

MINUTES

**KITSAP COUNTY PLANNING COMMISSION
Administration Building - Commissioner's Chambers
July 07, 2009 7:00 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: Lou Foritano, Linda Paralez, John Taylor, Fred Depee, Jim Sommerhauser, Tom Nevins and Robert Baglio

Members absent: Michael Gustavson

Staff present: Larry Keeton, Dave Tucker, Katrina Knutson, Scott Diener and Planning Commission Secretary Karla Castillo

7:00:22

A. Call Meeting to Order, Introductions

B. Adoption of Agenda

Agenda is adopted as is

C. Public Comments

7:01:27

Molly Lee-Resident-These are a continuation of comments regarding John Johnsons request to open the county comprehensive plan. In the counties comprehensive plan Land Use chapter cp 7. The comprehensive plan can only be revised or amended outside normal schedule if findings are adopted to show that the amendment was necessary and not a personal emergency on the part of a particular applicant or property owner. Mr. Johnson did not have the mandatory pre application meeting by the due date in late January 2009. He did not provide a formal application by February 09 deadline. Mr. Johnson's property is adjacent to 40 acres of agricultural land to the North and an adrimous fish stream to the east which is Johnson Creek, 30 acres of conservation land to the south that protects the water for the view side water system. The majority of those water recipients signed the petition for removal of the Urban Growth area that I presented previously to you and 200 acres of state timber land to the west plus there my husband and I 20 acres slightly to the north. We all want the opportunity to be protected at a natural resource level and expect the same accommodations that Mr. Johnson is getting and that Mr. Diener appropriately states is the necessity to consider the area in total. Also, the Poulsbo's Park and recreation committee memorandum highly suggests supporting the possible eligible wildlife habitat conservation areas including Johnson Creek. Mr. Diener stated many time to me when I asked to open the Comp plan to amend the docket. That first the Board of County Commissioner could be presented with the details of the proposals and then retracted that for the last three months that the docket will not be reopened for additional rezones or UGA amendments. Mr. Keeton in a letter presented to you the planning Commission appears to be condoning Mr. Johnson's

Kitsap County Planning Commission – July 7, 2009

1 large lot subdivision proposal at a 1 house per 4. 93 acres at the same time Mr. Johnson
2 is applying for Urban Reserve 1 house per 10 acres because it would eventually have a
3 higher density anyway. This completely obliterates the policy of Urban Reserve. Mr.
4 Johnson was never officially in the Urban Growth Area. His property magically appeared
5 on 1 alternative map without going through the process as he seems to keep continuing
6 to try to do. The petitioners want the same chance at the same public hearing that Mr.
7 Keeton said would be given to Mr. Johnson and county resource property owners want
8 to have their opportunity at this public hearing to present their amendment request also.
9

10 ***Discussion is held between Commissioner Depee and Ms. Lee clarifying the***
11 ***Petitioners intentions to pull out of the Poulsbo Urban Growth Area.***

12
13 7:05:10
14

15 **Commissioner Paralez arrives**

16
17 ***Keeton explains to the Commission that what Mr. Johnson is asking for is already***
18 ***on the docket for this year, for site specifics and what Ms. Lee and the petitioners***
19 ***are asking for is to open up the Comp plan and amend it and this is not on the***
20 ***docket for this year. These are two entirely different types of requests. Keeton***
21 ***also informs the Commission that the County and Mr. Johnson, with legal***
22 ***representation, will be meeting on this matter.***
23

24 **Discussion is held between Commissioner Paralez and Keeton regarding if the**
25 **Commission can recommend to the Board to review Ms. Lees request to review**
26 **the Urban Growth Area.**
27

28 **Commissioner Foritano and Ms. Lee discuss where the County is at right now with**
29 **Mr. Johnson and what steps are being taken to make a decision. Ms. Lee**
30 **expresses frustration over not having the same avenues to go down as Mr.**
31 **Johnson.**
32

33 **A motion is made by Commissioner Paralez to recommend to the Board of County**
34 **Commissioners to put on the docket this year a review of Urban Growth Areas.**
35

