M I N U T E S

KITSAP COUNTY PLANNING COMMISSION
Administration Building - Commissioner’s Chambers
Public Hearing
October 23, 2007, 6:30 PM

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: Chair John Taylor, Fred Depee, Lou Foritano, Jim Sommerhauser and Dean Jenniges. Staff present: Eric Baker, Katrina Knutson, Scott Diener, Philip Fletcher, Larry Keeton and Planning Commission Secretary Amanda Walston.

6:33:44

A. Call Meeting to Order, Introductions

6:34:11

B. Approval of Meeting Minutes of September 25, 2007 and October 9, 2007.

A motion is made by Commissioner Jenniges and seconded by Commissioner Foritano to approve the minutes of September 25, 2007

Sommerhauser: Good job incorporating Commissioners’ questions and requests.

The VOTE:
For: 6
Against: 0
Abstain: 1

The motion carries

6:35:00

Taylor: Minutes should reflect Commissioners Paralez and Gustavson will not be in attendance tonight
A motion is made by Commissioner Sommerhauser and seconded by Commissioner Foritano with corrections previously forwarded via email.

The VOTE:
For: 6
Against: 0
Abstain: 1

The motion carries

C. Director Update – Larry Keeton, Director, DCD

Taylor: Director’s Update will be moved to the end of the meeting

D. Deliberations: Site Specific Comprehensive Plan Amendments:
Philip Fletcher, Senior Planner, DCD

Fletcher: Presents on two items, both fairly routine. First, the Elzey/Smith application was discussed at the last meeting and Commissioners recommended Staff speak with applicants on changing their request to a Map Correction. Upon review, Staff has provided an analysis and response recommending that the application remain as site specific. (References Memorandum regarding these findings) A Finding of Fact has been prepared with the assumption that Commissioners wish to approve in the case that Map correction is not an option.

A motion is made by Commissioner Sommerhauser and seconded by Commissioner Foritano to approve the Elzey/Smith Site Specific amendment to the Comprehensive Plan.

Sommerhauser: Comments that proponent raised a good point related to the posting that took place on the property. When the property is separated by a road and posting is placed on the other side of the property, it raises concern and unnecessary confusion among neighbors and the public.

Fletcher: Staff is aware of this concern.
The VOTE:
For: Unanimous
Against:
Abstain:

The motion carries

6:40:06

Fletcher: No comments were received from the Planning Commission other than grammatical corrections from Commissioner Paralez. Findings of Fact have been prepared for the four site specific amendments, based on Commissioners comments from the October 9th meeting. Lindstrom is separate from these four.

A motion is made by Commissioner Sommerhauser and seconded by Commissioner Jenniges to approve the Findings of Fact for the Anderson Hill, Cole, Munro and Elzey/Smith site specific amendments.

The VOTE:
For: Unanimous
Against:
Abstain:

The motion carries

6:41:40

Fletcher: Lindstrom application is last item

Taylor: Due to technical issues in relation to the minutes and to be fully in compliance with the law we will open the Lindstrom application, motion for deference to November 13th, and continue it to that meeting.

A motion is made by Commissioner Sommerhauser and seconded by Commissioner Coppola to continue the Lindstrom site specific amendment to the Comprehensive Plan to the November 13th 2007 Planning Commission meeting.

The VOTE:
For: Unanimous
Against:
Abstain:

The motion carries
(Discussion regarding Fletcher’s retirement, which is effective today)

Diener: Comments on disbursement of work amongst existing staff and recruiting process for a new Long-Range Planner.

Sommerhauser: Questions specifically who will handle Manchester

Diener: Questions regarding Design Standards should be directed to Scott Diener, but these are being rolled into the Plan Update, which will be handled by Katrina Knutson.

E. Public Hearing: 2007 Manchester Community Plan Update: Katrina N. Knutson, Associate Planner, DCD

Knutson: Thanks the community members for their involvement and taking time to come out to help us better the futures of their community.

Review of Work study held and of the information presented on October 9, 2007.

Knutson: Thanks again to all community members involved in the process. Not many substantial changes are proposed to Title 17 or Regulations. The Plan does substantially change the goals and policies of each chapter as well as the legal language contained within each chapter, which has been clarified by our Legal Department.

Design Standards have already been approved and recommended by this Planning Commission and forwarded on to the Board of County Commissioners.

This hearing should focus on the Draft Plan itself and not the Design Standards. The window for submitting and receiving Public Testimony regarding the Plan ends on October 31st 2007 to allow enough time for staff to incorporate comments in time for the next deliberations on November 13th 2007.

Jenniges: Asks for clarification as to what has been moved to the Board of County Commissioners

Knutson: Confirms that it is the Design Standards.
Knutson: Next steps include a Work Study with the Board of County Commissioners on November 5th and Deliberations and Final Planning Commission Recommendation to the Board of County Commissioners on November 13th 2007. A map has been provided for residents to point out where they live, which was a Planning Commission request.

6:50:00

Sommerhauser: Notes that several members of the Illahee Planning Process are here studying the Manchester process. Asks the chairs of the Manchester commercial core design standards stand and be recognized, as Illahee community members may wish to contact them with questions.

6:51:00

Taylor: Opens Public Hearing portion, explains that three minutes will be allowed for each testifying member of the public.

