

MINUTES

KITSAP COUNTY PLANNING COMMISSION
Administration Building - Commissioner's Chambers
August 4, 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 and Michael Brown

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

6:59:19

A. Call Meeting to Order, Introductions

B. Adoption of Agenda

C. Public Comments

D. Approval of the July 21, 2009 minutes

A motion is made by Commissioner Sommerhauser and seconded by Commissioner Paralez to approve the minutes of July 21, 2009.

The Vote:

Unanimous

The motion carries

A motion is made by Commissioner Nevins and seconded by Commissioner Sommerhauser to approve the minutes of July 28, 2009.

The Vote:

6: yes

1: abstain

The motion carries

E. Directors Update: Larry Keeton, Director, DCD

Keeton gives an update on the status of the Department. Keeton discusses the back log on Residential and Commercial Permit review. Keeton also gives update on Hearing Examiner contract and how many projects have gone before them to date.

F. Public Hearing and Deliberations: Stormwater Manual LID Update, Dave Tucker, Assistant Director, Public Works

1 **Tucker gives clarification of what is being proposed for approval. Tucker gives a**
2 **brief PowerPoint presentation going over the highlights of the LID manual.**

3
4 **7:23:50**

5
6 **Chair Foritano opens the Public Hearing**

7
8 **Art Castle, Executive Vice President of the Home Builders Association:** I think
9 Dave's presentation was pretty thorough essentially this gets confusing when the state
10 pushes back timeframes and the goal was to get this manual so people could begin
11 using it sooner than later. Dave talked about it but it has the latest methodology in
12 modeling as well as the tree credit. All the latest that the Department of Ecology has
13 approved and the methodology that we adopted some two and half years ago that has
14 some outdated modeling. **He gives examples of the updated methodology that the**
15 **new manual has.** As part of this process of the years we have had 20 to 25 workshops
16 open to industry professionals. I have given over 300 hundred presentation to
17 community groups at workshops, homeshows, tradeshow and variety of community
18 settings. There have been numerous newspaper articles. Low Impact Development is
19 not a secret in Kitsap County. I even read a newspaper article recently that Kitsap
20 County do to the combined efforts has become the LID capital of Washington. One other
21 thing I would add to it and this is not for tonight this is for future. I will give 2 copies to
22 staff to hand out when appropriate. When you get into the more subtenant discussion on
23 LID and the updated Stormwater manuals later in the year What this is a list of unranked
24 lid incentives and we are providing this to each jurisdiction as we go through the
25 adoption process and letting them decide which one makes since for their jurisdiction
26 and as a variety of codes come up it allows that jurisdiction to consider incorporating
27 them as other codes get amended. The City of Poulsbo adopted this manual in June; the
28 City of Bainbridge Island will adopt it next Wednesday night your approval on this will
29 allow it to go in front of the County Commissioners before the end of the month. The City
30 of Bremerton is in the process of Administering adopting and I expect that to occur this
31 month and Port Orchard will follow what the County does on their timing on adoption
32 letting them decided which one

33
34 **William M. Palmer, Land Use Planning Consultant:** I have watched storm drainage
35 reports be prepared and stormwater systems being implemented for close to 30 years. I
36 am delighted in some respects that the County is taking the steps for Low Impact
37 Development (LID). I support the system; I tried to recommend it to the County a long
38 time before Art Castle got involved. I think Art Castle has been instrumental in getting us
39 to this point. I do have one concern. If the system becomes mandatory and I believe that
40 is where we are headed with the State guidelines. As an option I think it is a great
41 choice. However, if it becomes mandatory it is a means in which projects will be killed. I
42 have a project in Port Orchard that if we were forced to use LID we would not be able to
43 develop this piece of property. The soils are not good enough and there is not enough
44 room and the only reasonable economic way to take care of Storm drainage is through a
45 pond system in this case it's a commercial development. If we had the soils or the
46 landscape to make it work we would probably use LID. I just do not want it to become
47 mandatory because everything that becomes mandatory we have to go through some
48 sort of variance process or heaven forbid an appeal process to get things approved but if
49 it's an option I will encourage my clients to take advantage of it anywhere it works. I like
50 the products that are part of LID the pervious pavement and landscaping uses. I'm
51 supportive of all of those things as long as it is not mandatory. If it's an option great.

