The Kitsap County Planning Commission met on the above-stated date at the
Kitsap County Fairgrounds – Eagle’s Nest located at Bremerton, WA

Members present: Lou Foritano, Linda Paralez, John Taylor, Fred Depee, Jim
Sommerhauser, Tom Nevins, Michael Gustavson and Robert Baglio
Members absent: none
Staff present: Larry Keeton, Katrina Knutson, Pete Sullivan, Scott Diener and Planning
Commission Secretary Mary Seals

9:02:00

A. Call Meeting to Order, Introductions

Foritano updates the commission members regarding the Board of County
Commissioners response to the motion to move Planning Commission meetings
to the day. The Board asked that the Planning Commission remain on evening
meetings for a variety of reasons.

B. Adoption of Agenda

Agenda is adopted as posted.

C. Public Comments

None

D. Approval of the July 17, 2009 minutes

A motion is made by Commissioner Sommerhauser and seconded by
Commissioner Paralez to approve the minutes of June 16, 2009.

The Vote
Yes: 7
Abstain: 1
The motion carries

9:05:00

E. Public Hearing: Title 21 Mediation – Scott Diener, Manager Policy and
Planning, DCD

Diener goes over the history of the mediation process development. The Board of
County Commissioners remanded the mediation language back to the Planning
Commission. Since then there have been various discussions and we now have a
proposed method for mediation.
Chair Foritano opens the Public Hearing

Teresa Osinski, Government Affairs Director HBA: This is an issue we have been following and engaging and talking about for many months. And over those months we haven’t realized clarity or become closer to being positive or accepting of this proposal. I say that because I want you to understand this isn’t something that we just picked up off the internet, our members have talked quite a lot about this, and I’ve talked with our members quite a lot about this. I think this is something you need to be thinking very carefully about. About the public policy implications of what is being proposed and whether or not you believe as Planning Commission members this is the right direction to head at a time when people are asking for more accountability rather than less. The piece that I am referring to is one that unfortunately, continues to get left out of what staff has presented to you. That is another amendment to this specific code that will clearly take the Board of County Commissioners out of the position of Hearing closed record appeals from the Hearings Examiner. That language isn’t in this draft, but it is a part of this proposal. It should really be not separate, and they are not separatable; it all comes together. What the Board of County Commissioners would like to do is no longer hear closed record appeals from the Hearings Examiner. What they would also like to do is have mediation be included in at least one, possibly two, maybe three steps of the process as you proceed through a permit application process. Including during the process the Hearings Examiner holds. But once decision is rendered any appeal would have to go to the court, it would no longer go to the duly elected Board of County Commissioners here in Kitsap County. I think that’s something you really need to think carefully about. It’s something we are very concerned about for several reasons. I really felt I needed to start with that remark because the mediation issue is a supportive issue of where the Board of County Commissioners is trying to go. And it isn’t reflected here nor is it talked about by staff, but it is part of what you are being asked to take public comment on. As far as the mediation itself, our members are generally very opposed to mandatory mediation. They are opposed to creating additional delay and shenanigans in the process of applying for permission to use land in this county. That isn’t to say that they can’t see times and opportunities when mediation might be beneficial, but that needs to be mutually agreed upon by the parties with the goal being a shared objective to reach resolution. When you mandate mediation it seems a bit counterintuitive to what mediation is really about. There is a lack of support about mediation. In addition to that I realize that staff has said that issues related to time have been addressed in this, I’m not sure that they have been. How much more time will it take? How much more time between being told that you need to go to this mandatory mediation and the first mediation session will transpire? If the county have committed to paying for the mediation costs when the dispute resolution center is used how much delay could be added in order to meet the schedule availability of the dispute resolution center in order to keep it free? Because the alternative would be that the parties agree to pay for mediation themselves. So now they are being told you have to have mediation, we will pay for it, but you have to wait an undetermined amount of time. I don’t see any commitment in this proposal from the DRC saying “we will always pick this up within 10 business days”. I don’t see that. So now your alternative would be to pay money to have mediation that you have been mandated to have at some more reasonable timeframe. This is really a bit of a red herring that is being proposed here. I think that you and all of your experience in front of the Planning Commissioners and Hearing from the public. I believe that you understand that it is a complicated process. It is a process involved with a lot of emotions, a lot of opinions and something needs to be done in a
clear way to make it certain that we are not adding more ambiguity, more delay, or more opportunities for ulterior motives. This is about having the code work, having applicants be able to understand what the code is there to do, and so that they know that they can be successful in using the land consistent with the county codes.