Ralph Nelson: I apologize for the late input; we are out of town a lot of the time and have missed a lot of the meetings, so I apologize to people like Katrina who have put in so much time.

In looking at the Plan that is available, looking at the old Plan and looking at our own situation, we have discovered a major flaw in height determination. Trying to be brief, structures on adjoining parcels, which one would assume would have the same height limitations, can vary by as much as 10 feet, or perhaps a full story (if we accept a full story as 10 feet.) This is because of the fact that in the plats, many properties have different lengths.

In a property like ours, we extend down to the next road and height limitations are based upon the grading, upon the topographical shape. If you have a lot that is 50 feet that is relatively flat, they can build higher than a lot that is 100 feet deep that goes further down the slope. Currently, we were considering doing some remodeling on an existing footprint, and I have had two different opinions from staff in the past. I think we need to address this rather whimsical situation of the depth of the lot and topographical shape of the lot.

Sommerhauser: For the record, please state your name and point to approximately where your property is located on the map.

6:53:37

Nelson: Confirms he is Ralph Nelson, and he lives on 2nd Avenue East
Sommerhauser: **Clarifies that Mr. Nelson believes that by having the**
**height measured by the mid-point of the grade, it gives that ability to build**
**at different heights.**

Nelson: That is correct. We have adjoining properties that could both build 10
feet higher than we could. Which would be disturbing to our neighbors, I’m sure.

6:55:20

Taylor: **Calls for next speaker and requests a map from staff that is easier**
**to read. Katrina Knutson prepares and places a larger map on the**
**projector.**

Hella-Ilona Johnson: **(Resides at 2056 Alaska Avenue East, points to property**
**on map) I live at 2056 Alaska Avenue East with my husband Grover; we have**
been there for over 20 years and raised two sons there. I participated in as many
meetings as I could over the summer, with Carole and Carrilu and quite a few
members of our committee, and I noticed in the Manchester Plan, the section on
non-conforming lots, while it might be a revision or an edit, it is not an edit but
truly a revision from the consensus of what the committee, the Manchester
Community committee, what we came to an agreement on.

We were told at several meetings that the legal staff would look at it; but while I
was in favor of, certainly, clearer legal interpretation, I think the content has
changed. I would like to see a little bit clearer language, perhaps in the way the
formatting and the paragraphs are structured. I spoke with Katrina Knutson and
asked a question about non-conforming lots and got a completely different
answer from her than from Mr. Fletcher and in talking to Scott. It still is very
unclear. I don’t want to take any more time, I could read it to you gentlemen, but
it still is unclear.

It seems like there was one particular point in mind, and I agree on that point.
Someone who has a piece of property that has quite a few of these non-
conforming lots that are 50 or by 100 something; certainly not all of those, but
perhaps some people feel that they shouldn’t be developed, but there are some
that were next door but are completely separate because they were purchased
separately.

In other words, they were not part of common ownership in the beginning, they
belonged to someone else, and then perhaps a neighbor purchased that property
and now, because of the way it is written or the unclarity, it might be assumed by
who interprets it, that that needs to be added in, and so I think it really covers two
different things: non-conforming lots of record under common ownership. I think
common ownership needs to be defined further and also the word lot.
Jenniges: Asks if she sent a message from “Loren Johnson” (She did not) who expresses similar questions on this issue.

Johnson: I’m a professor, so I would be happy to help with the wording. The best to figure it out is just to give it to somebody who has no idea of this, and ask them what it says to them and sometimes we come with the clearest understanding.

Taylor: We don’t want to go too in-depth on these questions.

Jenniges: Confirms that Mrs. Johnson’s comment is # 18

Sommerhauser: My question is, you think it is poorly written, but do you have a desire in how or what it actually says.

Johnson: Yes, oh I see, you mean the intent. I believe that in a way you discriminate against a property owner who might have more than one piece of property, and of course the piece of property or the lot needs to be distinguished, because there are those lots for Assessor’s purposes and tax purposes and then there are these historical lots of record or lots that have been later combined for some other purpose.

But it does not meet, I think, the criteria for not curtailing growth, but managing growth if you allow people who have one lot here and one lot there and one lot there that don’t have this contiguous ownership or don’t have a boundary between them that’s common; you allow them to develop, but you don’t allow another property owner, say for instance, that has two different lots, for example 200 by 100 and then a lot right next door that might be 6,000 square feet. By this ruling, you would have to combine those.

7:00:05

(Taylor calls next speaker)

Carole Leninger – (Resides at 1875 Alaska Avenue, points to property on map) I just wanted to compliment, first of all, Katrina for all the hard work that she put in and the many, many hours she put in with the committee; and for the committee itself, the number of people who showed up on a regular basis, two times a week, all summer long to work on this plan. I think what we’ve got is a very viable, very good plan. I think what we’ve done is for the benefit of the community, not just Manchester, but the surrounding areas as well, and I would that we can pass this plan on and get to moving forward. Thank You.
Mati Walters: *(Resides at 7149 East Main Street, points to property on map)*

Well, I actually was going to say much of what Carole just said; I wanted to thank Katrina for all her work, and she spent a lot of hours on it and we’ve really appreciated. She’s always been very easy to talk to and get information to and from; we are very appreciative. I’d like to thank you guys to for getting the Design Standards out so quickly and working on the Plan too. Hopefully, I think you have listened to the residents, and that’s a good thing. Hopefully that will follow through to the end, as we have had a lot to say.