1 **Discussion is held regarding the fact that currently the manual does not reference**
2 **LID as being mandatory it just recommends the process.**

3
4 7:30:26

5
6 Foritano closes the Public Hearing and moves on to deliberations

7
8
9 **Discussion is held on if the legality of having the Public Hearing, Deliberations**
10 **and the Finding of Fact all in one night. Keeton confirms that yes that it is legal**
11 **and has been reviewed by our legal office.**

12
13 A motion is made by Commissioner Taylor and seconded by Commissioner
14 Paralez to approve the Stormwater Appendix 5B revision.

15
16 **Discussion is held between Baglio and Tucker on who maintains the Rain**
17 **Gardens.**

18
19 **Clarification is made on the cost estimates that were used in Tuckers PowerPoint**
20 **presentation.**

21
22 **Discussion is held between Baglio and Tucker on working with the Landscape**
23 **ordinance to make sure that the street trees will work with the landscape**
24 **ordinance. Tucker states that is their intent to make sure that LID and the**
25 **Landscape policy work together.**

26
27 **Discussion is held about the maintenance of permeable pavements on private**
28 **projects.**

29
30 **Tucker:** For large developments, they are required to identify a maintenance provider
31 and to put in a covenant that runs with the property for the life of the property that
32 identifies that the maintenance needs to be done. Public Works through the Surface and
33 Stormwater Management Program has a listing of all those sites. We have
34 documentation of the maintenance that is required and mapping. We go out and meet
35 the owners and explain to the owners if they don't understand and educate them on
36 what needs to be done.

37
38 **Discussion is held regarding the Kensington project that was presented in**
39 **Tuckers PowerPoint which was one of the only projects that it was not more**
40 **economical to go with LID. However, it was re assessed after the project was built**
41 **and it was found out that it would have been cost effective to go with LID.**

42
43 A motion is made by Commissioner Taylor and seconded by Commissioner
44 Paralez to approve the Stormwater Appendix 5B revision.

45
46 **The Vote:**
47 **Unanimous**
48 **The motion carries**

49
50
51

1
2
3 **G. Findings of Fact: Stormwater Manual LID Update, Dave Tucker, Assistant**
4 **Director, Public Works**

5
6 **A motion is made by Commissioner Sommerhauser and seconded by**
7 **Commissioner Taylor to approve the Finding of Fact for the Stormwater Manual**
8 **LID Update.**

9
10 **The Vote:**
11 **Unanimous**
12 **The motion carries**

13
14 7:45:25

15
16 **H. Public Hearing and Deliberations: RCO and RI zones and Policy RL-8:**
17 **Katrina Knutson, Senior Planner, DCD**

18
19 ***Knutson gives an overview of the proposed changes before the Public Hearing is***
20 ***opened.***

21
22 ***Discussion is held between Depee and Knutson on HTC zoning and how this***
23 ***would be affected by the changes.***

24
25 **Chair Foritano opens the Public Hearing**

26
27 **William M. Palmer:** I object to the Planning Commission taking action on this Use
28 Table. One I haven't seen any evidence that there has been a study of how many
29 instances the County will make uses non conforming by converting industrial zone to
30 rural industrial I think you need to have that information available to you the same goes
31 for commercial. Are we changing the zoning to make things non conforming? Does the
32 commission know that answer? I don't think so. The other reason I object to the
33 commission taking action on this particular item is the table the x, the CUPS, the ACUPS
34 and that all this hasn't really been vetted by any of the organization that have reviewed
35 ordinances in the past. Practically all of the other ordinance changes that have come
36 before the Planning Commission and the Board of County Commissioners have been
37 through a pretty rigorous process where questions could be asked ahead of time. This
38 table is somewhat deceptive because it doesn't show you what is in the current Industrial
39 Zone so you can see what is being taken away versus what is being allowed. You
40 should have that information directly before you and it should not be a hard format. You
41 shouldn't have to go back in the zoning code to find it. It should have been presented in
42 a convenient layout so you could see it and ask the questions. Maybe it was during the
43 work study portion but the public does not have that. I have made a good comparison
44 and I have serious questions that I have not presented on each individual item. To me
45 that is one of those issues that should have been vetted through one of those groups to
46 go through these proposed ordinance. To me this is very premature and the Commission
47 should not be taking any action on this tonight. Until that kind of vetting process has
48 occurred. Maybe staff has tried, but there is at least three different Committees that I
49 have been a part of in the past that we have had at least a chance to review the
50 ordinance changes. None of those committees that I am aware of have even looked at
51 this before it comes to the Planning Commission for adoptions. I can not believe the