Gustavson requests to have the chance to hear the concerns from the public and not limit time.

Sommerhauser Clarifies that her protest is about taking the Commissioners out of the appeals process has already been dealt with and gone to the Commissioners.

Diener: The Board of County Commissioners was not dissatisfied with the Planning Commission recommendation on appeals. The portion of the recommendation that they were not happy with was on mediation and that was the portion of your recommendation that they wanted remanded back to the Planning Commission.

Osinski: The Board has not actually made the adoption.

Diener: No they have not adopted.

Sommerhauser: I believe you said you did not see the timeframes that Scott talked about. I also did not see them.

Depee: Under F it says mediation will commence within 21 days. I would like clarification of that one.

Baglio asks Osinski to expand why she doesn’t like the Board of County Commissioners being removed from the process.

Osinski: Fundamentally, the Board of County Commissioners are the body responsible for adopting the county code. That code is then used for the purposes of these very applications. I think it is a disservice to the public and the voters when the Board of County Commissioners no longer will be in a position to hear the outcomes and sit in judgment upon outcomes related to their code. It’s another step removed from the very purpose they are elected and the reason they are the ones that adopt the code. They need to be intimately familiar and intimately aware of the issues related to appeals. I recognize that the County Commissioners themselves are frustrated often times because what they are looking at in the appeals are very specific and finite thing. Nevertheless, I believe that they learn separate from their limited window in which that they can make judgments against the Hearings Examiner on; I still believe that they become much more intimately aware of the challenges and complications associated with language within their code which will become extremely difficult to remarry when they no longer have to sit and listen to their appeal.

Foritano clarifies that she would argue in favor of their involvement even though it would add time.

Osinski: Their involvement exists today and we would want it to stay that way. The other piece is that in an existing structure, when an application comes into the department there is immediately an x-parte issue. Does that mean that the commissioners never engage with staff? No, however, there is an understanding that
an application may ultimately come before them in judgment. As a result of that there’s
a barrier that exists in code which limits the extent to which they can engage or influence
what happens at the staff level and as it moves on through the application and appeal
process. If they are no longer are the ones that will ever sit in judgment in any way on an
application you now have literally removed any and all obstacles to political interference
with applications on land use. You may wonder why that might be problematic. Land
use and the positions regarding land use are wide and vast and at any moment
somebody who you may not happen to agree with may have the ear of an elected official
who influence on the outcome of that application. The removal of the x-parte wall is
problematic and not in the public interest.

Norm Olson, Local Consulting Engineer: I thought the two issues were still tied
together; Mediation and removing the Board of County Commissioners from Hearing
closed record appeals from the Hearings Examiner. The example I want to share with
you shows the problems with both combined. I am opposed to mandatory mediation as
its written. In general mediation, I’m not opposed to it entirely, but as a method to
remove the Board of County Commissioners from the process I am opposed to.

He gives and example of where the mediation process breaks down and why the
Board of County Commissioners needs to stay in the process. Decision was
received from the Hearings Examiner for a residential plat project in the city of
Poulsbo. The project was approved with conditions. Before the Hearing the city
staff had submitted a staff report with about 130 proposed conditions of approval
that the developer agreed with. In the Hearing they said they agreed with the
conditions. When the Hearing Examiner decision was received it had an additional
5 conditions that were a surprise to all and would destroy the project. Who
appeals this approved decision? What would happen at Kitsap County for a case
like this? The current language states: “The director shall advise the parties of
mediation available.” Does that mean now that the appellant will be in mediation
with the Hearing Examiner? If the Board of County Commissioners was still
involved they could put some control back into the process. He recommends they
reconsider and the fact that the two issues are separated.