Foritano: *There have been questions and issues regarding the integrity of the process; some people feel they didn’t have the chance to be heard, they weren’t aware of when and where meetings were held. Asks what this citizen’s overall opinion is of the process and of the open aspects of this project from beginning to current.*

Walters: I felt we did our level best to make it as open as possible throughout the process. If people were interested in attending and participating, it was a very open process. It was very difficult, oftentimes, to get people to participate. Several times I would go door-to-door informing people of upcoming meetings, of upcoming issues, asking them if they couldn’t attend to at least email their opinions. And then of course there were all the postcards that went out twice, two different times, to every resident of Manchester. My feeling is that it was very open and we tried to keep it as open as we could.

Carrilu Thompson: *(Chair of two committees, resident for over 25 years at 1144 Colchester Drive, points to property map.)* I’d like to take an opportunity to speak to process. We have heard a number of issues, and a number of complaints, and I would like to address those complaints.

First of all, unprecedented in any plan that I know of, were two postcards sent out to the community; every property owner received those postcards. It was the suggestion of our committee to do that, because we wanted to make sure (this is the Design Standards committee, but also the Zoning committee after that) to make sure that as many people as possible got their voice into the process.
Thompson: That was one of the things, we did have articles in the paper, and we had door-to-door effort by not only Mati, but a number of folks on the committees, to get people involved to come to the meetings. We had postings on the County website of the meetings, we had them on the Manchester website of the meetings, and we talked to our neighbors.

I think at a certain point in time, I have to say that I cannot, I can only do so much to get people involved; and if they choose not to or choose not to seek how to be involved, I don't know how that can be our responsibility. We tried in every way possible to get people involved; we encouraged as many folks as possible with diverse opinions, because that's where you get the blend, to be involved. I know some folks came into the process late, but hey were heard just as much as the people who started from the beginning.

And I must add at this point, that we have received a lot of emails of frustration from folks who started at the beginning of the process, gave their opinions, gave their time, gave their letters, gave their support out there to their other neighbors to be involved and they feel that the questioning of the ethics of the committees is really a slam against them. So I have to respond in their honor, because they put in the time, they made the sacrifice and they felt it was important enough to put it above other events and situations in their lives. Any questions?

7:07:08

Sommerhauser: One item of major contention has been height and number of stories for future building. Since this document has become available, has that issue been resolved by this version?

Thompson: I have to ask you the definition of solved. Because it was, the issue is, contentious. That certainly is out there and I would not disagree with you on that one; but on consensus, on consensus of people's priority or feeling, I feel that it has been solved, yes. I feel that there will always be a question, from the standpoint of the people who do not agree with it, but we had, again, we asked as many people as possible to get involved, and I do believe that we have a very strong consensus for 28 feet.

The other comment that I have received was, and I am actually in agreement with this myself, is that we have a view protection overlay in Manchester of 28 feet that extends a very large area and that the Commercial district sits in that view protection overlay because there are houses in front of it and house behind and on the sides. And that it certainly blends with the rest of the view protection overlay and then it is a consistent 28 feet no matter what and if views are blocked, then it is still within their right to build to 28 feet.
Thompson: Do you see what I mean? Because that was one of the issues, was a huge issue, was the view blockage at 35 because they were entitled to build higher than the person who has the house next door. But at 28, they are at least on even footing with the person who owns the residential property next door.

Taylor: We are getting off topic, the 28 feet being mentioned is in the Design Standards, which is done and over with.

Sommerhauser: We also have 28 feet in the Plan, which is the purpose of the question, because we have 28 feet and 35 feet in the Plan.

Thompson: Yes, because we have two areas in Manchester that are 35 feet. The view protection overlay is one property west of Alaska from basically Mile Hill drive to, I believe – someone help me out here, doesn’t it extend up to, yes up to the fuel depot and one property west of Alaska. Outside of that, you are allowed to build to 35 feet.

Sommerhauser: You believe that at least a consensus has been met with the way it is written now?

Thompson: Yes, I do.

Coppola: Since I am the one who questioned the integrity of process, I want to state that I don’t particularly disagree with the outcome, but as someone who owns two properties inside of Manchester, I never received any notification, any postcards or anything. If it wasn’t for my participation on this board I wouldn’t have known anything about it.

Thompson: I have to say that I cannot answer for the United States Postal Service, but

Coppola: I just want to state that for the record, I don’t want to waste any more time on it.

Thompson: I do have to and I do want to answer to that because I know and I have a list of all the people who were sent, I can’t help it if the U.S. Post Office did not deliver them, but you are on that list twice.

Coppola: I never received the first postcard.

Thompson: I am sorry for that, and I would take it up with the U.S. Postal Service
Bill Palmer: *(Not a resident of Manchester, but represent several different property owners in Manchester)* I want to, in my opening remarks, to simply say that I think there is a flaw in the process with how the County has elected to handle the site specifics and are choosing to not do them in the context of the Community Plan, but that is really the process that provides the most support in the sense of the most community involvement and they very much should have been considered in the context of the Community plan.

The rush to get it adopted has meant that Staff chose to recommend to the Board of County Commissioners that they do it outside the Community Plan process, and I think that is a flaw, a definite flaw, in the process.