Kitsap County Planning Commission – August 4, 2009

1 Planning Commission would even adopt it tonight without serious reviews. One of those
2 reviews should be to find out how many instances are you making something non-
3 conforming. I want to tell you something that just because a person can still operate
4 their business because its non conforming does not solve all the problems that person
5 has if something happens to that business he has to go through a separate process to
6 expand it a process he doesn't have to go through now. If a property burns down, I have
7 been through that with a client and he lost the right to use it because he couldn't rebuild
8 it in a timely manner. Making things non conforming is not just a palpable answer its
9 something that requires serious study and I have not seen the results of that. I know that
10 there are several people at least one of whom is in this room who are going to be made
11 non conforming and this particular individual as you will hear spent a lot of time in
12 another set of comprehensive plan amendments to get back his permitted use right
13 because he was made non conforming from an action like this. This is just premature.

14
15 **Depee:** I don't see this as changing anything to non conforming. Its giving
16 permitted uses, changes or upgrades but not to existing uses. If someone
17 wanted to go into there building and expand it 5000 feet they would be subject to
18 fire code. You are losing me when you say that this is non conforming.

19
20 **Palmer:** You don't have the Use table for the Industrial Zone in front of you. If you had
21 that to compare you would see that self storage is allowed in the current Industrial Zone.
22 We have instances of self storage in our Rural Industrial Zone when this goes into effect
23 all those self storage become non-conforming.

24
25 **Chair Foritano makes clarification of Mr. Palmers standing on the issue that he is**
26 **requesting the Planning Commission to not make a decision on this matter**
27 **tonight.**

28
29 **Gene Sherrard:** Refers to a handout that he gives to the Planning Commission. The first
30 thing I would like to state is I am a retired Attorney I practiced law here in the county for
31 about 25 years. I retired and develop mini storages and I have 6 in the county. Point is I
32 have them now and what Bill Palmer is talking about is my 10 acre property down on
33 Mullenix that I bought back in 1996 and started to develop according to the then zoning
34 rules. The County came along and allowed me to put storages in that industrial zone that
35 was there. I said fine I will do it and I walked away from about 300,000 dollars worth of
36 infrastructure that I had to redo to go to mini storages. Two years later you are taking
37 this property back from me I'm about ready to do the dirt work to take the next step into
38 putting the storage units on this site and now I am going to be a non conforming use. I
39 practiced law when I started taking law classes at the University of Washington in Zoning
40 we heard about non conforming use and we understood it non conforming use is not
41 good for property owners. Fire is the one thing you fear unless it's a certain percentage.
42 You did it to me up in Kingston and it took me 26 years to get my mini storage back in
43 conforming zoning. This is not good planning this is not fair to property owners. Zoning
44 should be stable. I love this county and I have lived here for 45 years and one of the only
45 things I don't like is the constant change of zoning. I think you are in very serious
46 jeopardy of not having a legal process. There are 158 other owners of Industrial land
47 and virtually none of them know what is going on with their land. I have shown you what
48 the changes are and they are major. I have only known about this for a week and I have
49 been trying to prepare a decent presentation. You are doing major elimination of function
50 and use and down zoning most of this Industrial property without notice. You have a

Kitsap County Planning Commission – August 4, 2009

1 subsidy problem the latest map makes no distinction from one or other use from Rural
2 Industrial. You are going to lose jobs and properties devalued.

3
4 **Taylor comments on how there seems to be two different perspectives, one side is**
5 **telling us that it doesn't cause all these properties to be non-conforming and other**
6 **people say it does. We certainly need some clarification on this.**

7
8 **Depee:** So your suggestion is more public notification take place prior to us
9 acting on this?