36 **No second**
37

38 ***Discussion is held about the motion made by Commissioner Paralez.***
39

40 **Molly Lee:** Mr. Johnson can get vested at Urban Reserve and that will change the
41 possible readjustment opportunities for the Urban Growth area in a manner that is
42 unsubstantiated in the direction in which he is going it is improper and yet he will be able
43 to get vested and remain at that status regardless of what happens with the land
44 capacity analysis. I find that to be unfair.
45

46 ***Commissioner Depee express that at this time the Planning Commission needs to***
47 ***wait until they have more information and that currently this subject is with the***
48 ***applicant, the County and their attorneys and that the Planning Commission***
49 ***needs to wait until it comes in front of them.***
50

1 **Clarification is made whether there is a directive regarding Ms. Lee's request from**
2 **the Board. Commission agrees that at this time they can not go any further and**
3 **will wait until Mr. Johnson's application comes in front of them.**

4
5 7:33:30

6
7 **D. Directors Update: Larry Keeton, Director, DCD**

8
9 **Keeton gives an overview of the state of the department pertaining to the budget**
10 **issues.**

11
12 **Discussion is held regarding the appointment of a new Central Planning**
13 **Commissioner.**

14
15 **E. Approval of the June 16, 2009 minutes**

16
17 **A motion is made by Commissioner Sommerhauser and seconded by**
18 **Commissioner Depee to approve the minutes of June 16, 2009.**

19
20 **5 yes**

21 **2 abstain**

22 **The motion carries**

23
24 7:42:00

25
26 **F. Briefing: RCO and RI Zones and Policy RL-8- Katrina Knutson, Senior**
27 **Planner, DCD)**

28
29 **Knutson presents a PowerPoint presentation of the two new Rural Zones being**
30 **presented.**

31
32 **Knutson discusses RL-8 and how this restricts the property owners and the**
33 **reason this policy was originally created in 2006.**

34
35 **Commissioner Depee questions what can be done on a piece of property with the**
36 **current zoning.**

37
38 **Clarification is made that with the current policy you can not add on or change**
39 **your business, where with the new policy it will allow business owners to add on**
40 **or change businesses.**

41
42 **Knutson continues with her PowerPoint presentation.**

43
44 **Discussion is held regarding Home Based Businesses and how they are affected.**

45
46 **Knutson goes over the Site Specific Applications that the Commission should**
47 **expect to see.**

48
49 **Clarification is made that if the new zones are approved the areas that are**
50 **currently zoned Urban Industrial and Urban Commercial will automatically change**
51 **to the new zone.**

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51

Break
8:16:55
Reconvene
8:25:25

G. Work Study: Stormwater Manual LID update, Dave Tucker, Assistant Director, Public Works

Tucker gives the Commission an update on the Stormwater manual. The State has extended the deadline from August 15, 2009 to February 15, 2010 for adoption. Tucker gives an overview of the goals that they are working towards.

- *Update our technical standards to take into effect the latest guidance in Low Impact Development standards*
- *Update our Stormwater drainage codes and change there performance standards.*

The first part of that was a county code revision that you looked at in March and April and the second part would be to create a toolbox which we call the Stormwater Manual for the professional community to design to that performance standard.

The staff has asked the board to not adopt the code yet. It was on the docket to be adopted on July 22, 2009 to allow us more time to get more public feedback. The Board has agreed to that as long as we give them a timeline. They will be briefed on that timeline on Monday July 13, 2009. The intent is for Community Development will hold several workshops with the professional community to get their input. The manual will not be coming in front of the Planning Commission until October.

Commissioner Baglio recommends that both documents are reviewed together and public input should be gathered together as well.

Discussion is held on what parts of the manual are the most critical to review and needs the most attention. Also, the plan is to have 6 meetings and to focus on the most difficult chapters.

Taylor voices concern over the lack of manuals being given to the Engineer community for review. Taylor has comments from a local engineer that he loaned his manual to that has reviewed the first 80 pages.

Taylor gives a copy of the Engineer comments for the record.

Tucker goes over the LID manual presentation.

Tucker discusses the difference between what LID is and an IPIT is.

Discussion is held on maintenance of the Stormwater gardens.