Jeff Coombe, Real Estate Developer/Broker: In projects that require development
mediation starts prior to making an application. It’s an ongoing process with staff and
neighbors, environmental groups. Mandatory mediation, the biggest concern I have isn’t
the timeframes and the problems and delays that come from the applicant side. What
we’re doing is setting the county up for another regulation that they are not going to be
able to meet. DCD has been doing a phenomenal job for the past three years. But
there are not consequences when dates don’t get met. Mandatory mediation is in 21
days? What happens if it doesn’t happen? There’s only 88 working days left in Kitsap
County. When you get into the months of November and December you are going to
see those days shrink drastically. There’s never urgency for the county to follow their
own ordinances and there’s never any consequences. I think that adding another layer
of mandatory mediation, they can’t kick out the projects we have now based on the code
and the timeframe, adding another one is just going to put an addition a burden on the
staff.

He states that regarding the Commissioners involved in some sense it’s
unfair to have the county commissioner listen to a land use case especially when
there is zero history or experience. He suggests that the process change to add
one of the x-Hearings Examiners or one of the retired judges to be part of the
Sommerhauser: Regarding the term Mandatory Mediation. He states that he see’s one reference. He asks for clarification; is the Hearing Examiner mandated mediation his concern?

Coombe: My concern is, I would avoid any terminology or ordinance that would involve mandatory or voluntary mediation as part of the Land Use process in Kitsap County.

Sommerhauser: Timeframe, 21 days is too long? Is there an acceptable shorter timeframe?

Coombe: If it was 4 days or 400 days, I don’t know they can be met. We can’t meet the existing time frames now. Putting another burden of a timeframe is unrealistic to assume those timelines be met no matter what the timeline is. I would like to see the machine that is in place now work a little better before we add on.

Rick Cadwell, Local Contractor, and trained Mediator: Been on both sides. Any language that has mandatory mediation is not going to be good. Both proponents and appellants of the project, it could be used to lengthen the process. It becomes a fact finding mission for them to not only delay, but to use what was learned in mediation further. He states that disputes do get settled in the voluntary mediation situation about 90%. Forced mediation is going to be a tough go. If two parties are in a dispute the first step is to agree upon a mediator. He states that he’s seen that process drag on for months. He believes that the terms mandatory and mediation in the same sentence are not going to work.

Mark Eisses, Maps Ltd.: These individuals have pretty well voiced my and my firm’s option regarding this. One option that we threw out on the table at one point was, in Norm’s example would be to have a judge or x-Hearing Examiner take the place of the county commissioners so that you’re not having to appeal the Hearing Examiner to the Superior Court for some of these issues non-issues that the Hearing Examiner does create.

Baglio: One thing that strikes me with this is that there appears to be so many options for mediation throughout the process. When this initially was proposed I assumed that it would be after the Hearing Examiner rendered a decision; then you’re going mediate. It seemed to happen so early in the process, before you know what the conditions of the project are. He asks what comments the public has on that.

Cadwell: I think the downside to that, correct me if I’m wrong. Is the example I heard is that if an opponent to a project; its one way to string a project out and make the timeframe longer and then loose. And then now let’s talk about if we can meet in the middle. I’m going to guess that if it was voluntary at that point you would have the person that just spent a bunch in legal bills, ran through a long process say; “Why would I do that?” That’s just an example I heard from someone else had a similar process in another jurisdiction.
Coombe: Another problem you have too is that typically neighbors won’t negotiate until they’ve lost. So if you have 10 points of an argument for a development and you mitigate a compromise and mediate with neighbors on 8 of the 10 points in their favor, you’re still going to go through mediation on the remaining 2. Mediation’s hard to be mandatory.