10
11 **Sherrard:** If I were putting out a motion I would move to continue this for a month and
12 put out a Public Notice that identifies Industrial Use owners have some serious changes
13 coming.

14
15 **Depee:** I appreciate what you are saying but I am going to bring up another
16 subject for you any comprehensive plan changes or UGA changes those notices
17 are put out over and over again and people never show up until after the fact.
18 Even though I am agreeing with you. If you can come up with a better way
19 system then just saying stall this until more notification

20
21 8:08:25
22

23 **Russ Robinson, Business Owner:** I have been in Chico for over 20 years and I paid to
24 get the zoning done from a professional and it's worked out very well. Chico is an urban
25 area; I think there are around 30 businesses in the area. **Questions what exactly his**
26 **rural zoning is and if someone could explain what happens when it turns to**
27 **Commercial.** I am probably not a lot different then a lot of people who really don't know
28 how this works. We just see the end results. I had a piece of property in Silverdale that
29 was rezoned without me knowing it and Fred did mention earlier that there are
30 notifications but a little blurb in the back of the newspapers really doesn't do the job for
31 the local tax payers that are the backbone of this area. You could probably improve on
32 that. That was an investment I made and I believe the value was cut in half because of
33 somebody wanting a different zone. I did not find out until a year later. I don't know if
34 saying that the notifications come out consistently is really an answer that is going to go
35 over well with guys that are not doing this everyday. **Questions if something was to be**
36 **adopted tonight?**

37
38 **Foritano clarifies that this is just the Public Hearing and Deliberations.**
39 **Foritano suggests to Robinson that he meet with staff sometime after the**
40 **meeting.**

41
42 **Discussion is held on what noticing was done and that notice was sent to the**
43 **North, Central and South papers and that individual notices were not sent.**

44
45 **Mark Eisses, Map, LTD:** I would like to ask that you continue this also. I had cancelled
46 the monthly meeting for August but we have called an emergency meeting for Thursday.
47 The first notice I got of this was while I was doing a Site Specific that they sent out June
48 16th. It took a couple of weeks to figure out what it was and how they were going to
49 interpret it. At your last Planning Commission meeting I received a new copy of it. This
50 morning I got a new copy off of the web page where it has changes that you have made
51 to it. We really haven't had a chance to even look at it. It would be nice to have some of

Kitsap County Planning Commission – August 4, 2009

1 the stake holders take a look at this before you guys make a recommendation. There are
2 just some funny things that just don't make any sense to me as far as when you go
3 through the table. You are going to create non conforming uses out of people. You take
4 the twelve trees area where you have moving and storage. If they went out of business a
5 year later you would end up with a huge building and warehouse and distribution in this
6 chart would only allow for Agriculture uses or Forestry uses. How are you going to fill
7 that building back up? Maybe you would put farm and garden equipment sales, but that
8 is not allowed. If you go to a job in the industrial area you can't buy a cup of coffee, you
9 can't buy a beer and you can't buy a sandwich. You would have to get into your car and
10 go somewhere else. Does that really make sense when we are trying to make it
11 pedestrian friendly in these industrial areas? I just don't think there has even been a
12 chance for the stake holders and citizens to address these concerns yet. It seems like
13 there is some reason they are trying to push this thing through quickly and it doesn't
14 quite make sense. I would encourage them to take a look at the Twelve Trees area its
15 Industrial. Why did the county zone commercial property as Neighborhood Commercial
16 and Highway Tourist Commercial if they think they can lump it all into one zone. All of
17 those different zones all have different uses and appropriate for their little communities.

