are then penalties required and back taxes to be paid? What would be the incentive for the person to want to negotiate?

Heacock: My feeling is this; we’ve got environmental constraints on both pieces of property. If I were to look at this proposal that would come forth through our normal operation of approving a road right of way, I would recommend with the constraint of the hydric soils on this lower piece of property, that the applicant seek access some other way; because there is an environmental constraint on that 60’ easement. So, with consideration of the environment in hand, I would say that is a challenging access. We always try to have no impact first when we’re looking at ingress egress issues for pieces of property.
Jenniges: But isn’t it in fact, when you’re land locking property, making it more difficult, and I don’t believe that the County should be part of that aspect of it. I’ve always felt that the open space was primarily not for environmental reasons so much as to relieve the financial aspect of the owner. I don’t believe this owner needs that aspect of it and she’s using the rules to ensure that nobody can get access.

Back: A couple of things I’d like to address. These are the property use restrictions that were addressed, just a little more specified. So it is off of the open space land application paperwork that we have. The second thing is that everybody is talking about the access across the panhandle. You see where Baby Doll ends right here, it would look like that the road goes up to and half of the property. But in order to get your access across normally you have a (?) that it butts against where the right of way is? This one is up and offset and halfway over. It really is kind of a point that one, we’ve got the hydric soils there and to insinuate that a client is being vindictive is a little uncalled for.

Jenniges: I apologize for that.

Back: Thank you. The client has quite a bit of acreage in Kitsap County and to, if you want to look at it as a tax break, give her a $1000+ tax break is not going to break your bank. And it would show that you appreciate her being a large property owner in her community. However, I look at it as the environmental stance; you’ve got eagles, you’ve got fish bearing streams, you’ve got hydric soils, you’ve got steep slopes; this is tailor made for your open space land application.

Coppola: I have a couple of comments for her and a question. If we’re so concerned about this being open space, why are we focusing so heavily on the access?

Back: She has more property up there and she was focusing on getting this protected because of all the critters and the streams and all of that. This one she’s focusing on is because of the wetland here and the hydric soils and she doesn’t want to give access across her land.

Coppola: It’s my understanding from all the previous open space applications that we’ve processed over the years, that public access is one of the conditions of the open space application. Is that incorrect?

Chair Taylor: That’s a staff question.

Heacock: That is typically a condition to allow public access. That’s typically through hiking trails and that type of thing.

Coppola: But this owner has made it clear she wants no access.
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1 Heacock: What we do as far as public access goes in a typical scenario is that there are quite often quite a few areas that are not environmentally constrained, that we allow access. In this particular case, because of the steep nature of the canyon and that type of thing, we didn’t feel that it was in the best interest in the wildlife on the property to allow public access in this case. If they did allow public access, they could have a little bit bigger tax break. In this case we allowed an 80% reduction.

2 Sommerhauser: Lary, what do you mean by public access?

3 Coppola: Walking, primarily, and that’s what we’ve done in the past.

4 Back: On our application we put on here; “this would provide public education near an urban area”, we put on; “The property may provide for educational opportunities on a very limited basis in order to preserve the integrity of the land and accompanying plant species.”

5 Coppola: May, not shall. Shall says you will do it may says you might or you might not.

6 Back: I guess the bottom line is she doesn’t want public vehicular access.

7 Coppola: She doesn’t want any public access to the property, she doesn’t want any…

8 Back: Wait a minute; I’m the one representing the client. I’m saying that she prefers to not have vehicular access across the property. She would be open to school children coming out and learning about the eagles, learning about the stream.

9 Coppola: So, based on the current situation, how are they going to get access to that?

10 Back: I’d like to say something, Mr. Depee you have the recused yourself, so if you could comment only as a person of interest as opposed to coaching your planning commission. That would be appreciated.

11 Depee: I’ll tell you what, you take back the word ‘coaching’ like you asked to take the ‘vindictive’ word back, and I will take your apology on that and I’ll go sit in the audience.

12 Coppola: Is the public hearing closed?

13 Back: No it is not.
Coppola: I have one more comment, I think your comment about whether we’re going to break the bank or not was totally inappropriate. I don’t think you have any knowledge of Kitsap County’s financial position.

Back: I apologize if I said that, I apologize.

Nevins: My memory of open space applications in the past, public access was quite restricted and almost always required prior approval and almost always for educational; boy scouts, whatever. Not just an open gate.

Coppola: And I remember that, this hadn’t been addressed and that is where I was trying to go with that. It sounded to me like we were going to have no access at all. And my understanding of past actions is the same as yours and that was all I was trying to get to.

Gustavson: The question has come that the public is being asked to pay $1300 a year out of our tax revenues, is the public getting adequate value for what it’s being asked to contribute? Every citizen in the county is pitching in a few nickels on this and ought to be getting something that is appropriate in return.

Chair Taylor: I don’t think we need staff to respond to that.

Sommerhauser: Fred, is the flag shaped portion, the 2.2 acres, and the 60’ wide section; that runs across hydric soil?

Depee: No, that is what I’m saying, that specific portion, and the wetlands is not that configuration.

Sommerhauser: So you’re disputing that this map is correct.

Depee: I’m saying it’s not correct in its location.

Sommerhauser: Is there a road bed there?

Depee: No. Trail.

Sommerhauser: Has staff walked the ground, is there hydric soil in that 60’ wide section?