Baglio: I was thinking voluntary, but that would be the only time that you would actually mediate would be after the Hearing Examiner rendered a decision. So then you could say in essence they actually lost and instead of going to the County Commissioners that would be the point in time that maybe you would mediate.

Coombe: I think there’s been some history just in 2009 of that. That after a decision then mediation happened. I don’t know the results. I believe there has been some voluntary mediation.

Eisses: But without conditions of approval sitting on the table, what are you going to start mediating before the Hearing Examiner? But I also think that if you had a pre-submittal neighborhood meeting that you are already starting your mediation process.

Taylor: To Scott Diener. If you can, we have a project in Illahee; Timber’s Edge. Could you relate that project to this chart if you could? Could you give a brief summary?

Diener: Timber’s Edge is a type III decision. It went before the Hearing Examiner. It probably would have benefited substantially from a neighborhood meeting prior to any formal application. Just so you know that as we look at Title 21 we are going to recommend that neighborhood meetings be included. Because it was known in advance that there were some concerns from some of the neighbors, perhaps opponents to the project. The Hearing Examiner during that process could have considered the testimony he or she heard and directed mediation. As you see here, the language says; “The Hearing Examiner may direct mediation and continue open record Hearing until mediation is held.” It’s hard to determine whether mediation would have been directed by the Hearing Examiner in this situation, but let’s presume that it would. Then you are looking at a 21 day commencement. To be clear, that doesn’t mean that the mediation would wrap up in 21 days. It means that it needs to be run through the intake that the resolution center has. They need to find a mediator, and they are typically volunteer mediators, so that can be difficult. But hopefully you would find someone within 21 days. You would begin that process. Typically, mediation is wrapped up in no more than a couple sessions. They try to limit sessions to no more that 3 hours and the mediators are very well trained in recognizing when something is not going to move forward and cease mediation and disband. That will have met the intentions of mediation. Mediation doesn’t presume that there is always going to be a successful or agreeable outcome. Then let’s presume that that mediation fails. The Hearing Examiner closed record, makes a decision. The Hearing Examiner made a decision, they weren’t happy with it. In this case, the Director can advise that mediation is available. And again that goes back to a 21 day commencement process. So, I think the statement that it does extend the process, in some cases it could be by a substantial amount of time, is not an inaccurate statement, it could be very accurate. Let’s go back into mediation, let’s say it
takes 20 days to get to the table for mediation. Then you’ve got to, perhaps, consider
some conditions, and in this case may involve some partners that need to talk about it.
The other side of the table may need to go back to neighborhood associations and talk
about their conditions. The results of the mediation are not available to anybody outside
of mediation unless agreed upon by both parties. It could require a substantial amount
of time in between sessions. So, it’s conceivable that it could take some time. Again,
worst case scenario, let’s presume that the Director advises mediation and that fails.
Then you would go to an appeal process, in this case to the Superior Court. He
discusses the mediation process and how power plays are handled.

Sommerhauser: Poses question to public. In the first offer of mediation when
the project is still being considered; do any of you view this as a way to get DCD
to raise the level of concern to get your interests addressed? That having the
offer of mediation is immediately going to raise the level of concern with DCD?

Olson: That would seem to work to the good. But at the same time, the negative you
would get to the other side would not be worth it.

Sommerhauser summarizes that their principal concerns aren’t in the discussions
with DCD, but are with other people that may have concerns about the project
holding you up.

The public agrees.

Nevins: I don’t think the opposition is at all involved at this point. They don’t
even know that there is a project. If this is a project that someone whose brought
forward and a staff member in DCD has indicated that these are the conditions;
the person that brought it forward says “no, I can’t accept those points”. There’s
no opposition alerted to the fact that this discussion is even happening. That
early mediation point is not really…

Sommerhauser disagrees with Nevins and gives two examples.