18
19 **Jeff Coombe, Silverdale:** Also, would like the Planning Commission to table this for a
20 month or two. I always worry about process times not just for applicants and developers
21 but for staff. Making changes creates time problems. There are only 79 working days left
22 in Kitsap County to process anything in the year 2009. There are just a couple of other
23 procedures I am confused on. I am involved in a Site Specific Application that I
24 submitted on February 13, 2009, on March 13, 2009 I received a technically complete
25 letter and then on June 16, 2009 I received a letter saying we have changed the
26 procedure and we have come up with a new zone and a new zoning table tell us how
27 you want to proceed. I received an email on July 1, 2009 saying since we didn't hear
28 from you and if we don't hear from you by tomorrow we are going to just proceed. I just
29 think that procedure might be a little off. I only received 3 use tables and I am on a site
30 specific and I have only had 1 of them sent directly to me. I think we need to work on
31 this. I cannot stress this enough that when a use table gets changed what it means to
32 the applicant. Non conforming uses will be created. **Gives an example of what could
33 happen to business owners like Russ Robison when their property is made non-
34 conforming. He hands out a flier to the Commission showing an analogy between
35 a permitted use submittal and an ACUP submittal.** I can not stress enough that there
36 has probably been 300 or 400 Land Use actions in Kitsap County since 2004 either
37 ACUP or Hearing Examiner decision and by code I would really like to move a
38 percentage of those application where the Department met the timeline as by code. I just
39 worry about adding more process. Notices of Site Specific application I received one. I
40 was involved in Russ's application on Silverdale Way it was zoned Highway Tourist
41 Commercial to Mixed Use with no notification. One way to change this is twice a year we
42 send out tax notices to property owner twice a year we should include something in with
43 the tax notices.

44
45 **Tim Mathis, Citizen:** I encourage you to get more information on this particular issue
46 and do a little more fact finding before you make a decision. You know one of the things
47 that strikes me and has always seemed a little odd about Community Development here
48 at Kitsap County whenever anyone goes for a rezone or a variance in a zoning that
49 person is required to notify the surrounding property owners. You are suppose to go
50 through the tax records and you have to notify them and DCD has a check off list to
51 make sure this is done. On the other hand DCD is telling us that it cost to much money

Kitsap County Planning Commission – August 4, 2009

1 to do that and it's to difficult. I would encourage you to recommend to DCD that they
2 send out 160 notices to 170 notices of anybodies property that is in the Rural
3 Commercial or Rural Industrial area informing them that there might be a change in their
4 zoning. That should be the minimum of what we should be doing. Otherwise you are
5 going to have people come back time and time again saying hey I was blind sided here.
6 So I think do diligence just requires you to do that tonight. Please consider tabling this
7 and go ahead and do the process at this level.
8
9

10 **Art Castle:** If there are any concerns about notifying, we can go to a title company and
11 get a spreadsheet of all the Commercial and Industrial property owners.
12

13 **8:28:56**

14
15 Foritano closes the Public Hearing and moves on to deliberations
16

17 **Diener discusses the legal aspect of notification. He also states that we were not**
18 **required to notify each property owner.**
19

20 **Foritano:** Did you and Shelley discuss the issue of Stakeholder group
21 notification?
22

23 ***Diener comments that Shelley Kneipp, as well as staff, believe that the legal***
24 ***process, public process starts with the Planning Commission. We did try to reach***
25 ***out to the sub committees of the Permit Advisory Group. That effort was***
26 ***unsuccessful. We are under some immense time pressure to keep this moving***
27 ***along. This process needs to precede the site specifics.***
28

29 **Sommerhauser:** Was the intent of this process ever to change the zoning in
30 those enclaves for Commercial or Industrial that were created either by the Comp
31 plan itself or the update to the Comp plan that were outside the UGA. Was the
32 intent of this process to change those zonings?
33

34 ***Diener states no, there was no intention by this process or staff to change any of***
35 ***the existing rural commercial or rural industrial zone designations out there.***
36

37 **Sommerhauser:** This was strictly a process to recognize that in the course of
38 the comp plan and its update there were a number of properties that had existing
39 uses out there that were non-conforming and to create an avenue for those to
40 come in to conformance. Is that correct?
41

42 ***Diener explains that back in 2007, DCD had a number of applicants come to them***
43 ***and want to do a rural commercial or rural industrial rezone. Policy RL-8***
44 ***precludes them from being able to do that process.***
45

46 ***Clarification is made on how this policy will affect property owners and if it will***
47 ***make all properties non-conforming. Diener explains that it will affect some***
48 ***property owners but not all.***
49

50 ***Discussion is held between Depee and Diener regarding the time frame that is***
51 ***being pushed based on the need to pass this policy for the site specifics to go***