Depee: Can I address that? That is not fair because it is difficult to get your bearings in there. All the way down to the very bottom of this map it is all very wooded. I’ve had it surveyed, but finding those stakes is really tough and I can’t expect staff.
Sommerhauser: My question is still to staff have your or any staff walked that 60’ section to tell us is Fred’s’ allegation that the map is not correct; is it or is it not correct?

Heacock: The hydric layer on the counties GIS website is a soil layer and basically it’s an overlay from the soil conservation service mapping efforts from the early 80s. So, those maps were created, the hydric soils themselves are never entirely accurate, but they are usually close. As far as where the hydric soil actually is and whether or not those soils have been modified in the past by logging activity, ditching efforts from farm folks, that type of thing, that has happened in the past. The hydric layer is meant as a guide only; it’s not saying that’s a wetland, its saying its hydric soils. For a wetland to occur we have to have all three components of wetland; you have to have wetland vegetation, hydric soil and then the water regime. The answer is I don’t know, I have not walked that.

Sommerhauser: Is there any other feature of this 2.2 acre that qualifies it for open space, other than the hydric soil.

Heacock: That’s a good question; I think in this particular case the hydric soil layer is the only environmental constraint on that piece of property, yes.

Chair Taylor: Closes the public hearing.

10:12:22

An amendment to the motion was made by Commissioner Sommerhauser and seconded Commissioner Gustavson to amend original motion to provide approval only for the 22 acre piece and return the 2.28 piece back to staff for further evaluation and return to us.

The VOTE

Yes: 7
Opposed: 1
Recusal: 1
Amendment Carries

Motion was made by Commissioner Foritano and seconded by Commissioner Paralez to accept staffs’ recommendation and move to the Board of County Commissioners for approval.

The VOTE:

Yes: 7
Opposed: 1
Recusal: 1
Motion Carries
Chair Taylor: *Calls for a break.*

**10:17**

**Break**

**10:32**

E. *Work Study: Phase II Code Development, Eric Baker, Special Projects Manager, Office of the Board of County Commissioners*

Chair Taylor: One item before we get started with your presentation, Eric.

Gustavson: I have wrap up on the last discussion.

Motion was made by Commission Gustavson and seconded by Commissioner Sommerhauser to recommend that the County Commissioners rescind the Open Space program implementing instruction for the county until the financial problems are resolved.

Gustavson: The Counties have the opportunity under state law to implement state law. Right of Initiative is guaranteed in the state constitution; however at the County level the County can use that for County business or opt not to have the Right of Initiative pertain to County business. This county, they’ve opted not to. I would see this as a County issue, the County can use is as long as they like. I’d like not to couch this as a budget issue, our issues are really as land use, but certainly it plays over into that.

Paralez: As a land use issue, I think there is no disputing the value of open space to this county and not disputing the relationship of open space to critical areas ordinance. And the hard fought relationship of open space to critical areas ordinance. I disagree that it’s a budget issue or that we have any business making such a recommendation to the County Commissioners.

Foritano: I totally support Linda’s observation as it’s expressed.

Jenniges: I respectfully disagree with our two new commissioners based on the simple fact that this is a land use issue, but it’s also a private property issue in which we are placing numerous restrictions on property that normally was utilized by the public in general. Secondly, I believe that we, because of economic reasons, it is a land use, but it’s a taxing issue. And that is also one of the main aspects of tax relief was for those who were hard pressed to pay the taxes. We are currently going through a major evolution here of large land owners under the guise of...
environmental protection passing their tax fees and requirements onto the public and I dislike that and I think it’s inappropriate. They bought the land if they want to keep people off it, fine, but pay the taxes on it.

Depee: I’m going to concur for one reason; sometimes certain programs were initiated with the best of intentions. We may be coming to the juncture where this current program may not be as advantageous to everybody. I’ve always been under the belief that if somebody truly wants to preserve it for the environment, they have a multitude of tools available to them. One, to give an example, is they could put private deed restrictions on their own property. To put it in that position so it can never be developed, never have anything occur to it to preserve it. So effectively, that’s what semi-happening now, except they want to be paid for it. We may have come to the point where paying people to put it in that position is not the best idea. There are trusts; there are environmental firms that will take the property, etc. to accomplish the same thing.

Coppola: I have to agree. I’ve always been a big believer in this program, but I’m starting to wonder if it hasn’t outlived its usefulness. I think we’ve just witnessed a large land owner, who is extremely wealthy, just using the process. It’s not about $1,300 to that person; it’s more about just being able to use the process against the citizens of the county. I just think that’s wrong. I have been a very strong supporter of this until recently, never voted against one of these. I just feel we’re starting to see abuse. You buy the property; you know what you bought when you bought it, you knew what the taxes were when you bought it. I think the county is in such a precarious financial position that if we don’t do away with the program, we might think about suspending it for a while.

Sommerhauser: Two thoughts. First, unfortunately I disagree with Mike. I think this is a budget motion and that’s not our province. Our province is land use. However, I think several of my friends who are in favor of this motion; you are now going the exact opposite of what I heard you do on the CAO. If you go back to the basis of open space in law, you don’t just get to have your land declared as open space and get a tax reduction. You have to have some benefit by protecting Critical Areas, Habitats, or having a recreational provision. All of those, we ask people to give up uses of their land under the law. But that restricts, somewhat, the ability to use the land, if were going to do that within the law, here’s a way to pay back to that owner that’s lost some use. I don’t disagree that maybe we out to be going back to the Commissioners with a modification of this motion to ask them to put it on their legislative agenda to go to the legislature and means test it. But I’m not going to ask that land owner that’s given up for the public good some use of their land to not be able to ask for a tax break for that. I’d have to oppose that.
Nevins: I would agree with Jim, except for the means test. I don’t think that really has a place in this law. Laws go for everybody; we don’t want to get involved in checking out their bank accounts.