I don’t have a lot of criticism with the Design Standards, but I do at least have some issues to highlight in the Community Plan.

One of them relates to your Lot Aggregation provisions. I’d be very curious to see the legal review you’ve had of the wording of that language in the plan; I think you’ve got some constitutional issues involved in the wording. I won’t belabor the point, but I think it would be good if the Commission had a report from the Prosecutors office regarding that language.

Then I think somebody ought to do a study to indicate, okay, who’s got what and what are the implications of it because I don’t really think it’s well-known.

The last point I’m going to make, for now, is to address the height issue. In your zoning standards you really do have a confusing provision, particularly in the Commercial area. You allow for 35 feet for all structures other than commercial, mixed use and residential. Now, there are some structures that could fit in another category and you allow for 35 feet from that, and my question is why?

I do want to go on record and continue to be on record as objecting in the commercial area to both 35 feet and two stories. I think it ought to be 35 feet across the board.

Bill Bellman: *(Resides at 8220 East Caraway Road, points to property on map):* I have some comments. One thing is that yesterday I ran the Design Standards and the Zoning from the Kitsap County webpage.
Bellman: Apparently, what is floating around in reality is different from what is on the webpage; so I have some comments, which aren’t appropriate because apparently they’ve changed as have the comments.

Second thing is, in the Manchester Village Residential zone it states that the average size of currently developed lots is just over ¼ acre and that’s acknowledged as current development. The Plan says minimum developable and minimum divisible lot sizes it at ¼ of an acre. We asked the County Staff many times to give us the plats within in Manchester Village Residential and what the sizes of those lots are, and we never did receive those. I, today, went myself to the Assessor’s office and got a count of those lots.

Now it may be a little bit off, but I found that there are 12 plats, or 18 plats, excuse me, in Manchester Village Residential; 12 of those 18, the majority of those lots, are less than ¼ acre. If you take all the lots combined, 52% of the lots are less than ¼ acre. So by having ¼ acre in the Plan, you are making the majority of the lots in Manchester Village Residential non-conforming. I think that’s in error.

We asked for two-tenths of an acre, the County changed it back to ¼ acre; so we ask again that you take a look at that. I will give Katrina a copy of what I found today. And take a look at those lots, because it seems senseless to make most of the lots non-conforming in the zoning down there.

The other thing I’d like to comment on; I heard earlier about the two postcards that were sent out said we’d like your comments. I went to that meeting, you were not allowed to make comments at that meeting, you were allowed to do one thing; you were allowed to vote. You could vote for 28 feet two stories, 35 feet two stories or 35 feet three stories. That was it; there were no comments at that meeting.

The second meeting; we’d like your comments, will meet here. At that meeting, Robert Minor, an owner of Commercial property was concerned about the 35 foot height; he was told that he couldn’t talk about that, because we were beyond that point and that was in the Design Standards, you have to talk about something else. So you might have gotten two postcards, but you were limited to what you could talk about in the two meetings.

7:17: 55

(Taylor calls next speaker)

Dee Marie: (Resides at 2083 Alaska, points to property on map) I have a couple of comments and first of all I’d like to commend Katrina, Carrilu and Carole for the time they’ve spent working on this because I really believe that their intentions are very good and they’ve spent a lot of hours and I appreciate that.
Marie: I have a couple of questions and some comments I would like to make and that is that I believe this process is extremely flawed and these are some questions I’ve asked Katrina and also Philip and I’ve not yet gotten any answer. I emailed them several weeks ago and that was because I’ve gone to a number of meetings and heard different numbers on how many lot owners are in the Manchester Commercial Area and also how many were in the Manchester rural community. And I think the reason that is of interest to me is because I’ve also heard comments that the majority of people in Manchester want what’s been presented to you and I disagree. I don’t believe the majority of people that live in Manchester have the vaguest clue of what’s going on. A couple of the meetings I went to there were, the numbers that were talked about, that there had been maybe somewhere between 12 to 20 people at previous meetings. Some of the meetings I went to there may have been 50 or 60 people. What the questions I asked Mr. Fletcher and Katrina, and I would ask you to ask your Planning Staff, because I think this is critical before you make decisions on what’s going to happen to us as Manchester residents are how many lot owners are there in this area, in this Manchester area. How many lot owners and how many lots? And I would venture to guess there is probably somewhere between 500 and maybe 1,000; there’s a lot of little owners, or little lots, excuse me. And then the other question is how many people own property in the commercial area and how many of those people actually attended meetings and made votes, voted? And I think the reason that’s significant is that if the majority of people is 50 people, then you’ve got 100 lots. Otherwise, I don’t believe the people, the majority of people, were commenting. I don’t blame anybody for that; I think it’s just the way it was. I also want to go on record as saying I, too, object to the reduction of the height and the reduction of the stories in the commercial corridor in beautiful downtown Manchester.

Taylor: Reads names of people who have signed up but did not indicate if they wish to testify, and asks if they would like to testify.

Linda Jacobs: (Resides at 8107 E Daniels Loop Road, points to property on map.) I’ve only lived there for two years. I’ve gone to the meetings, when I knew about them. I don’t think the community has been informed. I think a small group has made recommendations, and I think several people, I mean there are individuals that are heads of several committees.
Jacobs: And I just don’t believe that people don’t want Manchester to be a viable place where you want to live, where you can get a quart of milk and there are some neighbors, and I just really love Manchester.

