M I N U T E S
KITSAP COUNTY PLANNING COMMISSION
Administration Building - Commissioner’s Chambers
March 17, 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, Tom Nevins,
and Robert Baglio
Members absent: Mike Gustavson and Jim Sommerhauser
Staff present: Angie Silva, Larry Keeton, Dave Tucker, Doug Frick, David Lynam and
Office Assistant II/ Planning Commission Secretary Karla Castillo

6:57:47

A. Call Meeting to Order, Introductions

B. Adoption of Agenda

Agenda is adopted as posted.

C. Public Comments

D. Approval of the February 24 and March 3, 2009 minutes

A motion is made by Commissioner Hough and seconded by Commissioner
Taylor to approve the minutes of February 24, 2009.

The Vote:
Unanimous
The motion carries

A motion is made by Commissioner Paralez and seconded by Commissioner
Taylor to approve the minutes of March 3, 2009.

The Vote:
Unanimous
The motion carries

E. Finding of Fact - Waaga Way Connector Roads & Town Center Design Standards: Angie Silva, Project Specialist

Silva presents the findings of fact and recommendations for the Waaga Way Town
Center also, Title 17 consolidated use table and code augmentations.

Discussion is held on the findings of fact and recommendations.
A motion is made by Commissioner Nevins and seconded by Commissioner Paralez to approve the findings of fact.

The vote:
6 yes
1 no

The motion carries

7:03:36

F. Work Study – Existing Accessory Dwelling Unit Policy Update: David Lynam, Fire Marshal and Code Compliance Manager, DCD

Discussion is held on Accessory Dwelling Unit policy and recommendations the Planning Commission may have regarding Accessory Dwelling Units that are not permitted.

Hough: Recommends stating what the problem is and identifying a process for people to deal with their non-permitted Accessory Dwelling Unit. Also, recommends a grace period be given to allow the owner to fix the problem.

Lynam: Clarifies the recommendation that regardless of whether you caused the non-permitted Accessory Dwelling Unit or not, the current owner will need to deal with it.

Taylor: Recommends a grace period that goes backwards. If an Accessory Dwelling Unit (ADU) has been there since 1962, leave them alone.

Baglio and Depee both agree that some sort of amnesty period be given to people to come forward and fix the problem.

Hough: Recommends there needs to be a plan to get the word out.

Lynam: Would like any recommendation back to him in two weeks.

G. Public Hearing - Kitsap County Code Title 12 Amendment - Stormwater Development Regulations; Dave Tucker, Assistant Director, Public Works/Doug Frick, Development Engineering Manager, DCD

Chair Foritano opens the public hearing.

7:25:25

Tucker gives an overview of the Stormwater PowerPoint presentation.

Discussion is held on what would happen if the revisions are not approved by August 15, 2009.

7:48:08
Osinski (Government Affairs Director with the Home Owners Association): I was not going to speak and then decided I would. I am not going to get into the technicalities of this issue. This is a very complicated issue and we understand at the Home Builders Association where this is coming from and for what reasons its coming. I just wanted to express how much we appreciate Dave Tucker's vigilance in keeping us informed of what he is working on, the process. He has given I don't even know how many presentations to the home builders and various forums. I think you have really great support and great information that is very much respected by us coming from Dave. Of course we are concerned. Stormwater is an extremely expensive part of Land Use. We ask for any creative solutions to minimize the ultimate financial impact, obviously insuring however that the County is consistent with what is required. Thank you for having the Public Hearing.

Foritano: I assume you embrace Low Impact Development.

Osinski: Low Impact Development is something that the Home Builders Association, largely under the vision of Art Castle our Executive Vice President, has taken a leading edge on helping the community understand Low Impact Development opportunities it affords and with the NPDES and the new permit requirements. Those techniques are going to become very important. I would urge you in being cautious in mandating Low Impact Development. Not every scenario will LID techniques suit not every LID will work. You don't want to be picking winners and losers as this begins to progress and people become more comfortable and engineers become more knowledgeable, you wouldn't want to create a scenario where a new idea couldn't be used because codes were written that only envisioned a certain set of criteria. Yes we do love Low Impact Development. We want to see it continue to be used in the County. Just be cautious about making mandates.