Gustavson: When we reviewed the proposal for the County for the Critical Areas Ordinance, I requested that the County produced land use maps which colored in all the land that was environmentally restricted for whatever reason. So there are environmental restrictions I would say on close to half the county with all those property owners not being compensated a dime. You trace all those bands across the county as a single colored overlay, a tremendous percentage of the property owners in this county are one way or another adversely impacted by environmental restrictions without compensation. And here we turn around when someone comes in and offers their property for environmental benefit and they get compensated. That’s totally unfair, either compensate the all or compensate none. That’s why I’m suggesting that we stop this special interest compensation.

Jenniges: People that own property can do all of their protections without compensation and I believe it’s unfair for those that don’t fully meet the requirements of open space because of their limited properties that are also excluded from using their property because of Critical Areas Ordinances. Therefore, I think currently it is getting out of control and I believe because of the private property aspect of this that it should be set aside until the county can at least recoup their budgeting process.

Coppola: I agree with what Mike said to a point. I don’t have any problem compensating people with lost use of their property through Critical Areas Ordinance. But when we see people like we saw today, just wanting a tax break for no other reason, because they can when they knew what the situation was before they bought the property. I think that’s wrong.

Chair Taylor: Before we vote, my comment would be. I don’t feel as though I have enough information on the issue, but by it being a simple recommendation to the Board of County Commissioners I believe it would say to them that we want you to look at this issue and we want you to address it. I’m going to vote in favor of the motion.

Motion was made by Commission Gustavson and seconded by Commissioner Sommerhauser to recommend that the County Commissioners rescind the Open Space program implementing instruction for the county until the financial problems are resolved.

The VOTE:
YES: 5
Opposed: 4
Motion Carries

10:46:35


Discussion about what sections are being modified and what the Commissioners have.

Jenniges: Have you taken into consideration those current legal suits that are at the county because of the codes? Individual land use; where people feel that the code is unjust and have filed suit against you and challenged it. Have you taken that into consideration?

Baker: We have looked at the suits. More than that, we’ve looked at issues that have not risen to the level of suits at this point. Portions of the code that are ambiguous, that they feel in the areas of active recreational opportunities, sidewalks, landscaping, that the hearings examiner is imposing conditions based upon something vague to require these items. I think certain members of the development community may not necessarily dispute that these elements are necessary, they just dispute that the code says that we need to provide them. So what is provided in this document is a give and take; there are portions that the development community will be supportive of. There are portions that are necessary to make density work that they may not be as supportive of. What you see in this document is roughly a compromise point to try to clarify things as well as come to some kind of accord on these issues.

Discussion about landscaping limitations and buffer types; landscaping and screening.

Chair Taylor: I think what I hear you saying is that we can now digest this; take this home and do our homework. And it’s going to come up again on the 25th.

Baker: A brief amount on the 25th, and then again your first one in October. We are rapidly approaching the scheduled hearing on October 23rd.

Nevins: What is the purpose of the things that have no change?

Baker: The purpose has been for you to see a holistic aspect of the county code.

Discussion about email process; send comments to staff without choosing the reply all.
F. Work Study: 2007 Comp Plan Amendments, Site Specifics, Phillip Fletcher, Senior Planner, DCD

Chair Taylor: We’re going to do item G, site specifics.

Fletcher: There were originally 6 site plan applications that went through the whole process. One of them, after receiving a negative staff report withdrew in favor of getting a partial refund. Staff gave the remaining five the option of submitting additional information if they thought that staff that wrote their report had incomplete information, or made an error of law or regulation, or they wanted to change their basic request. Two were recommended for approval and three submitted additional information. Of the three, two were very simple; they just made a different zone request rather than requesting rural residential, they backed off and rural protection. The other one was, Lindstrom, is much more complex. They made a number of legal arguments. My point is that of those three there has to be three new staff reports written, so we’re not prepared to discuss them today. There’s been some discussion to the thought of keeping all five together because we don’t know; maybe the new information will create more approvals. It’s up to you how we do it.

Jenniges: I have an issue; you just told us that for Lindstrom, that you’d go ahead and require more information for reconsideration, but yet according to this you say recommend denial. So I think this statement recommending denial isn’t what you really just followed up with.

Fletcher: Lindstrom not only submitted additional information, but really made a fairly technical legal argument which is now over with our legal counsel reacting to it. It isn’t even back to the staff yet. So the initial staff report on Lindstrom recommended denial on the face of the record, but with the new information it raises new issues which now have to be reexamined to see what the staff recommendation will be. Whether it will stay with the recommended denial or whether it will be changed.

Foritano: I would offer Philip’s recommendation that we consider them as a package and move on to Manchester.

Motion made by Commissioner Foritano and seconded by Commissioner Paralez to consider all 5 as a package for a subsequent meeting.