I just feel like this has been rammed through, and I asked why they don’t mail postcards to let us know about meetings, and they said they had no money; now someone talked to Jan Angel and that’s not the case.

So, really it’s not in my interest living in the little, cute beach house I have, to, but I think if somebody buys land thinking they can build what the County code says, and they pay top dollar for it, and then the community steps in and delays them and delays them and does false delays when, three years at $10,000 a month? I don’t think that’s fair.

Taylor: Continues reading names of people who have signed up but did not indicate if they wish to testify, and asks if they would like to testify.

7:24:23

Toni McBride: (Resides at 2295 Spring Street, points to property on map.) The only thing I, one of the gentlemen said he didn’t have the opportunity at any of our meetings to get up and make a comment about anything, and we had tables available for everyone to make comments; we encouraged comments. We had, you could sit down and write an essay, you could have, you could do anything you want and they were all turned in and I’m sure Katrina received them; I think it was, yeah, they were there. It was, when everything was mailed out to everybody, maybe not everybody got it, but we weren’t in charge of that; the Design Committee wasn’t in charge of the mailer. It went out, but that wasn’t up to us.

And the other thing was, it was a preference; it wasn’t a vote. It was what you preferred; it was not what was going to happen. And I just want to make that clear, that nobody was, I mean it wasn’t a vote, it was a preference.

And everyone should have gotten cards and could have been there. Two cards and everyone had the opportunity, if they wanted to, to make a comment. And they could have emailed, they could have done anything; we encouraged everybody. It wasn’t a select few that were turned away and couldn’t say anything, because that just didn’t happen.

We were down there three specific times, June the 12th, June the 19th and, I’m not sure, it was Fathers’ Day, June the 17th at the Salmon Bake.

Taylor: Continues reading names of people who have signed up but did not indicate if they wish to testify, and asks if they would like to testify.
Taylor: Calls for any other citizen that may want to come up but who did not sign up, but who will need to fill out the sign-in sheet once they are done.

7:26:53

Ray Pardo: (Resides at 8414 East Caraway, points to property on map.) First off I’d like to thank Katrina, but also the rest of staff. We sort of didn’t have a chair for our group in the Transportation group, in the committee, that put together the Transportation section of the Plan. But I was one of the people who generated a lot of the action and Jim Rogers did a lot of support for us and I’d like to thank him and the Staff. They actually went out and did some traffic counts for us, which was really important to that.

As you know, we are a county that is a little bit short-changed in terms of money that we have available to work on our roads and to work on the walkways next to the roads. We tried to stress the walkways and parking downtown in the few changes that we did make to that part of the plan.

So first off I’d like to thank the Transportation people that supported us so well. They were, the support was excellent and they really know their stuff. We have a couple of little quibbles about maps and stuff that we’re still working on and we’ll get that done.

I would like to say something about the process. I’ve only lived in this area for about four and a half years. But, I walked into library about three months after I moved here and there was this Manchester Plan very prominently displayed there, so I pulled it down and looked at it and even I fell across this issue of two stories and 35 feet within a quick reading of the thing.

And I asked a friend of mine, now I’m not in an area and I don’t own commercial property and I don’t have any Site Specific issues, so I don’t have any axes to grind. But I found out, by asking a few friends of mine and couple of neighbors, that there was a huge problem with the way that the first plan turned out and the people felt that this two-story thing didn’t get the teeth it needed in the Plan. And who made the mistakes and stuff, let’s not go there because you can almost see where they are if you look at it.

I think they’ve made a fabulous effort to bring it back. I think there are some issues that have to do with topography and heights along the same tier that could get us in trouble if we’re not careful if we don’t work on some tweaking that way; but I would say overall, that the process has been fantastic.
Pardo: And I’ve lived in five or six different places around the country, rural and downtown city areas and I have never seen a process that has been so open to anybody to come and get involved. If you didn’t know what was going on, and I apologize Lary, if you didn’t know what was going on in this town, you weren’t in Manchester for the last nine months.

7:29:36

Coppola: No, actually I haven’t been.

Pardo: I mean you saw the signs up, and the Salmon Bake; I mean you tripped over this thing everywhere you went in town.

Coppola: Reiterates that he hasn’t lived in Manchester for the past five months.

Pardo: But anyway, I do think we really do have to say that the various committees have really worked their tails off. And yes, we’ll never get the kind of turnout we’d like to see, it would be wonderful if we really had 50% of all the homeowners involved in this thing, but we don’t. I think we have a very good representation, I think things have been fairly reviewed and I think time will allow us to make tweaking to the Plan in the future.

7:30:30

Foritano: After height and integrity of process, the next biggest issue was parking. Do you feel the efforts that will follow this Plan in relation to parking design and parking enhancement is the right process and an effective potential process?

Pardo: I’ve only seen one or one and a half of these proposals in the commercial district go far enough to really test that idea. The recommendations we’ve made on the Transportation committee is that we put in as much diagonal parking as possible. I know there is some resistance to this, and this is the only negative thing I will say to the Staff side, to diagonal parking on the Staff. I think in a place like Manchester, if we don’t put in diagonal parking, we’re dead.