7:55:27

Break

8:03:14

Reconvene

H. Deliberation and Recommendations - Kitsap County Code Title 12 Amendment - Stormwater Development Regulations; Dave Tucker, Assistant Director, Public Works/Jeff Rowe-Hornbaker, Assistant Director, DCD

Tucker addresses the Planning Commissions' previous concerns and changes to Title 12 that resulted from those concerns. He mentions Commissioner Nevins question at the last meeting on performance measures for the water quality sections of the code and informs the Commission he has included those performance measures with their paperwork for them to consider adding as an amendment to the code.
Taylor expresses concern about Title 12.10.55 regarding permit duration. He believes the 180 day expiration should be changed to 360 days for expiration.

Taylor: We just finished one on a project in Silverdale; by the time we got it done we were approaching the winter rains. The county stopped us. That takes up 6 months there. We’ve gone through 180 days already. I don’t see what harm it does. The applicant has spent a lot of time and a lot of money getting to the point where he has a permit.

Nevins: Clarifies that the permit expires if no activity is done on the permit for 180 days, not that it is required to be done in 180 days.

Taylor: Many times you go through 180 days waiting to start.

Depee: I have found that staff works very well with me on extensions with issues like that.

Baglio: I have several comments; first of all with reference to LIDs. We do need to keep in mind that LID is not a cure all that equalizes all of these new requirements and makes them all so they’re the around as what its going to cost right now, because that’s not the case. Dave made some reference last time to sites, if their soils are not conducive to infiltration, the additional costs we are looking at. I know some smaller sites, the 1 acre sites, which I think he said there is an over 1000% increase in the cost. Correct?

Tucker: That’s what the Department of Ecology’s cost study indicated. Yes.

Baglio: I question whether there’s actually been an accurate and full impact look at this. What people need to keep in mind is the little 1 acre parcel, that’s not some big developer that has big pockets. That’s just a local businessman; a dentist, a lawyer, a state farm agent, someone small but is tired of leasing a piece of property and wants to go ahead and buy it and own it and have his own business. He’s not going to be able to develop it anymore. The glaciers were not very good on the Olympic Peninsula; our soils are awful here. You have to be able to be able to infiltrate in order to utilize a lot of these LID practices. So just to gloss over why these requirements are all find and dandy because we have Low Impact Development is not going to answer all of these items. I want to make sure we take that into consideration. We are all in very dire times right now, and all of these things do tie together and to ignore this and just say its fine and dandy and not look at the full economic impact, I don’t think is an improper justification to what we are looking at here. I don’t know if there have been specific case studies in Kitsap and I don’t know if anyone in the development community has looked at it and said; “Here we go, current regulations. Here we go, new regulations” and looked at a few case studies in the area. That would be an awfully interesting comparison to look at so we do know the full economic ramifications of what this means for different developments. I just hope we maybe take that into consideration.

Foritano: Is Bremerton one of our working case studies?
Tucker: Bremerton did some Low Impact Development project. I think what Robert is getting at is; if one cannot use LID what is the economic impact? The range which was given in that Ecology study, we looked at a series of road projects, which we had data on, our road projects generally came out in that same range. If you had to use only detention ponds, which most of the road projects did, you were looking at substantial increases to comply with the code.

Baglio: Right and I know that looking at a 3 acre sire here that the soils were not conducive to it the storm detention on that was $100,000 prior to this ordinance and a complete analysis has not been done to determine what’s that going to be afterwards. We need to keep those things in mind and make sure we know what the impacts are.

Nevins: Not to argue with Robert on this point, because I think he has a valid point of view, But anytime we learn we must deal with our stormwater and put a more stringent set of guidelines or rules down that is going to make a difference. What it does, it tends to shift value from the property that is not permeable or infiltratable to the property that is. And so it’s true, but the value now of a property that will infiltrate is going to increase as a result of these guidelines. Looking at it from a larger picture of the Puget Sound it’s the direction to go. Even though there is going to be a shift in value.

8:13:05

Hough: Going back to the length of time, the 180 to 360. What’s the downside is there a downside in extending it?

Tucker: The language that is inserted is essentially what’s in the building code now. The idea was to get everything on the same type of process. What currently happens is a permit, now, could end up lasting kind of forever. In some cases never picked up. So there’s a one year threshold from when the department says; “Your permit’s approved, please pick it up.” It’s good for a year. And then the 180 days is the exact same language that is in the building code. So if I’m building something I have to have progress on it once every 180 days to keep that permit going.