The VOTE:
Yes: 8
Opposed: 1
Motion Carries

11:09 AM
G. Deliberation and Decision: Manchester Design Standards, Philip Fletcher, Senior Planner, DCD

Discussion on when to take the field trip to Manchester and time of return.

Motion made by Gustavson and Seconded by Sommerhauser Adjourn to a Committee of the Whole.

The VOTE:

Unanimous

Motion carries

Meeting adjourned 12:07 PM

1:13 PM

Chair Taylor: Reconvenes meeting

H. Deliberation and Decision: Manchester Design Standards, Philip Fletcher, Senior Planner, DCD

Fletcher: I provided you with two handouts this morning, which are two documents that I don’t believe, were given out at the time of the public hearing, but probably should have been. The Manchester Subcommittee asked me to make sure that you had copies. One is a copy of a petition, the actual original petition had 188 names on it and so we wanted, on behalf of the committee, to make sure that that is entered into the record. The other thing is that the publication, the document that we gave you on the 14th, was a copy of the original draft that we received. Since that time, based on a number of documents which commented and critiqued their original document, the committee had prepared a second, revised document which they had asked to be provided to you on the 14th, but for various internal reasons it was decided not to pass it out.

Coppola: What were some of those reasons?

Fletcher: It’s because we felt that by giving you a revised copy a few days before the public hearing that it’s going to muddy up the waters, that we should stick with the document that we gave you to review and decide upon rather than give you another 25 page document just a few days before the hearing. They worked on this and made numerous responses and corrections to these criticisms. So I would also like to, for the record, put this in there as well. Staff had looked at this and I believe most, if not all, of the changes in this document were considered in the documents you have in front of you now.

Gustavson: I’ve got a huge issue here. I came to the public hearing with the Manchester folks and the room was packed. My first clue was, I don’t think these folks have had adequate discussion if we have a packed room at that stage in the game. Number two, I stepped outside with one of the
leaders of the Manchester folks and she said the document that we received was totally rewritten and the issues that we brought up were no longer part of the thing. This is a new drill.

**Fletcher:** It’s not a new drill for you now because I’m not making any references to that document. That’s given to you to show that the committee was trying to be responsive to the changes. The only document we’re considering is the one submitted as part of the…that has 40 some pages long with appendices 1, 2, and 3. That’s the only thing, officially, that this Planning Commission is asked to review. My suggestion is that we first of all keep in mind that you were given what we believe to be the major part of the design standards, but not all of it. You were given 1, 2, and 3 plus a couple of related appendices, definitions and the rehabilitation of renovation standards. So, the only thing that we are discussing today is chapters 1, 2 and 3. On the 25th there will be an agenda item to discuss the remainder of the design standards. And any changes that we agree to make today the staff will correct and make changes to. So you will have the entire document mailed to you by probably the middle of next week. My suggestion is that we take today’s discussion in two parts, one is in the transmittal memorandum I re-listed the 8 major issues that were identified by staff. And what I’d like to do is go down those 8 issues and see what sort of consensus we have and see what sort of recommendations we have out of that. And then we could go page by page and critique what we can.

**Chair Taylor:** I would say the things that you mention, that have be addressed and resolved, I don’t know why we need to take time to go through that.

**Fletcher:** Let me just tell you which ones they are. There were 8 of them. Let me tell you why I think it’s solved or at least mitigated. The first one is the design standard review is on a different timeline than the sub area plan and the zoning ordinance review. In fact, the design standards are ahead of the comprehensive plan review. What we’ve done with the master schedule, trying to get the sub area plan and the design guidelines, is match up in sequence because the design standards are actually supposed to flow from the comprehensive plan, not the other way around. In about a month the work that’s been done on the sub area plan should catch up with the design standards and from that point on they will be going forward together. I believe that the initial problem with this one, having them out of sequence, has been mitigated and within a month or so they’ll be in their proper sequence. Manchester’s character, that hasn’t been resolved, but that will be addressed in your second…

**Coppola:** I feel that this entire Design Standard process is bogus and fraudulent.
Fletcher: That has to do with the public participation question. I haven’t gotten to that yet.

Coppola: I’m not convinced that there was any public participation and I think that your rationale here is lame.

Fletcher: I haven’t even talked about the public participation.

Coppola: I’m reading what you’ve got written here.

Jenniges: Was the process open and fair? Lary is saying no.

Coppola: And what you’re saying is it really doesn’t matter what they did.

Fletcher: Shall we talk about that then?

Coppola: That would be fine.

Fletcher: I was just going to tell you about the ones I thought were pretty much solved; I don’t think that one is solved.

Coppola: Alright, well then let’s come back to it.

1:32:15

Fletcher: He reviews the Manchester character and reviews the changes in the general purposes section. Discussion about the Design Standards role in the parking issues; which is about the physical design of parking spaces with regard to setbacks and landscaping.

Gustavson: You’re right on the biggest problem that Manchester has regardless. If Manchester doesn’t provide adequate parking that town is dead. And we have yet to have anybody come to us and tell us what’s the quantity of parking required to accommodate boat trailers and businesses in the commercial core

Paralez: Designs Standards don’t cover quantity.

Sommerhauser: That’s coming as part of the Comp Plan update, not part of the Design Standards. The Design Standards for parking are how they look, how they are perceived. The ‘how many’ and ‘where’ are part of the overall Comp Plan update.

Fletcher: The last thing is ‘H’ on setbacks, one of the major criticisms is of the original draft is it makes reference to setback, but there are not setback
standards. What we’ve done with the materials you have is included specific setback standards.