And I think you have got to give the builder the trade back for allowing the diagonal parking to go in front of their buildings; in other words, you’ve got to give him something back for that on one of his other setbacks because he’s going to have to give up a little bit of one of his setbacks to allow diagonal parking.
Pardo: So I think that is one of the areas you’ve got to be very, very careful of as part of the planning commission; in that we allow some sort of a trade back to the people who own the commercial property to allow the diagonal parking that’s necessary in addition to the underground parking. Otherwise, we’re going to have to find a way to go out and collect money to buy property to put parking on.

Foritano: Are you aware there is a comprehensive parking specific process that is going to follow?

Pardo: I am not, and I will be glad to read up on it and get involved.

(Taylor calls next citizen not signed up, but wishing to speak to come forward)

7:32:30

Jim Stritzel: (Resides on Madrone and Alaska and owns other pieces of properties in Manchester, points to property on map.) I’d like to first off commend Katrina for all of her efforts, I think just because of the way the staffing was, we had three other people shepherding us before that, and she kind of brought all of this and everything in together, so thank you for that.

My main comments are on the 35 foot height situation. It’s 35 feet towards the Sound, one property deep off of Alaska. That is not a change from the previous plan, so it’s not like we came up with something different, we just affirmed what was already there. Since the date of that plan, which was, I think, 2002, there have been various properties bought and sold under this same 35 foot idea. So if you look at one of the goals as continuity of plan and continuity of commercial transactions, so I think you ought to leave it.

The reason that was done in the previous Plan and confirmed in this one is that Manchester is generally from the Sound up to about Alaska, with exceptions. Then after Alaska, the reason they did one property deep is a good part of this is flat. If you remember in your Keyport Plan, they talked about why it was flat, so that’s why they did it. That’s basically why we did it. And after that, up by the school and up toward California on the boundary it floats up again and a good portion of that, if not the majority, is still forested. So, it’s not a change, it’s just confirming what was done before; many business transactions have occurred under it; I think you ought to leave it.

And for the record, actually, some of my property is going to be harmed if the guy in front of me goes 35 feet, because I have property in that flat area. But if he doesn’t go 35 feet, he hasn’t got a snowball’s chance in hell of getting a view over the people that are 28 feet on Alaska. So if we’re into this view protection, there’s a reason we want 35 feet.
Jenniges: Are you saying that in this Plan, Section 2.4.2 Height Restrictions, you are satisfied with this section as it is written?

7:35:26

Stritzel: Read it to me please.

Stritzel: I didn’t follow that, try me again.

Jenniges: Basically, the way I read this, your property is flat, but you’re not in the view protection overlay; the guy in front of you then has authorization to build to 35 feet. That means that you, if you want to look over him, can build over him.

7:36:49

Stritzel: I won’t be able to look over him.

(Because he’s in a flat zone)

Jenniges: But if the guy is on a down slope, you’d be able to look over him.

Stritzel: It’s slightly down slope, but basically flat.

7:37:29

Stritzel: I bought it under the idea that that was a rule that I bought it under. I knew that going into it, so that guy bought his property going into it also.

Jenniges: You’re basically saying don’t change the rules.

Stritzel: Right. And in the view protected overlay zone, which was a side light, whether I was satisfied with that, I also own property within that. Other than a slight change on how you figure your midpoint where you get to 28 feet, that’s the same; almost that whole thing is exactly the same as it was before. One of my big bugaboos about Land Use and County Planning and stuff is continuity. If I bought something and I do pay attention to the changes and take part in it, unless there is a very good, valid and compelling reason, don’t change it on somebody because business is conducted under surety of rules. If it ain’t broke, don’t fix it.
Jenniges: Unfortunately, with the Growth Management Act, all those rules have been thrown out. Rural property is no longer 2.5 acres, so for lands previously platted in so-called rural areas, you can get a building permit, but it's not the same as it used to be. Zoning has changed.

(Taylor sees hand up, asks speaker to come forward)

Tom Boyd: (Resides at 1099 Colchester, points to property on map.) I've lived here for 12 years. What I'd like to say is as far as the opinions of the community as a whole, everyone I've talked to, and this is a conversation that's been going on for at least three years that I know of, is in accordance with the 28 foot height rule. I do know people that aren't, I know several, in fact good friends of ours, they're all Real Estate agents, so I understand their point of view; but you really don't hear talking in grocery stores and everywhere about it since they started building across the street from Manchester Inn down there, it's been a big topic, you know, just about everywhere you go. Everybody is shocked that that is being built in there.

I'm not against somebody developing their property and buying property and wanting to make money off it, I just think it needs to be regulated so it fits with the community it's being built in. If the rules that were laid down in 2002 don't allow that to happen because the wording may be a little ambiguous, then that needs to be tightened up.

That's about all I have to say about it. That and the parking is a problem. My big thing is the parking.

No business, very few businesses have ever been able to survive down there, besides the store and the restaurant, because of lack of parking. A lot of things have been tried, and they probably would have made it, because we do need services in our community, but if you can't go down there and park, you can't use them. And that's a big concern.

Now if as you say, there is a plan to put more parking down in there, I'm kind of wondering where it will go, because there isn't a whole lot of room.