Larry Keeton, Director, DCD: Clarifies the purpose of first mediation was. The intent
of the first one is two fold. If there are times in the process where staff and applicant
cannot come to an agreement, sometimes we just need a third party to be the neutral
party. So that’s really between the department and the applicant. The second time
would be when there is opposition known. He gives and example of Timbers Edge.

Depee proposes the use of a word other than mediation and suggests that the
community may need some education about the legal parameters for the property
before the application comes in.

Keeton: Where we have the meetings with the public before the application comes in;
which rarely occurs at this point, that’s exactly when that should take place. We also
agree that when staff receives those letters that the need to make sure that the
individual sending them in understands what the zoning is. That takes time from staff
and processing time is a premium. So you got to be careful about what you want staff
doing to advise the public.
Depee disagrees. He states that if you pick it up in the beginning it will reduce staff time.

Keeton: The second piece on mediation that is offered in the proposed ordinance is when we have a Type I and Type II decision. That is truly the only mandatory aspect of mediation as it is currently written. What that means is that those are department decisions that have been made and moved to the Hearing Examiner for appeal.

9:52:00

Foritano closes the Public Hearing and moves on to deliberations.

Nevins: The term mediation is a difficult one for me. There are laws connected with mediation. He explains the details of the legal term and asks to avoid the word mediation. He asks who would know what was presented by the mediators parties if the mediation is closed. He asks for a definition of the word “toll” in the document.

Diener: Defines Toll. It means to stay or to put on hold. It’s important discussion point. There is a central tenant to mediation particularly in land use cases. The results of mediation can be disclosed. But it has to be agrees upon by both parties. What is disclosed is written up in a mediation agreement. If one or both of those parties don’t agree to disclose the results of mediation we are not moving forward.

Foritano clarifies his understanding of public Hearing had to do with mandatory mediation and the removal of the Board. He welcomes comment on these or any other.

Taylor expresses appreciation for the public coming here. If there’s any way I think this thing could be shifted, rather than shifting away from the County Commissioners, I’d like to shift it back to the legislature; that’s where the problem is. I’ve always felt that the department is charged with enforcing the law. He states that the citizens don’t know that the problem is with the legislature.

Sommerhauser: Defines “toll”; aggress with Diener’s definition. He asks if the 21 time frame has an end limit.

Diener: No, there is no end limit and that’s because it’s hard to understand how long it might take to get the two parties to come to successful conclusion. He gives examples of this. He states that the dispute resolution center believes they could commence mediation within 14 days. He states that we could put language in that offers that if the 21 day timeframe is not met that the process will be sacrifices. He reminds the commission that the process will be reviewed again in September 2011.

10:00:00

Sommerhauser: He asks where multiple bites of the apple issue is that dealt with.
Diener: That’s also in the first paragraph seven lines down. “Mediation shall not be engaged for conditions that previously have been the subject of a mediation session.”

Foritano: Asks about concern regarding the Board being out of the process. Why did they opt for removal?

Diener: We’ve heard it go both ways. Sums up basic concern from commissioner is that the decisions that come out of the Hearing Examiner process are so complex that it asks them to act as attorneys in making this decision.

Keeton: What my discussions with the Board have been is this. There were cases that came in that they saw the code, they recognized the error in the code, but they couldn’t change it. They felt they were required to follow the law. They felt they were required to follow the law which somebody else had written. On a closed record appeal where they see some real inconsistencies where they may politically or personally believe there are some inconsistencies with their own value system following that code makes them make decision they don’t necessarily agree with. There is this level of separation right now. They are not allowed to influence our decision making as a department because in our current county code they are not allowed to interfere with the Hearing Examiner process. But more importantly because they are having this x-parte relationship, potentially they will provide a judicial review they have been advised by our legal community just to stay out of it. Regarding the 21 day time frame that the 21 days exists either way. He states that under state law that the appeal process is 21 days and under state superior court.

Gustavson comments on county commissioner concerns. He states that they are elected and can be voted out. If they are uncomfortable with the rules they have the ability to change them for future development. Keeping them in the loop is vitally important. He says that the strongest states in our country are the ones that do anything they can to help the developers. He believes this is another burden to the developers.