**Jenniges:** That’s what I believe is a conflict. The general aspect of this is to maintain historical perspective. Historically, if you walk the street there’s no 20’ setback right now from the main road. So, how are you going to accommodate that?

**Fletcher:** Because it will probably relate to the character study of Manchester that we will be sending out next week.

**Jenniges:** But what I’m getting at is the fact that historically, right now, if you want to maintain that historical perspective.

**Sommerhauser:** Both of you guys are saying there’s a huge parking problem in Manchester. With the Design Standards from there forward, we’re going to try to cure the problem; not backwards. All development meeting the design standards will have a 20’ setback.

**Gustavson:** Here’s my point. We just walked through a town that has a number of vacant lots in the commercial core. That commercial core is also incorporated in the Port of Manchester. The Port of Manchester has the authority to condemn property for public use. That problem can be solved today and not in the future.

**Sommerhauser:** But we’re not in that game. We don’t supervise…

**Chair Taylor:** I want to try to keep the train moving forward. We are not going to solve the Manchester parking problems with Design Standards. It’s part of getting a building permit.

**Fletcher:** Do you want me to move forward? The staff’s opinion was written in the first document after looking at the process, the information that was provided to us, the petitions; knowing that postings were made in the library, knowing that postings were made on the website, and knowing that monthly reports were made to the KCC, which also has its own notification process. The staff’s conclusion was that it was a fair and open process. I know there’s difference of opinions, but it is staff’s opinion that it was a fair and open process for the reasons stated in that report and that I’ve just reiterated. In addition, since that was written, legal staff has looked at the fair and open question and has concluded what you were alluding to earlier; however the Planning Commission comes down on that issue, it’s the process once this document was passed to the Planning Commission that’s the key to deciding if something is open and fair. The MCC is not an official County organization; it’s not recognized by the County
even though we do some work with it. The sub committee is, likewise, not an
official part of the County. So, our attorney advises that they are not subject to
taking minutes, they’re not subject to even open meeting laws, although we
believe that that was followed. What the legal opinion did say is that once the
County starts looking at the Design Standards, and developing its staff reports
and its staff recommendation, that then requires the open process, the open
meeting law and so far we’ve been following that just fine. Therefore, the legal
staff of the County doesn’t have a problem with the process.

Coppola: I don’t care if they have a problem with it or not. I do not feel
that the public process as it was outlined to us was open to the public.
There were no notifications, there were supposedly notifications, but I own
two properties in Manchester and I never received any notification. I have
talked to people in Manchester that received emails about the results of
the meeting, but not emails about when the meeting would be held. I don’t
see how you can stand there with a straight face and tell us that it was an
open, honest, and fair process.

Fletcher: Let’s take your point as given for purposes of discussion. The report
you have in front of you; the Design Standards is a staff produced document.

Coppola: And we all know that staff is under a deadline to get this done.
And it wouldn’t be the first time in the history of the time I’ve been on this
board that staff rushed to judgment about to get something finished
because they had a deadline to meet.

Fletcher: Now, if you’re talking about the quality of the Design Standards that
will be identified in the page by page review. It’s not a general statement if we go
page by page on this. But the key from the fair and open processes point of view
is that the staff report is getting a fair and open hearing with the public because
this is a public meeting, two weeks ago it was a public meeting, we have public
hearings on it, and they’re advertised hearings. So this document is not the
same as was submitted.

Coppola: How many people do we have in the audience? You’re just
contradicting what you’re saying if you look over your shoulder.

Fletcher: Whether or not people attend is immaterial, it’s notice that’s the key
point and they’ve followed all the statutes.

Nevins: The County appears to be ready to handle any appeal that might
come under open meetings act, public meeting, fair and open process, or
whatever. And so, they’re ready to go. I assume that there’s going to be
somebody unhappy with the outcome of this decision. They will have the
right to appeal, they can go forward and say that it wasn’t open enough,
but as the County has said, we’re ready to go with this and this is good
enough. As it goes forward, if there are mistakes made, there'll be some
problems, but right now I think we can go ahead and follow the action and
let section 8 go and go on down the line.

Coppola: I disagree.

Depee: You bring up a good point. Technically, legally, and any other
way you want to do an analogy on this, it's correct, it's on course, it's had
its' public hearing. The bottom line that I think what I'm hearing Lary say is
that not everyone felt they were part of the process and that their voices
weren't heard. And so I heard some of that, not a lot, and I think in my
mind that is as important a part of any of this is that the people feel they
had a say so in their community.

Foritano: There are different points of view as to the ethicality and
openness of the process. Let's say the leaning right now is closed and
effective. What are the implications, even of the worst case? Is anything
in cement? Is anyone who needs to be heard not allowed to be heard? Is
any tentative decision or recommendation that's been made not subject to
being overturned either by us or the board? Who's hurt?

Depee: Good point.

Chair Taylor: I think we're ready to move to 'B'.

