

MINUTES

**KITSAP COUNTY PLANNING COMMISSION
Administration Building - Commissioner's Chambers
October 20, 2009 6:00 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, Fred Depee, Mike Gustavson, Michael Brown, Tom Nevins, Jim Sommerhauser

Members absent: Robert Baglio and John Taylor

Staff present: Katrina Knutson, Peter Sullivan, Larry Keeton, Doug Frick, Dave Tucker and Planning Commission Secretary Karla Castillo

5:59:52

A. Call Meeting to Order, Introductions

B. Adoption of Agenda

Agenda is adopted as posted.

C. Public Comments

Discussion is held between the Planning Commission and Director Keeton on the Ueland Mineral Resource Overlay.

Sommerhauser questions Keeton on the docket for 2010 and when the Planning Commission will see it.

D. Approval of the September 15 & October 6, 2009 minutes

A motion is made by Commissioner Sommerhauser and seconded by Commissioner Paralez to approve the minutes of September 15, 2009.

The vote:

Unanimous

The motion carries

A motion is made by Commissioner Sommerhauser and seconded by Commissioner Gustavson to approve the minutes of October 6, 2009.

Depee would like to make a note that Sommerhauser states in the October 6, 2009 meeting during discussion on the McCormick application that they (McCormick) applied and was denied in 2006.

Sommerhauser clarifies what he meant by his statement.

1 *Depee expresses concern over the statement and feels that it was pertinent information*
2 *that was incorrect.*

3 6:15:05

4 **The vote:**

5 6 yes

6 1 no

7 **The motion carries**

8
9 **E. Continuation of Public Hearing, Deliberations and Recommendation: RCO and RI**
10 **zones, Policy RL-8 and related Site Specific Applications (Villopoto, Unruh,**
11 **Yamamoto, Gonzalez, Arness, Kitsap Propane/Whitworth, Seabeck Developers,**
12 **Pilger, Palmer/Stokes/Cambell and Palmer/Stokes/ Mullenix: Katrina Knutson,**
13 **Senior Planner, DCD**

14
15 *Knutson discusses the continuation of Site Specifics that are RCO, RI and Policy RL-8*
16 *dependant into 2010.*

17
18 *Brown asks if the rules and regulations that were in effect when the applicants*
19 *submitted their Site Specific Applications stay in effect for the duration of the*
20 *application process.*

21
22 *Knutson states that since this is a type IV application and did not submit a project*
23 *specific application they would not be vested.*

24
25 *Discussion is held about County wide research being done on LAMIRD's.*

26
27 *Knutson states that this will not be opened up for County wide LAMIRD applications*
28 *but after research and analysis that if an application qualifies for a LAMIRD staff will*
29 *approach the applicant and inform them that they qualify for a LAMIRD. Knutson points*
30 *out that Pierce County has some Industrial LAMIRD's and Commercial LAMIRD's and*
31 *we can do that as well.*

32
33 *Nevins discusses the last time Twelve Trees was considered for a LAMIRD.*

34
35 *Sommerhauser expresses concern over the backwards process that was done with*
36 *these applications.*

37
38 *Knutson clarifies that the applicants were informed during the pre-application meetings*
39 *that their applications were contingent on the change of the comp plan policy RL-8.*
40 *Also, those applicants have the option to pull their applications and receive their*
41 *money back.*

42
43 **Knutson reads the proposed motions as written by the County:**

44
45 **Motion #1 for site specific applications that will be considered as part of the LAMIRD**
46 **process in 2010:**

47
48 **"I move that the Kitsap Propane and Arness site specific applications remain active**
49 **and be deferred to 2010 to be considered as part of the Type II LAMIRD identification**
50 **process.**

51

1 **Motion #2 for site specific applications that will not be considered as part of the**
2 **LAMIRD process, but will be subject to removal /modification of Kitsap County**
3 **Comprehensive Plan Policy RL-8 and creation of applicable rural commercial and**
4 **industrial zones and associated use tables:**

5
6 **“I move that the Pilger, Gonzalez, Villopoto, Yamamoto, Lind, Unruh, Seabeck**
7 **Developers, Stokes, and Stokes Campbell site specific applications remain active and**
8 **be deferred to 2010 to be reconsidered subject to the removal or modification of Kitsap**
9 **County Comprehensive Plan Policy RL-8 and the creation of applicable rural**
10 **commercial and industrial zones and associated use tables.”**

11
12 **A motion is made by Commissioner Gustavson and seconded by Commissioner Brown**
13 **that motion #1 as stated by the County be approved.**

14
15 **The vote:**

16 Unanimous

17 **The motion carries**

18
19 **A motion is made by Commissioner Gustavson and seconded by Commissioner Brown**
20 **that motion #2 as stated by the County be approved.**