Clarification is made on what exactly the commission will be recommending.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52

9:19:20

H. Work Study: Title 21 – Mediation - Scott Diener, Policy and Planning Manager, DCD

Diener presents the mediation process. Diener goes over who the Permit Advisory Group is, what they do and how they were selected. Diener goes over the mediation flow chart and gives a brief explanation of each step of the mediation process.

9:30:50

Discussion is held on how many times a project is allowed to go to mediation.

Taylor and Diener discuss the legal stand point of mediation and how much the counties legal staff has been involved in this process.

Discussion is held on how early the mediation process is being started in the application process and the reasons this works best.

Depee questions on the length of time mediation will take? Also, suggests possibly putting a notice in the paper when a project is going to mediation.

Paralez and Keeton discuss suggesting a timeline be put in the code.

Sommerhauser: Asks if there is a confidentiality agreement between the parties?

Miranda Duncan-DRCKC: We do require the parties to sign an agreement to confidentiality, if we reach a decision that needs to be put into writing we would make sure that we had permission to put whatever terms that they wanted to make public.

Discussion about if there is no decision made that both parties are bound by the confidentiality agreement.

Sommerhauser and Duncan discuss timelines and if the Dispute Resolution Center controls the timelines of the mediation.

I. For the Good of the Order: Chair Foritano

9:58:21

Planning Commission discusses the July 21, 2009 meeting. Chair Foritano requests a reminder note be sent out.

Taylor and Diener discuss the May 4th meeting with the BOCC.

A motion is made by Commissioner Depee and seconded by Commissioner Taylor that starting in August the Planning Commission goes back to morning meeting with the exception of Public Hearings.

10:01:16

1
2
3 **Depee: Does not feel that there has been much more public participation in the**
4 **evening versus the mornings. Also, is concerned with employee time.**

5
6 **Nevins: Agrees with the evening meetings. He believes this opens up**
7 **opportunities to different individuals to serve on the Planning Commission that**
8 **otherwise would not be able to if the meetings were in the mornings.**

9
10 **Clarification is made on if the motion is to present the request to the Board of**
11 **County Commissioners.**

12
13 **Foritano clarifies that the motion is to just go to the August meetings.**

14
15 **Clarification the Public Hearings would still be held in the evening.**

16
17 **Point of Order is called by Commissioner Sommerhauser**

18
19 **Sommerhauser asks the Chair to rule the motion out of order on the basis that the**
20 **Chair with staff and or Legal may find we do not have the ability to establish our**
21 **own meeting times. He suggests that the Chair table the motion until he can make**
22 **that determination.**

23
24 **Paralez would recommend revising the motion to state that we recommend or**
25 **request to the board.**

26
27 **Sommerhauser ask the Chair to rule on his Point of Order before the vote.**

28
29 **Foritano: I believe from my stand point what I am hearing is an administrative**
30 **issue, I don't think this is worth legal's time. I think we can vote or not on Fred's**
31 **motion. The board can tell us what to do or not and I would be so bound.**

32
33 **The vote:**

34 **5 yes**

35 **1 no**

36 **1 abstain**

37
38 **The motion passes**

39
40 **Baglio: Feels August is too soon for Public Hearing on the Stormwater Manual**
41 **and would like to wait until after all of the public comment is in.**

42
43 **A motion is made by Commissioner Paralez and seconded by Commissioner**
44 **Depee to adjourn the meeting.**

45
46 **Time of adjournment: 10:09:14**

47
48 **EXHIBITS**

- 49
50 **A. PowerPoint presentation on New rural Commercial and rural Industrial Zones**
51 **B. Table 17.381.040 (E) Parks, Rural and Resource Zones**

Kitsap County Planning Commission – July 7, 2009

- 1 C. Executive Summary
- 2 D. Letter from Dave Tucker to Planning Commission Members
- 3 E. Appendix 5B: LID Guidelines
- 4 F. Ordinance Amending Stormwater Manual
- 5 G. Memorandum to Planning Commission from Scott Diener on Mediation Language
- 6 H. VISIO Flow Chart for Mediation Process
- 7
- 8
- 9

10
11
12 MINUTES approved this _____ day of _____ 2009.

13
14 _____
15 Lou Foritano, Planning Commission Chair

16
17 _____
18 Mary Seals, Planning Commission Secretary