Sommerhauser: I spent a lot of time last night going through the minutes
that I asked for from the community council to try to find out the
involvement of the sub committee and community council as such. It
appears to me that the community council's minutes were being posted on
a website. Some of them were also being repeated later in the process on
the County's website. In the course of that, I go back to the minutes of
1/23; notice in here that the design group is meeting, what day their
meeting, inviting everybody to come. The next meeting of the community
council in February; again, notice about the Design Standard sub
committee meeting and their work. As you follow through these minutes
on down the information got a little more specific on how to look at what
they had, but not very specific as far as, here's the document, until about
May. In May, it appears, their document was posted on the community
council website and the County website. There appeared to be a process
of trying to keep people informed and openly inviting them to participate.
The fact that they didn't go through the type of notification that the County
does in relation to our meetings, I don't think that weighs against them.
The telling part is nothing is yet decided and the opportunity of the public
to be involved and make changes is still there. I definitely don't think that
there is enough there to say that this is so flawed, let's go start all over
again.
Coppola: And I want to be real clear, I don’t have an issue with the outcome because personally I tend to agree with a lot of it. But I’ve had people come up to me and say; ‘I would have liked to have gotten my say here and I didn’t get to because I couldn’t find out when the meetings were.’ And I didn’t hear that from one person, I heard that from a number of people. Like I said, I never received any notification and I should have. And those are the big issues for me; it’s not the outcome on what they got. It’s more about, I want to be sure that the public got heard and I’m not convinced that they did.

Chair Taylor: Move on with your next section.

Fletcher: I do have a comment, as we discuss these major issues, how do you want to resolve these? Do we decide this issue we’ve talked about; it is or is not fair, we move on?

Chair Taylor: We resolve them with a motion, a second, and a vote. We can’t sit here and talk for 20 minutes and end up with nothing.

Paralez: Did I understand there are still 3, 4 times left for this community to be heard? You are acting and sounding as if all opportunity for this community to be heard on this issue is gone and that is not the case.

Coppola: Why are we deliberating now?

Paralez: That’s one of the opportunities for them to be heard is this current deliberation.

Coppola: They can’t be here today.

Fletcher: We had the public hearing, we had the deliberations, it will be briefed to the County Commissioners after you decide what you want to. The County Commissioners will then have a public hearing and then they will deliberate in public as well.

Paralez: So, is that process sufficient to inform the community that there are still ample opportunities to be heard on this issue. And are we going out of our way to make sure that this community understands there are still opportunities to be heard? This is not a done deal, these are not closed issues, and there are still opportunities to be heard.

Fletcher: My response is yes.
Coppola: How many more public hearings are scheduled?

Fletcher: The County Commissioners will have a public hearing, plus they have deliberations, debriefing, and you have deliberations next week. Those are all open to the public and they are advertised. Plus, they can submit comments of which I always incorporate into correspondence I have with the Commissioners.

Depee: I don't know if this is viable, but I get the feeling, is there any way we could make some sort of extraordinary effort to really make sure as many people as possible know that there is a chance still?

Chair Taylor: We just did that. We went to the community.

Gustavson: My measure on this is the difference between the two presentations; Keyport and Manchester. The Keyport presentation was very smooth; the public involved in that community had met many times and had agreed on all the issues. The issues were resolved. In the case of Manchester, when I went back to reread the notes from only two meetings had occurred where staff had been there to assist, the community was left very much on their own. I think that this project is very immature, incomplete and needs to go back to the community and put another several months on it. When we had a room full of people here and every chair in the place was packed and there were people standing that told me that the community has not come to resolution on what they want their town to look like. I see a very excited community that has not yet come to grips with this thing.

Chair Taylor: But Mike, they did have their opportunity for public testimony on August 14th.

Gustavson: And they had many objections. That is my problem. We shouldn’t have been seeing that. The community should have come to a consensus before it ever came to us and that was not the case.

Chair Taylor: That may not be possible. You may not see the same response from the Manchester community that you want.

Motion was made by Commissioner Sommerhauser and seconded by Commissioner Jenniges that it was a less than perfect process, but we need to move forward to review the Manchester Design Standards.

Foritano: In listening very carefully to the big public meeting and all that has been described about the outcries and the difference of the views, the one take I have is that I’m not in any kind of a position to figure out
whether there is just a very strongly held difference of opinion primarily over the height issue, which is not going to be resolved. That's going to be a judgment call at some point in time. And if that's the case I think all this discussion about process is being used to try to argue against whatever ones point of view is. I'm getting that feeling in the middle of all this as well. And that's not disrespecting any views about the fact that this was apparently imperfect. I think we're getting caught up in trying to reargue process when there's plenty of time to fix the process, when the real issue is the hard judgment call that ultimately will be in front of a board and probably in the courts of 28' vs. 35'. I would hope we could focus on the latter.

Gustavson: Staff has heard these words a few times. The hardest part of any problem is defining the problem you are trying to solve. I see here three major failures; the town has not decided what its character should be. That should be the first thing solved and agreed to by the town, presented and agreed to by the people by the town. The next hard spot that was not defined and agree on was how much parking was needed for Manchester. That had to be solved before you ever started off on this drill. The third one was the height issue. Those need to be resolved by the town before they ever came to this point. And those three parts of the problem for this issue have yet to be resolved. We've got a Manchester character here which doesn't say anything about character.

Chair Taylor: I think some of the issues that you raised are in his report; we just haven't gotten to them yet. Parking is in here, height is in here.

Jenniges: Although, we're arguing about height, one of the things when you first look at the proposal. The purpose of the Design Standards, most specifically, the purpose of the Design Review is to preserve and enhance Manchester's outstanding views of Puget Sound and surrounding marine atmosphere for the enjoyment of present and future generations of residents and visitors. And that is almost impossible if you're going to build anything with any height. The only guaranteed view that people have is to look straight up. If you have a view and there's open space in front of you and trees grow up to block your view, there's nothing you can do about it. To base that as a specific design character what you've done is basically limited any discussion over allowable height and views.