Keeton: If you leave the Board in the current process there is nothing in our current county code that says when an appeal has to go before the Board of County Commissioners. There are other rules and regulations that talk about processing an application and getting it done in 120 days; appeals aren’t covered. If you look at our history of appeals, they don’t normally get to the Board in 21 days, 30 days, sometimes 60 and often 90. So there is a delay in the process. Plus if the applicant does not agree with the Board’s decision, then they still go back to Superior Court. Superior Court is still in the system, regardless. If you want to reduce the amount of time an application is in the process taking the Board out reduces anywhere from 30, 60, to 90 days. And it automatically goes to Superior Court unless there is mediation. Remember it’s offered at the end. So, that’s also an attempt to speed up that process.

Baglio: Regarding the County Commissioners being involved in the process. You made a comment that they wish that they couldn’t vote against, that they wish they could change it. If they weren’t making a ruling they wouldn’t have any idea of the zoning ordinance or land use that they adopted and its impact. They would be so far removed they really wouldn’t realize that there would be something to fix. Additionally, it really can potentially politicize the process. Maybe not with our current county commissioners, but the people that work for
DCD; their boss is the county commissioner. The county commissioner comes
down and knocks on your door and says; “Hey, you know what, I don’t want this
project to go through.” Right now they are not supposed to do that, if they are
removed form the process they can talk either way and they are your boss,
you’re going to see what you can do about making sure you accommodate them.

Keeton: The code says they are not allowed to but the practicality is that there is
potential.

Baglio states that the first opportunity someone has to request mediation is the
SEPA checklist. Then it could be requested again after the technical review for
other issues. There is the ability to mediate the same project on different points
more than once.

Keeton: In that case, prior to the Hearing Examiner, we offer it once to somebody.
That’s what the intent there is. We are not going to keep going for different groups.
Let’s say it’s after the tech review and we are getting ready to go into the Hearing
Examiner, we’re not going to mediation, we’ll just take it to the Hearing Examiner.

Depee agrees with Baglio.

Discussion about county commissioner involvement.

Foritano asks if staff is still looking for a recommendation.

Diener: I need to know what it is you would like to see. I have a couple things, one is
maybe we look at shortening the timeframe, maybe to 14 days. The Board was not
dissatisfied on your earlier recommendation on appeals. So we are not bringing that
back to you, you’ve already made a recommendation on that.

Baglio: I’m not sure about that.

Diener: Ok.

Sommerhauser clarifies the rules of procedure for the decision to come back on
the table for reconsideration. Someone who voted for that in the affirmative has
to move to bring it back on the table.

Depee requests a trigger for the date on perceived suggestion of changes.

Discussion is held about the triggers for dates.

A motion is made by Commissioner Paralez and seconded by Commissioner
Sommerhauser to reconsider this mitigation issue and provide some recommendations
for the staff to revise their proposal to us in terms of the mandatory issue and in terms of
the timeframe issues. To evaluate at what point the mandatory frame is even relevant.

Paralez: I’m Hearing that the clarity of whether or not it needs to be mandatory
is uncertain.
Foritano points out that her motion did not address the other major issue which is the commissioner’s involvement.

Sommerhauser states that he has a lot of mediation experience and that it resolves a majority of the problems in the labor arena. He discusses the confidentiality points of mediation. He states that he thinks it’s not clear what is mandatory. Also, timeframes; getting started sooner and a trigger on the mediation process to move on to the next step.

Diener: Reviews the points he needs decisions on from the planning commission: ve to timeframe, what happens if we don’t commence within 21 days, what happens when you are appealing a Hearing Examiner decision.

Foritano asks what the conclusion is for the Board’s involvement.

Diener: The Board was clear that the portion they were not happy with was mediation. They were happy with how the Planning Commission recommended on mediation. Staff feels that that ship has set sail. You are asking to revisit something that has already been recommended by the Planning Commission.

