

MINUTES

**KITSAP COUNTY PLANNING COMMISSION
Administration Building - Commissioner's Chambers
February 24, 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, Fred Depee, Linda Paralez John Taylor, Mike Gustavson, Tom Nevins, John Hough, and Robert Baglio

Members absent: Jim Sommerhauser

Staff present: Eric Baker, Angie Silva, David Lynam, Jeff Rowe-Hornbaker, Dave Tucker, Doug Frick and Planning Commission Secretary Mary Seals

6:58:23

A. Call Meeting to Order, Introductions

B. Adoption of Agenda

A motion is made by Commissioner Taylor and seconded by Commissioner Paralez to adopt the agenda.

The Vote:

Yes: 6

Abstain: 1

The motion carries

Agenda is adopted as posted.

C. Public Comment

D. Approval of Minutes from February 10, 2009

A motion is made by Commissioner Taylor and seconded by Commissioner Nevins to approve the minutes of February 10, 2009.

The Vote:

Unanimous

The motion carries

7:01:10

E. Work Study – Existing Accessory Dwelling Unit Policy Update: David Lynam, Fire Marshal, DCD

1 **David Lynam presents information about un-permitted Accessory Dwelling Units**
2 **and innocent purchasers. He requests the Planning Commissions thoughts on**
3 **this issue.**

4
5 **Discussion is held about the County's ADUs. The commission members request**
6 **that the item be deferred to the next meeting.**

7
8 7:16:45

9
10 **F. Public Hearing – Waaga Way Connector Roads & Town Center Design**
11 **Standards: Eric Baker, Project Specialist**

12
13 **Chair Foritano opens the public hearing.**

14
15 **Baker gives an overview of the Waaga Way Connector Roads & Town Center**
16 **Design Standards.**

17
18 7:36:43

19
20 **Bill Mason, Resident:** I am representing myself, my wife and my mother. I'm referring
21 to the extension road that would run east and west and end at Westgate Road and Old
22 Frontier Road. That would run through the whole length of our property, which is 25
23 acres. We feel that this road would not serve the area well. It would create a traffic flow
24 through the residential area and destroy a lot of valuable building sites. After all, the
25 purpose of the project is to open usable land and not to overcome the land with roads.
26 The proposed road would cross a ravine which would make the project more costly. The
27 road would also cross over a waterline, a well between my mother's and our house. It
28 would also cross over her septic system. This would separate our homes from my
29 mother and me. The land has been in our family for over 40 years and is currently being
30 used as a place of employment for myself at Frontier Stables where we board and train
31 horses. Putting a road through the center of our farm would destroy this. The road
32 through the property would also greatly devalue the land. Our family is counting on this
33 as an investment on property for the future. Please don't take that from us. The more
34 logical choice would be through Bison Lane, which already is an existing road and would
35 destroy less land.

36
37 **Jerry Coultier, Resident:** I own a piece of property at the corner of Old Frontier and
38 Trigger Ave. I was born and raised on that property. It started out at 40 acres and then
39 Bonneville Power cut 10-12 acres out, Trigger Ave cut 6 acres, and the creek setbacks
40 eliminated a lot of property. I still end up with 14 acres. I'm debating what I should do
41 with the property. I'm at the age I'm retired and I see the County wanting to do all this
42 stuff for North Silverdale. I worry about the fact that I can't afford it because of the road,
43 the CRID, funding it. I know if you put a road in you are going to have water, sewer. All
44 these things are going to add up to a big chunk of money and I'm worried that I'm not
45 going to be able to afford it and being forced out of my piece of property that I plan to
46 retire on. Either being taxed out or all the CRIDs and excess utilities being put on my
47 property

48
49 **Ed Bird, Resident:** I live next door to Jerry Coultier. He stated the same concerns as
50 him; whether I'm going to be able to afford paying these taxes.