(Taylor sees another hand up, asks speaker to come forward)

Ron Hutchinson: (Resides on Pritchard road, also owns property in the business district.) With regard to the process, I would just like to make my comments.
Hutchinson: I was involved in a few of the meetings; the question of community participation or lack of community participation did come up in those meetings and how to get more. I made the suggestion that we send out some fliers and postcards and ask that they be returned with people’s own postage; I was told or we were told at the time that there was no money for any postage or any mailers.

There was later another postcard that did come out in for the last meeting after that. And I have spoken with Commissioner Angel and she did tell me that she thought there was money in the budget that would have allowed some postcard mailers that would have allowed for the view or the height preference.

Also, with regard to the height issue, one thing to me, and maybe I’m a simple minded guy you know, but I own this property in Manchester, in the business district. We purchased that property; it had a 35 foot height limit at the time it was purchased. The people that purchased in the residential areas behind us bought their property knowing that the business property in front of them was allowed to build to 35 feet.

This, you know, with the Plan as it’s proposed will change that. We will lose that value to build to the height that we purchased; but those people will get an enhanced view or lack of blockage of their view that was there when they bought their property. I hope I made sense when I said that, but that’s basically what I have to say.

Taylor calls for any others wishing to speak and notes that this is the last time for public testimony before the Commissioners’ meeting.

Sommerhauser notes that plenty of time is left, if people want to speak again, Taylor agrees.

Thompson: I’m sorry, after what we were discussing up here I did forget to thank Katrina for her steadfastness in this whole process. And she has been, along with Scott, our consistent support in all the questions and in who’s heading us now, which has been an issue, as you know. But she has been there to answer questions with very short resources, as you well know, and I just want to say thank you because she’s been great. And also thank you to all the people who participated in the process, who again took time out of their lives to put something else aside so that they could invest their time and energy in the plan.

Taylor closes public testimony, noting that written testimony will be accepted until close of business on October 31st 2007.
Depee: Believes Mr. Bellman’s email was excellent and found Mrs. Johnson’s testimony and email very interesting; asks if she took these comments to the public meetings after the email dated 06/20/07.

Johnson: Confirms that she did bring her comments to the public meeting. She felt at the time, in the process, that I was heard and that we came to a consensus, however, when the legal description was reviewed by the legal department the discrepancy seemed to reappear.

Depee: Believes that the intent and the actual outcome of the two plans were a bit confusing on the two story issue. Wanted to make sure Mrs. Johnsons was comfortable with her input being heard and how it was implemented.

Johnson: I guess I didn’t make myself clear. Within community and within plan they drafted, yes I believe that my input was used and also the input of others who may or may not have agreed with it. However, in the document as it appears today after legal review by the department, for whatever reason, it looks like some thing they took from the old plan that they put in about the non-conforming lots. The thing about the view protection overlay; I that was a good consensus as it appeared.

Taylor: The next Planning Commission meeting is where we hope to make a final decision and recommendation to the Board of County Commissioners on Manchester Plan. All are welcome to attend, it will be held here at 9:00 am on November 13th.

Sommerhauser: There were two intriguing comments regarding lot aggregation. We have not seen the Community’s purposed language on this. I would like a copy of this community proposal and would like some discussion from staff, from legal, as to why it was changed.

Jenniges: I thought we discussed this in detail during the stormwater issues and thought Staff would be coming back with some kind of consensus and analysis. These lots were bought in good faith.

Knutson: Confirms that DCD will be addressing large site sewer systems at a later date. Manchester language was put in place when the Plan was adopted in March of 2002 and has been in place ever since.
Knutson: The request for review and clarification of the legal language came about when the Manchester Community Council approached Eric Baker during the 10 year update process and asked that the language be changed because while a majority of citizens agreed with it, the language was unclear.

The Manchester Community Council and Executive Board provided signed documentation in support of the language currently included in the plan. When submitted to legal for review, basically they broke the language out into paragraphs and sections to simplify the legal terminology and sentence structure. The Manchester Community Council also backed this language as it was included in the 10 year update. If community members do not agree that it is easier to read, we welcome those comments.

As Mr. Stritzel believes we should not change the language in the plan and should keep what has been written because business has been conducted under this language; the Manchester Community Council agrees with the same concept and wishes to keep the non-conforming lot language the same as well.

7:54:22

Sommerhauser: Requests a copy of the version containing the language that was provided by the Community Group, if it differs from what was in the 2002 Plan and the current Plan Update.

Knutson: Will get this to you if such a version exists.

Keeton, Sommerhauser: Ask to have the documents submitted as part of the hearing.

Knutson: Reiterates that we are not making a decision tonight, we are taking public comment tonight, which will be incorporated along with any other testimony received through October 31st, and provided to you before the next Planning Commission meeting.

7:55:53

Jenniges: Comments that following the logic of keeping the rules the same because business has been conducted under said rules, this holds true for residential but not commercial.

Taylor: We are done for tonight

Knutson, Taylor ask that any questions or requests the Planning Commission may have be submitted now or communicated prior to the deliberations to allow preparation and a purposeful meeting on November 13th.
Foritano: Asks about status of the parking study including a timeline, who will be involved and how it will be conducted.

Knutson: Commissioners should anticipate a very large packet of comments for review.

Taylor, Knutson confirm that this information will be sent via US mail

Sommerhauser: At least one person commenting today cited constitutional issues regarding aggregation. If County Legal cannot advise us, can staff provide indicators of decision in this area so we can research it?