Baglio requests that the issue of Board involvement be revisited. Foritano agrees.

A motion to amend the motion on the floor is made by Commissioner Sommerhauser and seconded by Commissioner Gustafson to add beyond the 14 day the trigger as Scott has noted, that you have a timeframe window to request mediation then it closes. The exclusion of specified parties from mediation to make that clear; you can’t mediate the Hearing Examiner. To have a deadline at which any party involved in mediation can withdraw and move the process to the next step.

Diener would like to know what you are calling a termination of mediation process. What would the planning commission like to see?

Sommerhauser would like more input from staff.

Depee suggests 21 days.

The vote on the Amendment:
Yes: unanimous
The amendment carries

The Vote on the motion:
Yes: unanimous
Motion Carries

A motion is made by Commissioner Baglio and seconded by Commissioner Depee that the Planning Commission reconsider the Board of County Commissioners’ involvement in the appeal process.

The Vote:
YES: 6
No: 2
Motion Carries.

A motion is made by Commissioner Nevins and seconded by Commissioner Paralez to come up with an alternative term for mediation; to remove that term from wherever possible in the document.

Nevins: It has to do with open government principals which I believe take precedence over how long a project takes to come to fruition. The governmental functions need to stay open. I understand how mediation for other kinds of disputes may be facilitated by non-disclosure agreements. But I don’t think that governmental functions are helped by non-disclosure agreements. If any email exchanges or paperwork that goes on are privileged information then I don’t think that the general public is well served.

10:34:00

Sommerhauser states that he’s not sure changing the word gets you out of the law. But if it does he suggests “non-binding dispute resolution”.

Foritano: If you change the word, do you really want a process change?

Nevins: The reason I have an issue with this because of the word mediation. The word mediation triggers a process and triggers conditions that I don’t think serve the public good. They may facilitate mediation, but that is secondary to closed government and I value Washington State’s open government policy.

Sommerhauser: I support Tom’s motion for another reason. In discussion several of us confused mediation with arbitration.

Paralez: Is the concern that someone could later sue and claim that they were in a mediation process therefore the rules of mediation apply and regardless of what process you apply and you should have applied the mediation process?

Nevins: I could see how someone could enter information into the mediation process which would lock down ever using that information anywhere else.

Paralez clarifies that staff communications could inadvertently become confidential.

Diener: If you want to look at changing the word that’s fine. I would not encourage nonbinding dispute resolution because often the results are binding. Maybe dispute resolution.

The Vote:
Yes: 4
No: 4
Motion Fails
A motion is made by Commission Gustavson that the Board of County Commissioners’ vote be included in the process of approval for Land Use decisions.

Keeton: As I understand it when you asked for the reconsideration you recall the original Hearing decision, which included the one sentence on mediation, was about the Board taking themselves out of the mediation process. You voted to do the reconsideration, what you are reconsidering is your recommendation to the Board whether they should be in or out of the process.

Sommerhauser: Until there is some other motion that’s all we’ve done. There is not motion to the Board as yet.

Keeton: Is this the appropriate time to make that motion. Would it be appropriate, because you said you want to reconsider the decision, so with the next meeting you are reconsidering that decision is where that motion would be appropriate.

Discussion is held about the motion timing.

Gustavson withdraws motion

Foritano rules to continue the public Hearing and discussion to the August 4, 2009 meeting.

Diener states that due to the length of the meeting today agenda item F will be rescheduled to a special meeting on July 28, 2009 at the County Administration Building at 9:00 am.

Break: 10:45:00
Reconvene: 10:55:00

F. Work Study: RCO and RI zones and Policy RL-8: Katrina Knutson Senior Planner DCD

Knutson explains the use table for discussion at the 7/28/09 meeting and reviews what will be covered in the next meeting. She reviews the grandfathering for existed uses on these properties.