Chair Taylor: I'm a little bit concerned that we are about to put a motion into the record that could be used against us. I think a sharp lawyer loves this kind of print.

Fletcher: I can suggest something for your consideration. After discussion, the Planning board feels that a.) There's been sufficient information put forth that the Planning Commission should go forward on reviewing the Design Standards. Or
b.) Based on the discussion and deliberation that the Design Standard discussion should not go on.

Depee: I appreciate what you’re saying; I thought we were just a recommending body, we are not setting policy. I think that if there are any liabilities you brought up with the legal aspect of it that would fall on the Commissioners and that process, but not on us. We just give the Commissioners the best input we can possibly give them with what information we have. I don’t think there’s any legal ramifications for us suggesting what we thing should be.

Motion was made by Commissioner Sommerhauser and seconded by Commissioner Jenniges that it was a less than perfect process, but we need to move forward to review the Manchester Design Standards.

The VOTE:
Yes: 2
Opposed: 6
Abstain: 1
Motion does not Carry

A motion was made by Commissioner Foritano and seconded by Commissioner Paralez that after due deliberation and discussion that there is sufficient basis to believe that we should be able to move forward with our deliberation and recommendations.

Yes: 8
Opposed: 1
Motion Carries

Jenniges: We had Mr. Palmer here and Mr. Vancil here and both of them had done an excellent review of the Design Standard document. And they had put in significant recommendations in that, although the community on a whole may not have been involved, I think there were key people involved that had vested interest that brought that to light.

Coppola: I don’t know that I agree with that, Mr. Vancil’s a resident of Bainbridge Island, Mr. Palmer is not a resident of Manchester and their only vested interest was financial.

Jenniges: What they did do is they did go through the document and did point out the technical concerns within the document. And that’s all that I’m looking at, not whether they were worried about one thing or another. They were just saying that the document itself would have been very hard to work with for either financial or development reasons.

Chair Taylor: I’d like to be able to get through the document presentation portion. And then if we want to make a motion after that.
An amendment was made by Commissioner Coppola and seconded by Commissioner Depee that after review we find that the validity of the community process is somewhat questionable but that we move forward.

Nevins: It seems that the purpose of the amendment is to put on record a level of dissatisfaction which clouds issues and doesn’t really help our process particularly.

Depee: I appreciate what you’re saying, but I’d like to remind you that we are just a suggestive body for the Commissioners.

Sommerhauser: There were flaws in the process, but I would remind everybody that our advice through staff, from counsel is that that section of the process didn’t have any legal requirements to it. And the fact that there were flaws in that portion of the process as long as we do our part of the process right doesn’t raise a legal issue.

An amendment was made by Commissioner Coppola and seconded by Commissioner Depee that after review we find that the validity of the community process is somewhat questionable but that we move forward.

The VOTE:
Yes: 5
Opposed: 4
Amendment passes

A motion was made by Commissioner Foritano and seconded by Commissioner Paralez that after due deliberation and discussion that there is sufficient basis to believe that we should be able to move forward with our deliberation and recommendations.
Yes: 8
Opposed: 1
Motion Carries

2:16:53

Coppola: Reads the definition of Manchester character. I just want to clarify something, looking at what’s been approved in Manchester and what’s already vested. Three-story mixed use buildings with retail on the bottom and condominiums on the top now meets the definition of rural character. Is that correct?

Fletcher: I don’t think it does meet the definition of rural character. But the question will be examined in some detail in the next six days.
Sommerhauser: Whether it meets that standard or not, it’s grandfathered in.

Coppola: I understand, I’m just saying.

Sommerhauser: That’s not the purpose of these standards. The purpose of these standards are for development and redevelopment from whenever it gets approved on.

Chair Taylor: I think we can discuss it further in the discussion of building height and view protection on page 16 item A.

Coppola: I mean, if we go with that that sets precedence for rural character, then we can be guided through the rest of the county the same way.

Jenniges: We’re moving ahead on height.

Chair Taylor: So now you’re addressing paragraph A, page 16?

Fletcher: Gives a synopsis of paragraph A, page 16.

A motion was made by Commissioner Sommerhauser and seconded by Commissioner Coppola that the planning commission give direction to staff to adopt Chapter 3, section A page 2 and B and delete all of 1 in the middle.

Sommerhauser: Take a walk down to DCD in their lobby, there are a bunch of bins. In the bins is handout #36: Manchester Building Height Requirements. Tells you really easy how to compute height and its 28’ for the whole village. If it’s 28’ for the whole village, that sounds to me like it’s good enough for the commercial core. What would remain here are its 28’ two stories, you can get a third story by building a basement, 80% of which has to be below grade. It appears to me that the vast majority of people testifying to us said that’s what they want.

Coppola: As one of the original Manchester 42, way back when that 2 stories was what staff was told the residents wanted. Where the 35’ came from was either a mistake or something that never got taken out of the final document. But 2 stories was clearly, beyond a doubt, the preference of the community when the original plan was adopted.