51

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1 **Bob Moyer, Seabeck Resident:** I commute almost daily into Silverdale or up into North
2 Kitsap, often by taking North Kitsap Road. I generally support some of the staff ideas. I
3 think it's important that the northern connector connect Frontier Road with the Waaga
4 Way extension. It seems from a traffic management standpoint that that connection
5 should be at Westgate if that is at all feasible. It also provides an alternative route for
6 those that live to the west and north of that area to avoid Central Kitsap High School and
7 Junior High area at time of peak traffic. I think that staff's done a pretty good job of
8 coming up between the wish list and what is actually feasible. It does seem to me that
9 there are three possibilities for design of such a road; the one that Mr. Baker showed,
10 one that Mr. Gustavson mentioned in the previous meeting. This would be to run the
11 road in the center line, leave space for bike paths on both side and put sidewalks out on
12 the ends. Another one would be to do the reverse, run the road in the center line, put
13 sidewalks next to the road and then leave space on either side for bike trails. I haven't
14 seen that those have been studied carefully yet.
15 Lastly, on the Design Standards for the Town Center, if it is going to be a Town Center,
16 some of the suggestions from staff such as putting a maximum size limit on building and
17 putting some restrictions on uses that are completely automobile centric seem to make
18 sense.

19
20 *Depee: Why do you feel it should connect into Old Frontier?*

21
22 **Moyer:** I think it provides alternatives for people living out to the west and north in terms
23 of how they can access Silverdale area.

24
25 *Foritano: You mentioned two other options, are either of the two a personal*
26 *favorite for any particular reason?*

27
28 **Moyer:** Not really. My concern is that when you bring the bike path down that has bike
29 traffic in two directions, you have an awkward crossing situation.

30
31 **Mark Davis:** My concern is the same as Coultier and Bird.

32
33 **Sam Rosenwald, Partner at Black Equities Group of Los Angeles:** I am generally in
34 support of the hard work that Eric, Angie, and the rest of the staff have done in
35 investigating the alternatives and in suggesting Design Standards for the development of
36 the Town Center concept. Our firm has been proponent of a Town Center development
37 here ever since we have been enticed to acquire that land in 2006.

38
39 *He discusses his role in this project. He discusses two issues with the standards. He*
40 *points out Harper Hill in Poulsbo as an example of a good Town Center Design, which*
41 *includes big box construction and drive through. The other is Olhava as one approach*
42 *to large scale development. With out a comprehensive plan you'll have either of those*
43 *things here. He expresses the need for a viable project in these times. He suggests*
44 *that a little more flexibility is built into the Design Standards. He suggests that major*
45 *retail always leads the way. He shows a drawing of his proposed development.*

46
47 *Taylor: Requests the second item that he would like to see changed.*

48
49 **Rosenwald:** The first was the arbitrary limitation of 100,000 sq. ft.. box. The second
50 being the arbitrary restriction of a drive through banks or restaurants. I wouldn't want to

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1 allow them like on Bethel corridor, but as necessary and as reasonable when the plans
2 come to bear.

3
4 **7:56:18**

5
6 **Baglio:** *Are you utilizing only the approved access points as they are currently*
7 *drawn or being proposed?*

8
9 **Rosenwald:** *He explains that this is a dream mock up and details out the proposed plan.*

10
11 **Hough:** *You seem to recognize the value of good Design Standards. He*
12 *requests that he speaks to the value of application of good design*
13 *standards.*

14
15 **Rosenwald:** Basically you got a big chunk of land here on the freeway/highway across
16 from the mall that's recently been zoned regional commercial. You get one shot at it.
17 And the one shot will last for a long long time. If you create something of lasting value
18 it's better for me as a business man to have something that has value in good times and
19 bad. We have properties that we've developed, the result is that in bad times we can
20 keep filled and keep the customers coming in. As the owner, that creates value. For the
21 community, if it has a good design, if it's more interesting people are going to tend to
22 shop there rather than the alternative. It makes good sense to do the right thing. I
23 believe it makes good business sense to spend extra dollars into the project. You get it
24 back in rent.

25
26 **Depee:** *Requests a copy of the Building Criteria standards that he*
27 *mentioned were economically unfeasible. He asks if he was comfortable*
28 *with the design standards.*

29
30 **Rosenwald:** He states that he was not at the last meeting.

31
32 **Baker:** States that two things that were submitted before the meeting; one was from
33 Steve Ruggerio which includes a list of Mr. Rosenwald comments.

34
35 **Rosenwald:** I would be opposed to excessive design content, but a reasonable amount
36 of design content? The things that Eric (Baker) described in his presentation are
37 expensive, but they are reasonable. This is the shot of the community to develop
38 something nice; it's going to be her a long long time. I don't have a problem generally
39 doing it right.

40
41 **Depee:** Those are the exact same types of issues were brought up when the
42 Bethel corridor plan was master planned. And the design criteria has become so
43 cost prohibitive that it created a dead zone. So if too much regulation is put into
44 the actual design standards, does that not hinder the process of the progress out
45 there?