11:05:00

G. Briefing: Greater Hansville Area Community Plan, Downtown Kingston Master Plan, 2009 Site Specific Comprehensive Plan Amendments: Pete Sullivan, Associate Planner, DCD

Sullivan gives an overview of the days activities. Proposes going through the re-zone process and review the communities as we go to them.

The Planning Commission members agree.
Sullivan reviews the 2009 site specific comp plan amendments. He explains that this year there are 17 applications countywide instead of being limited to a specific area.

Gustavson asks what’s RL-8?

Sullivan explains that RL-8 is a comp plan policy that says no new expansion in commercial and industrial uses in the rural area unless you do a LAMRID.

Discussion is held about notification to public about potential change of zoning or issues that will impact community members.

Recess for travel to Kingston: 11:30:00

H. Tour of Downtown Kingston

Arrive at North Kitsap Fire and Rescue: 12:15:00

Sullivan gives an overview of the Kingston Master Plan.

Discussion is held regarding the community’s definition of Kingston, concerns with ferry traffic, parking, and the community identity.

Sullivan explains that the commission members will visit 4 case study areas that characterize the range of issue that the Kingston projects have.

Arrive in Downtown Kingston: 12:55:00

Stop 1: Case Study Area 3: Washington Blvd. NE
  • Indicative of the Kingston downtown core
  • Less parking lot, convert into a normal road with two way travel lanes
  • Angle parking on one side, parallel parking on the other

Stop 2: Case Study Area 4: NE 1st Street
  • Re-route the bulk of ferry traffic
  • Change to two way traffic with tree lined center
  • One Lane going to toll booths with second lane for parking at low times and ferry traffic at peak times.
  • Two lanes leaving the ferry

Stop 3: Between the two Case Study Areas: NE 1st Street and Iowa Ave. NE
  • Could be ferry overflow staging area

Stop 4: Case Study Area 1: NE Second and Iowa Ave. NE
  • Point to divide the downtown activity areas commercial/residential
  • State named streets are busier with

Stop 5: Case Study Area 2: NW E. Kingston Rd.
  • Main thoroughfare through town
  • Similar street-scape with addition of bike lane
I. Tour of Greater Hansville

Arrive at Eglon: 2:28:000

Sullivan reviews Greater Hansville plan

Stop 1: Eglon

Stop 2: Norwegian Point Park

Stop 3: Buck Lake Park/Hansville Community Center

- Judy Foritano give overview of Hansville community and history
- Discussion regarding what to expect in future work study session for Hansville.
- Art ? give overview of the Greenway Trail
- Discussion about the Greenway development
- Commission member visit the Greenway map site

Stop 4: Drive through Driftwood Key

J. For the Good of the Order: Chair Foritano

Time of adjournment: 5:00:00

EXHIBITS

A. Executive Summary: Proposed Amendments to KCC Chapter 21.04 – Mediation Language
B. KC Land Use Mediation Process Chart
C. 2009 Site Specific Comprehensive Plan Amendments List
D. Downtown Kingston Proposed Design Boundaries
E. Photos of Downtown Kingston
F. Details of Kingston Old town District
G. Case Study Areas photos
H. Study Area Two Details
I. Study Area Three Details
J. Study Area Four Details
K. Old Town Existing and Proposed Master Plan Boundaries Comparison
L. Projects Identified by Downtown Kingston Planning Committee as applicable to Downtown Kingston
M. Map of Field Visit sites for Greater Hansville
N. Building Limitations Map for Greater Hansville
O. Hansville Community Study Area
P. Hansville Planning Area Geo
Q. Hansville Planning Area Details
R. Hansville Community Study Area Map
S. Rural Commercial/ Rural Industrial Parcels Inventory
T. Rural Commercial/Rural Industrial Parcels Details
U. Table 17.381.040 (E) Parks, Rural and Resource Zones
MINUTES approved this _______ day of _______2009.

___________________________________________
Lou Foritano, Planning Commission Chair

___________________________________________
Mary Seals, Planning Commission Secretary