Jenniges: I still have a problem with how you can have a design standard that builds a building up when you say that the general purpose is to preserve and enhance Manchester’s outstanding views of Puget Sound and surrounding marine atmosphere for the enjoyment future
generations of residents and visitors. If you put a building up there, somebody’s going to be blocked. I believe that #4 needs to be removed or changed.

Chair Taylor: It’s not part of the motion

Paralez: I would add to what Dean is getting at, where you may want to consider adding some characterization to the standard here that with the 28’ some concerns should be included that the citizen would preserve a view corridor or preserve the views of their neighbors even with the 28’. The 28’ alone is not sufficient to pay attention to view protection.

Chair Taylor: Would that come in character part when we get it?

Fletcher: We do talk about that, but I understand what you’re saying also. Right after the standards is a comment and we can link it up…

Paralez: If you take out item I; “the view of adjacent land owners would not be significantly obstructed or reduced”, so it would be attached to the 28’ building height the same as it would be 35’.

Sommerhauser: If your suggestion is to keep only the II and delete the rest? I’m happy to include that in my motion.

Paralez: That gets back to the whole issue of the design standard is what you’re asking people to do is to build carefully.

An amendment was made by Commissioner Paralez and seconded by Commissioner Sommerhauser to Keep A and B as the standards and add section II back in as a guideline.

The VOTE:
Yes: 5
Opposed: 4
Amendment Carries

Discussion about the Amendment and view protection.

A motion was made by Commissioner Sommerhauser and seconded by Commissioner Coppola that the planning commission give direction to staff to adopt Chapter 3, section A page 2 and B and delete all of 1 in the middle.

The VOTE:
YES: 8
Opposed: 1
Motion Carries
Fletcher: Setbacks. Staffs’ reasoning on this is simple; the village commercial zone of Manchester is one of the few if not the only area in the existing County Code that has no setback requirements. This proposal creates a setback standard but makes is equivalent to equivalent geographical areas in the county.

Sommerhauser: I’m assuming that the setback 20’ will include the sidewalk, awnings, and planters, any of these other things that are in this chapter?

Depee: Setback is from property line. So the 20’ is a setback from the property line, or the property of the front of the house.

Sommerhauser: That’s not my question, the other things that are recommended here; the planters, the corner lot requirements, those things, can they go in the 20’ setback?

Fletcher: That’s my understanding.

Nevins: What’s its purpose of the 20’ setback? The car will park in it lengthwise. What’s its purpose?

Fletcher: It’s for landscaping, pedestrian movement…

Jenniges: It basically means you can’t park in it.

Fletcher: Parking is accommodated in 20’ setbacks.

Sommerhauser: So you could have cut in from the curb with parking spaces in the setback area?

Gustavson: The rest of my question was on paragraph 2 of page 2 of 5; “building setbacks shall be treated as pedestrian oriented spaces and landscape design.” We don’t have that in our hands.

Fletcher: That’s correct, that’s part of what you’re getting next week.

Gustavson: My concern is feasibility. Do we have enough slots in the plan so these businesses can operate?

Discussion occurs about parking feasibility and setbacks.

Motion was made by Commissioner Sommerhauser and seconded by Commissioner Jenniges that the Planning Commission gives direction and guidance to staff that we tentatively accept the setbacks with the understanding that this is approval to go forward and may revisit it.
Chair Taylor: I’d like clarification; the building is 20’ back from the front property line and the parking can be behind the building? But it can’t be in front?

Fletcher: Yes is can be. Parking in front is limited there are some exception that allow it in the front. But the exceptions have more to do with ADA and loading.

Chair Taylor: Where is the parking for the building that is under construction?

Diener: What the codes are laying out is that parking lots will go behind the buildings and parking can be accommodated in front of the building, but it wouldn’t be a parking lot, it would be right off the street.

Chair Taylor: You just described downtown Poulsbo.

Coppola: What constitutes the front and back of the building?

Fletcher: It’s the one that faces the primary street.

Coppola: Okay, so in Manchester then, if it’s the one that faces the primary street, the one right across from the Manchester Inn, we’d be parking on the better part of the view of the view property. And in fact, Tweeten’s situation, we’d be parking on the roof of the Manchester Inn. Have I got this right?

Sommerhauser: Based on what is in this document, you’re exactly correct.

Jenniges: The concern that I have on the parking lot definition is, we’ll go to the building location and orientation standards that says; “Buildings in Manchester commercial village shall be oriented to provide functional outdoor spaces, greenbelt areas, and public parking spaces that will enhance the use of the village.” And then you say you don’t want parking lots in standard 1. I understand the freestanding signs, but I don’t understand the whip about no parking lots.

Fletcher: Not in front of the buildings.

Gustavson: Standard documentation looks at standard block sizes; standard distances between streets. Manchester’s distance between Spring and Colchester is about ½ a block. So, that’s were we run into that problem of parking in buildings, there’s not enough room for both. The
distances between the streets are too truncated to accommodate standard standards.

Fletcher: I'll re-look at that particular question.

Motion was made by Commissioner Sommerhauser and seconded by Commissioner Jenniges that the Planning Commission give direction and guidance to staff that we tentatively accept the setbacks with the understanding that this is approval to go forward and may revisit it.

The VOTE:
Yes: 8
Opposed: 1
Motion Carries

Motion was made by Commissioner Depee and seconded by Commissioner Coppola to adjourn.

The VOTE:
Unanimous
The motion carries

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

________________________________________
Amanda Walston, Planning Commission Secretary