1 *forward by the end of the year. Depee feels that a lot of property owners are being*
2 *affected and there is a need to slow down and notify people a little more.*

3
4 *Diener discusses the possibilities of taking a look at the non conforming section*
5 *and making some changes to do that.*

6
7 *Baglio clarifies that the Rural Commercial and Rural Industrial currently do not*
8 *exist in our Land Use Table and in our Zoning code. Also, clarifies that this affects*
9 *far more properties than originally were thought. He also suggests they take a*
10 *closer look at this change and would like to take a side by side comparison of the*
11 *changes.*

12
13 **Diener:** It is clear that the side by side comparison that was made by Mr. Sherrard was
14 comparing Urban Commercial and Industrial uses against Rural Commercial and
15 Industrial uses. Those are two distinct different classes of uses.

16
17 **Baglio:** Mr. Sherrard has commercial and industrial uses outside of the UGA. So
18 even though they are what you are saying, urban in reality they are not urban
19 because they are outside of the UGA. You are continuing to refer to them as
20 rural but they are commercial uses and even though right now they are being
21 interpreted with the Urban Land Use Tables in reality because they are not in the
22 UGA you are calling them Rural.

23
24 **Diener:** I would go so far as to state is what we are seeing is urban level uses occurring
25 in rural commercially zoned and rural industrially zoned properties and that's because
26 we are deficient. Kitsap County is the only county like this. We are deficient with our Use
27 Table.

28
29 *Baglio states he felt that by passing this we were actually avoiding what Mr.*
30 *Palmer talked about if something burns down and they might lose that use. So*
31 *there was a little misunderstanding with the terminology.*

32
33 *Depee gets clarification on what is being created.*

34
35 *Diener responds with we are creating classifications that do not exist. If you are in*
36 *a rural area and you have NC (Neighborhood Commercial), HTC (Highway Tourist*
37 *Commercial) the official designation in the future for that area will be Rural*
38 *Commercial.*

39
40 *Paralez clarifies that Mr. Sherrard's property that he has been referring to is in a*
41 *rural area. Paralez also clarifies that the table that Mr. Sherrard has been referring*
42 *to is an Urban Use Table.*

43
44 *Sommerhauser would like confirmation on if the existing uses are legal. Also, he*
45 *would like to know if Mr. Sherrard's property would become non-conforming.*

46
47 *Diener explains that if it is a commercial use on top of an industrial zone and it*
48 *burns down under today's code and it is not reestablished within one year then*
49 *the owner does not have a right to reestablish it. If it's an ACUP or a CUP they can*
50 *reestablish at anytime because they are not non-conforming.*

51

8:47:20

A motion is made by Commissioner Taylor to extend the Public Hearing to September 15, 2009 and any written comments to September 8, 2009.

Discussion is held on the motion prior to a second being made.

Keeton suggests that the Commission recommend that the Department be allowed to take this back and meet with the groups that are affected by this.

Clarification is made if we should continue this hearing or will we re-notice for the next meeting.

Discussion is held on why the Stakeholders were not involved in this change.

Motion is restated

A motion is made by Commissioner Taylor to extend the Public Hearing to September 15, 2009 and seconded by Commissioner Sommerhauser.

The vote:

6 yes

1 no

The motion passes

A motion is made by Commissioner Taylor to give notice to all affected property owners.

No second is made

Motion fails

Keeton states that he will talk to the Board about whether or not to notice.

Break

8:55:45

Reconvene

9:03:51

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

Diener: Staff would recommend continuing this Public Hearing until September 1, 2009 because of noticing requirements. Diener gives an overview of the changes made to mediation with the addition of hearings. We did hear from a member of the public that they felt that we were deficient by not allowing for discussion of appeals and that is why you see the full draft ordinance.