46
47 **Gustavson:** *He comments no the impact of success of business on the*
48 *community.*

49
50 **Taylor:** *Requests a copy of his drawing.*

51

8:03:39

1
2
3 **Mark Kuhlman, Team 4 Engineering:** I want to comment primarily in favor of what I've
4 heard tonight and what I've read in the design standards. I have no objections to the
5 various use limitations that have imposed. I understand the logic and it makes sense. I
6 think what's being proposed here is a good method to move forward. **He reviews the**
7 **strengths of the plan.** We might be a little weak on the numerical standards in the
8 landscaping and pedestrian amenities features. **He expresses concern about the loss**
9 **of green space. He identifies some concerns about the parking plan. He passes**
10 **out pictures from Burnam Drive in Gig Harbor to the Commission members. He**
11 **reviews the examples of pedestrian friendly design.** I think what we have here is a
12 good method to move forward. I worry about getting very bogged down in details. The
13 term Master Plan has been used a couple of times. I think we need to recognize that we
14 got a bunch of individual properties, we've got a bunch of individual owners; what we
15 need is a framework and a guidance that will guide us to the end point. I think that's
16 what we have here. If we entered into a much more specific and detailed design
17 approach we would miss out on the fact that there is a lot of investment made here by
18 individuals and the County. We need to move forward so that the investment can begin
19 to repay itself.
20

21 **John Johnson, Resident and Builder:** I've been a resident in Kitsap County for 25
22 years. I support the comments of Mark Kuhlman. He's the engineer we are working
23 with. We do have a project that we would like to move forward with. A moratorium in
24 these economic times is obviously problematic; timing as everyone knows who is
25 involved in real estate is money. We appreciate the fact that those at the county have
26 been trying to expedite this process. We do support reasonable design standards, but
27 we think they should be done with the intent of moving things forward and not creating a
28 log jam and problems for people who would like to be spending money, developing
29 properties, and bringing additional services Kitsap County. I would support comments
30 from Mr. Rosenwald; having some arbitrary restriction on the square footage really
31 makes no sense. If you can't do it in a Regional Commercial zone, where are those
32 businesses to go? **He brings up needs of seniors and disabled citizens that need**
33 **drive up windows. He expresses that we need to be aggressive in attracting**
34 **business.**
35

36 **Gustavson: Comments on Design Standards in the County.**
37

38 *Depee: What to do you feel on those design standards?*
39

40 **Johnson:** I do support design standards. If you look at project that we want to pursue;
41 they are very simple design standards. **He states that fads come and go, and**
42 **encourages a look at the big picture.**
43

44 **Paralez:** Requests clarification about if he just requested not to have design
45 standards.
46

47 **Johnson:** States that he does not want to say he doesn't want any design
48 standards, but it needs to be limited and reasonable.
49

50 **Foritano:** Requests and example a cohesive looking center with flexible or loose
51 design standards and multiple developers.

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1
2 **Johnson:** I would take what we submitted as an example.
3

4 **8:21:50**
5

6 **Susan Bird, Resident:** I'm concerned about Old Frontier Rd. **She expresses concern with traffic levels on a small two lane road and the danger to pedestrians.**

7 Another thing I am wondering about is how come it became commercial all the way up to
8 Trigger? I wasn't notified that this was all going to be commercial. I don't understand
9 how they notified the people in the area. There is so much wetland area down here and
10 sloping and also there was at one time supposed to be a cultural building built. They
11 were not able to build it because of wetlands.
12

13
14 **Hough:** It strikes me that if something major happens in this area that no doubt it
15 will change the character of the area and particularly the character of the traffic
16 flows. Am I hearing an objection to the development itself or a plea to couple the
17 development with improvements to the road structure in the area?
18

19 **Bird:** I was thinking that maybe if it wasn't all the way up. **(She points to map)** Why go
20 up in this area here,
21

22 **Hough:** Aside from the boundary, if the town center is developed it's going to
23 change the traffic flow dramatically.
24

25 **Bird:** It's going to come this way. **(She shows the traffic flow on the map)**
26