Paralez: To clarify is this paper that you handed out the proposed modified text; “if no action is taken within 180 days” then either the applicant has to take some action to reactivate the permit or request an extension. So it’s not a dead deal, all you have to do is take some action. Request and extension or reactivate the permit otherwise the permit will be closed.

Taylor: How long is the extension?

Depee: 6 months.

Paralez: It doesn’t say here. It doesn’t seem all that onerous to me, all they are asking is that you show up and say you’re still alive, still interested, something.

Depee: I’m going to go with John to answer your question. It’s easy to sit back and say those things, but if you are in process of trying to go in October,
November and then you get a rainy season, there’s nothing you can really do.
Sometimes it goes longer than 6 months. In the real world it’s a little different.

Paralez: So what this requires is that you make a phone call. Is that true?

Frick: I can tell you that there are two things here. The first paragraph under 12.10.005 deals with getting permits that are approved. Setting some guidelines for people so they don’t sit in our drawers forever and ever, gathering dust. We are trying to get people to act on it, get it issued within a year, or if they can’t, for economic conditions or whatever, go for an extension to put it off for another year, up to a year. We are going to write procedures into the Stormwater Design Manual that are going to flush this out a little more about how to get extensions. We could certainly add another extension. But again, right now, if somebody has an approved SDAP and doesn’t act on it for 3 years I’m not surprise. We’re not going to cut any of them off at this point. But the idea is to not have these things sitting around; the idea is that you move forward. The next one is about Issued permits. What that’s really about is that once it’s issued you’ve had a pre-construction meeting, and then we just want to make sure it keeps moving forward. If it gets to November, October and you need to stop for the rainy season, some people keep going through the winter and do level 2 inspections every week with erosion control. Others just cover it with straw and walk away all winter long and that’s fine. That’s and agreed up delay or pause. Another thing I want to do is have in our procedures a way to render a project inactive because of whatever constraints the developer faces. But the idea is to keep it moving. We have permits that are trying to clean right now that are 7 or 8 years old that we don’t ever know if they started work.

A motion is made by Commissioner Taylor and seconded by Commissioner Paralez to approve Title 12 with the recommended changes to change the 180 day expiration to two one year extensions and all the 180 day references to 360 days.

The vote:

6 yes
1 no

Motion Carries.

Clarification is made as to what the original motion was and what it included.

Group is polled for understanding on the motion that was just approved.
Approval was based on everything except the performance goals.

A motion is made by Commissioner Nevins and seconded by Commissioner Paralez to include the 4 performance goals for basic treatment, oil control treatment, phosphorus treatment and enhanced treatment.

Discussion is held between Commissioners regarding the complexity of the Performance Goals.

The vote:

3 yes
The motion fails.

Tucker: *Points out some grammar edits in line 32-34 that the Commission might want to vote on.*

A motion is made by Commissioner Nevins and seconded by Commissioner Taylor to approve line 32-34 and line 19 corrections to the changes to Title 12.

The vote
Unanimous
The motion Carries.

I. Director's Update: Larry Keeton, Director, DCD

Keeton: *Updates the board on the current state of DCD.*

J. For the Good of the Order: Chair Foritano

Reminder about the April 1st deadline for getting material to Scott Diener for the May 4th meeting with Board of County Commissioners.

A motion is made by Commissioner Taylor and seconded by Commissioner Paralez to adjourn the meeting.

The Vote:
Unanimous
The motion carries

Time of adjournment: 8:52:11

EXHIBITS

A. Accessory Swelling Unit-Requirement Summary
B. Executive Summary-Un-permitted ADU and Innocent Purchasers.
C. Proposed Changes to 3/3/09 Version of Title 12
D. Definitions Requested by Michael Gustavson
E. Appendix I-C Basic Treatment Receiving Waters
F. Waaga Way Town Center Design Standards and Title 17 Code Augmentations
G. Findings of Fact, Conclusions and Recommendations regarding the Waaga Way Town Center Design Standards and Kitsap County Code Title 17 Consolidated Use Table

MINUTES approved this _______ day of _______2009.

___________________________________________
Lou Foritano, Planning Commission Chair

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Mary Seals, Planning Commission Secretary