1 **Foritano questions the chart and how it flows from the Hearing Examiner decision**
2 **to the applicant not accepting the decision and it going straight to Superior Court.**
3 **Foritano expresses concern over the public testimony from the last meeting**
4 **regarding cutting out the Board and going straight to Superior Court.**

5
6 **Sommerhauser requests a flowchart on how appeals flow today.**

7
8 **Diener goes over the current process for the appeal process.**

9
10 **Foritano and Taylor discuss that the last public hearing on this subject the public**
11 **was very direct in how they felt about the Board taking themselves out of this**
12 **process.**

13
14 **Sommerhauser asks for clarification that the Hearing Examiner is excluded from**
15 **mediation but is it also his ruling that is also excluded.**

16
17 **Discussion is held on this subject and Diener will get back to the Planning**
18 **Commission with a definite answer.**

19 9:14:30

20
21 **Chair Foritano opens the Public Hearing**

22
23 **Art Castle, Home Builders Association:** I would like to just reinforce what Teresa
24 testified to last time. The one thing I would encourage and we all know that the County
25 Commissioners are very interested in going the direction in taking themselves out of the
26 appeal process. Regardless if they are not going to be the appellant body for the
27 Hearing Examiner, there needs to be some other entity in place. We will probably have
28 some more details or suggestions in September.

29
30 **William M Palmer:** I have kind of mixed emotions about the whole mediation process to
31 begin with; it could have saved me if it happen been in existence a year or so ago
32 around twenty-five to thirty thousand dollars in expenses that I have had to occur to
33 challenge a Board of County Commissioners decision. Even though I can see the
34 benefits of going directly to court after a Hearing Examiner decision, I am more
35 persuaded that the Board of County Commissioners need a forum in which they can see
36 the affects of the ordinances that they pass. They don't see the entire affects of
37 ordinance in the appeals process, but on the other hand they are elected officials that
38 represent the people in this County. The people of this County should have a venue to
39 get in front of the Board of County Commissioners for grievances over Land Use. Taking
40 advantage of their public hearing agendas on Monday's and speaking in the open forum
41 section of that hearing is not enough. They need to hear some of the struggle of what
42 some of the people of the county have trying to comply with ordinances. I am concerned
43 that when you get some egregious decision out of a Hearing Examiner like the Farm
44 House Montessori School. Why should that have to go to court when the County
45 Commissioners have an opportunity to set the record straight. I can be persuaded to go
46 with the mediation process because of my own experience. However, I think it is a
47 disservice to citizens of the county not to have their Commissioners available to them.
48 not have struggle with I believe the Commissioners need to c the effects their
49 ordinances that they pass.

1 **Sommerhauser discusses that under the current system you only get 10 minutes**
2 **in front of the Commissioners but with the new system you can have unlimited**
3 **time.**

4
5 **Palmer states that the problem is you only can see one Commissioner at a time.**

6
7 9:23:40

8
9 **Public hearing is continued.**

10
11 **Nevins has a request for some additional language changes. Refers to top of Page**
12 **11 lines 1 thru 5, he would like to see staff make a small change. Nevins refers to**
13 **line 3, suggest eliminating the words in the course of and replacing them with the**
14 **word during and after the word mediation add the word session.**

15
16 **Sommerhauser discusses the interpretation of this paragraph and his discussion**
17 **with Shelley Kneip and what this exactly means.**

18
19
20 **J. For the Good of the Order: Chair Foritano**

21
22 **Taylor requests clarification on the August 18, 2009 meeting on the exact time.**

23
24 **Knutson informs the Commission that on August 29, 2009, the Manchester Citizen**
25 **Advisory Group is having a Celebrate Manchester Day.**

26
27 **A motion is made by Commissioner Paralez and seconded by Commissioner**
28 **Sommerhauser to adjourn the meeting.**

29
30 9:33:04

31
32 **EXHIBITS**

- 33
34 **A. LID Guidelines**
35 **B. FOF, Proposed Kitsap County Stormwater Design Guidelines Revision**
36 **C. Draft Changes to Kitsap county Code Title 17**
37 **D. Table 17.381.040 (E)**
38 **E. Executive Summary- Proposed amendment to KCC Chapter 12.04**
39 **F. Ordinance amending portion of KCC chapter 21.04**

40
41
42 **MINUTES approved this _____ day of _____ 2009.**

43
44
45 _____
46 **Lou Foritano, Planning Commission Chair**

47 _____
48 **Mary Seals, Planning Commission Secretary**
49