27 **Hough:** Is part of the solution to improve Frontier Rd?
28

29 **Bird:** Yes.
30

31 **8:26:17**
32

33 **Tex Lewis, Resident:** I am very much associated with the Clear Creek task force. I'd
34 like to commend the property owners because the west fork of Clear Creek is one of the
35 most viable Salmon producing tributaries in to Clear Creek. It's a very pristine area in
36 many ways and we need to recognize it in development plans. I'm also very conscious
37 of imposing onerous restrictions and requirements on owners. We had a vision of
38 creating a walking trail along Clear Creek; we did that after the development was made
39 which was extremely hard. It has turned out to be a very beneficial thing. I would like to
40 see provisions to maintain the viability to that stream. And considering provisions for
41 walking trails along that stream and provide incentives to owners who provide that.
42

43 **Roger Zabinski, Resident:** I want to speak in favor of the design. In addition to the
44 pedestrian friendly design, I'd like to see some more trails in nature and landscaping. In
45 addition to the sidewalks and amenities that would attract people to want to go to that
46 region. I would like to see money set aside for community art. Another thing I see is a
47 need in Silverdale for a park and ride lot. For commuters, transit is a very difficult thing
48 in Silverdale.
49

50 Foritano closes the public hearing.
51

1 **Baker adds next steps in the process for Deliberations and Recommendations on**
2 **3/3/2009. He clarifies that the restriction on drive-ins does not apply to**
3 **pharmacies and banks. It only applies to high turnover restaurants and espresso**
4 **stands.**

5
6 **Baglio: Asks about CRIDS. He asks how far will those CRID boundaries will**
7 **extend.**

8
9 **Baker: I can't say emphatically. Anyone who lives on the northeast side of the Clear**
10 **Creek tributary is likely going to receive very little, if any, CRID assessments.**

11
12 **Hough asks that he describes the sq. footage of a Costco.**

13
14 **Baker clarifies that both Home Depot and Costco are more that 100,000 sq. ft.**

15
16 **Discussion is held about the size limitations.**

17
18 **Gustavson asks when the close of the written record is.**

19
20 **Baker recommends the close of business no Thursday to give staff the**
21 **opportunity to give it to the commission members.**

22
23 **Motion to delay the deliberations until 3/17 by Commissioner Gustavson and**
24 **seconded by Commissioner Taylor.**

25
26 ***Nevins: I'll argue against it. There are a few new issues which were developed***
27 ***tonight that I would like to think about but I should have no difficulty coming to a***
28 ***conclusion next week. I am not concerned about the 36 hour limit on public***
29 ***testimony.***

30
31 **Paralez: Also argues against it. She suggest we move forward and deliberate on**
32 **3/3 so that the Commissioners can move forward and the public can add comment**
33 **to the BOCC.**

34
35 **The Vote:**

36 **Yes: 2**

37 **No: 6**

38 **The motion fails**

39
40 **Break**

41
42 **8:40:00**

43
44 **Reconvene**

45
46 **8:47:57**

47
48 **G. Work Study: Kitsap County Code Title 12 Amendments – Stormwater**
49 **Development Regulations; Dave Tucker, Assistant Director, Public Works**
50

1 *Tucker gives an overview of the Kitsap County Code Title 12 Amendments. He*
2 *reviews why the changes are being proposed, the timelines involved, driving*
3 *forces, and direction given from the Board of County Commissioners.*

4
5 9:57:12

6
7 **H. For the Good of the Order**

8
9 **A motion is made by Commissioner Taylor and seconded by Commissioner**
10 **Paralez to adjourn the meeting.**

11
12 **Time of adjournment: 9:57:26**

13
14 **EXHIBITS**

- 15
16 **A. Accessory Dwelling Unit – Requirement Summary**
17 **B. Executive Summary – Un-permitted ADUs and Innocent Purchasers**
18 **C. Waaga Way Town Center Design Standards – Staff Report**
19 **D. Written Public Comment from Steven Ruggerio**
20 **E. Written Public Comment from Chuck Regimbal**
21 **F. Written Public Comment from Ruth Mason**
22 **G. WW Phase II Municipal Stormwater Permit**
23 **H. Title 12 - Stormwater Drainage**
24 **I. Appendix 1 – Minimum Technical Requirements for new Development and**
25 **Redevelopment**
26 **J. Presentation materials from Mark Kuhlman regarding Waaga Way Design**
27 **Standards**
28 **K. Slides of Proposed New Stormwater Design Standards presentation**
29 **L. Hand out of recent studies of Stormwater and their effect.**

30
31
32 **MINUTES approved this _____ day of _____ 2008.**

33
34
35 _____
36 **Lou Foritano, Planning Commission Chair**

37 _____
38 **Karla Castillo, Planning Commission Secretary**