Depee: Questions what difference it makes if it is called Lot Aggregation or Minimum Lot Size.

Sommerhauser: If someone believes it is unconstitutional, I want some basic understanding of the constitutional issue related to that if I’m going to vote on it as a Commissioner.

Knutson: Confirms that Legal’s basic interpretation is that it is within the law, defers further questions on this issue to Larry Keeton or Scott Diener.

7:59:47

Taylor closes the Manchester Public Hearing portion

F. Director Update – Larry Keeton, Director, DCD

8:00:15

Keeton: DCD has moved forward on the Board of County Commissioners’ requirement to become an Enterprise fund. Explains how our fee structure has been researched and created. States that we have asked that the fees policy be removed from the ordinance, as they should be set and addressed through resolutions.

Budget proposal has been completed and presented to the Board for $9.2 million as a fully funded 2008 budget. 2007’s current budget is $8.1 million and is only 97% funded. The decision to go fully funded is to allow for identification and classification of what will be Enterprise vs. General Fund. Of the 2007 budget, it is not identified as a fully funded department. We are not currently charged for facilities department, legal assistant, maintenance, general County administrative support, personnel, recruiting and other fees. When all fees are added in, our difference came to approximately $200,000.
Depee: Questions this difference.

Keeton: Confirms the difference and that none of these services have ever been paid for or charged to us, and in turn never passed onto the citizens.

Depee: Following that math, are you looking at 10% increase in fees?

8:03:40

Keeton: No, it will actually be approximately $2 million in fee increases, which has been presented to the Board. Discusses the methodology and price variations in fees we currently charge and what the actual cost should be. We are recommending a three year phase-in of the project.

Depee: A lot of these figures are predicated on the fact that the procedures themselves are based on inefficient procedures and time.

Keeton: We went back and looked at the actual hours a staff member spends on a particular project or task and created an average.

Depee: If, when you incorporate this, you follow a procedure like in Pierce County, which imposes time limits and timeframes and concessions if they are not met, I don’t think people will have a problem with it.

Keeton: Compares volumes from last year and this year. Confirms that changes are taking place and processes will continue to improve. We are re-defining the actual amount of time that it takes to complete an actual project. We want to charge accordingly.

8:07:51

Keeton: Regarding lot aggregation, the Department said it would look at historic plats if the board so requested. We are on hold because State of Washington Health Department rules on large on-site site systems have changed based on the volume of gallons. We are looking at lot sizes based on septic systems. We have a 90 day extension from the Board on this.

Keeton, Jenniges discuss the balance of lots purchased under good faith and the ability to provide as growth continues.

8:10:10

Coppola: Asks if the cost to file an appeal to the Comprehensive Plan is figured into the budget?
Keeton: No, staff time is included, but the fee is not. Discussion on the research information our schedule is modeled on. We recommended that if it is code or Comprehensive Plan related, it has to be paid for by general fund. It cannot be paid for by public or out of public generated funds.

8:12:05

Keeton: Explains that the reason Legal will not come and provide opinion or advice is because the Planning Commission is not a speaking agent for the County. It is an advisory body to the Department and the Board of County Commissioners. By their policy, all information will funnel through Staff. The Board can, and has in the past, authorized them to come in and advise us on process information – but it has to be in the form of all 3 commissioners vote. The Board also does not have jurisdiction and cannot direct the Prosecutor’s office to advise us.

8:14:36

Keeton, Sommerhauser discuss that the Planning Commission is an advisory body specified by law, but to the Department and the Board

Sommerhauser: Feels it is logical to have Legal explain issues to the Planning Commissioner and make them knowledgeable.

Keeton: There is a difference in giving education on case law and land use laws, and giving legal recommendations. Issues brought to you by Staff should have already been vetted through legal. You should take this on trust. The only thing we can recommend is that you put in your comment and concern in your recommendation. If you need background information, state that.

8:16:45

Sommerhauser, Keeton continue discussion on past requests and practice.

8:18:42

Taylor, Depee: Ask that at either the November 13th or 27th meeting, Staff present how many applications have been submitted for the 9 lot short plats since we approved it a few years ago.

Keeton: Will bring in information from LIS on the amount submitted, approved and the timeframes.

Taylor: Is it possible to submit a request on a feasibility study to be done on installing a sewer line in a specific place?
Keeton: The reason you aren't getting your comprehensive sewer report is that the County, under an invalidity order, is required to go back and do a design on multiple systems. The County has a plan from 1971, and right now there is an infrastructure group of about 20 - 30 people being put together by the Board to look at sewers, fiscal, and other information.

Sommerhauser: Contact Commissioner Brown about the presentation he made to the House Capital Facilities Budget Committee two weeks ago, which contains a lot of the information you are looking for.

Keeton: Another option would be to find out who the provider would be, and ask them for a report and cost analysis.

A motion is made by Commissioner Jenniges and seconded by Commissioner Foritano to adjourn the meeting.

The VOTE:
Unanimous
Motion Carries

Time of adjournment: 08:22:43

EXHIBITS
A. Staff Analysis of Elzey/Smith Application as Map Correction
B. Manchester Community Comment Matrix
C. Manchester Community Public Meeting Requirement Documentation

MINUTES approved this _______ day of _______2007.

________________________________________  John Taylor, Chair

_________________________________________  Amanda Walston, Planning Commission Secretary