21
22 **The vote:**

23 6 yes

24 1 no

25 **The motion carries**

26
27 **F. Findings of Fact: Site Specific Comprehensive Plan Amendments for: Speed,**
28 **Henry’s Hardware/Bjarnsen, Gilman, Sison/Bowley, Brown, McCormick,**
29 **McCormick/ Alpine Evergreen, Cutting Edge: Pete Sullivan Associate Planner,**
30 **DCD**

31
32 ***Knutson informs the Planning Commission that item F. Findings of Fact has been***
33 ***moved to the November 3, 2009 meeting.***

34
35 ***Discussion is held on the McCormick site specific application and a possible***
36 ***reconsideration.***

37
38 ***Knutson clarifies that each Findings of Fact will be separate and that the Commission***
39 ***will have the opportunity to vote on each site specific application individually.***

40
41 ***Discussion is held on what the procedure is regarding reconsideration.***

42
43 ***Sommerhauser clarifies that you can go back and vote if a member voting in favor***
44 ***makes a motion to reconsider.***

45
46 **A motion is made by Commissioner Gustavson and seconded by Commissioner Depee**
47 **that this issue be readdressed on November 3, 2009 for that specific piece of property.**

48
49 **The vote:**

50 4 yes

51 3 no

1 The motion carries

2
3 *Discussion is held on if the motion needs a 5 yes vote to carry. Keeton states that he*
4 *will take the vote back to Legal for clarification and will let the Planning Commission*
5 *know.*

6
7 *Knutson informs the Commission that the Bowley/Sison site specific application has*
8 *been pulled from the agenda and more information will be coming to them on*
9 *November 3, 2009.*

10
11 **G. Deliberations / Recommendation: Downtown Kingston Master Plan: Pete**
12 **Sullivan, Associate Planner, DCD**

13
14 *Sullivan opens up with the reading of a letter received from the Port of Kingston. The*
15 *Port is against being obligated to 41 parking spots and would like that stricken from the*
16 *plan. Sullivan does not believe that by removing this language from the plan that it will*
17 *make a deficit in terms of what the plan proposes.*

18
19 *Discussion is held on striking the 41 spaces from the plan.*

20
21 *Sommerhauser questions the UVC zoning and if it should be noted that it is only in*
22 *Kingston.*

23
24 **A motion is made by Commissioner Gustavson and seconded by Commissioner Depee**
25 **that we deliberate on Kingston.**

26
27 **The vote:**

28 6yes

29 1abstain

30 **The motion carries**

31
32 *Sullivan clarifies that a UVC would not be allowed in a LAMIRD.*

33
34 *Sommerhauser believes it should clearly state that these changes are specific to*
35 *Kingston and that there should be a note somewhere that it states this.*

36
37 *Sullivan agrees that staff will consider these comments.*

38
39 **A motion is made by Commissioner Sommerhauser and seconded by Commissioner**
40 **Paralez to approve the Kingston Master Plan with the changes to parking as previously**
41 **requested and with the allowance for the staff to look at the suggestions made related**
42 **to maximum density and maximum impervious surface coverage.**

43
44 **The vote:**

45 6 yes

46 1 no

47 **The motion carries**

48 7:02:27

49
50 **H. Work Study: Stormwater Design Manual, Dave Tucker, Assistant Director, Public**
51 **Works**

1
2 ***Tucker gives an overview of why the County is changing its Design Manual. Tucker***
3 ***goes over the timeframes that have been set by the State for the new manual to be***
4 ***adopted. Tucker references a one page handout titled that was given to the Planning***
5 ***Commission and goes over the information in the handout regarding NPDES.***

6
7 ***Discussion is held on what triggers a NPDES.***

8
9 ***Gustavson requests that his email to Scott Diener with questions regarding the***
10 ***Stormwater Manual be added for the record. Tucker agrees and states the Doug Frick***
11 ***will be addressing those questions during his presentation.***

12
13 ***Doug Frick gives an overview of the Stakeholders meetings that were set up to get***
14 ***additional input on the Stormwater Manual.***

15
16 ***Frick addresses Gustavson's questions that were emailed to Scott Diener. Frick will***
17 ***prepare a document to answer each one of Gustavson's questions for the Commission.***

18
19 ***Discussion is held between the Planning Commission and Frick on Gustavson's***
20 ***questions.***

21
22 ***Frick discusses how the new Stormwater Manual is going to be used and maintained.***
23 ***Also, discusses what the County is doing to help streamline the process for the***
24 ***Engineers when the new manual comes out.***

25
26 ***Sommerhauser asks if there is a process in place for the latest Director's***
27 ***interpretations for the new Stormwater Design Manual and if this is available for***
28 ***anybody to have access to.***

29
30 **I. Public Hearing: Stormwater Design Manual – Dave Tucker, Assistant Director**
31 **Public Works**

32
33 **7.46:56**

34
35 **Chair Foritano open the Public Hearing**

36
37 **Ron Ross-Resident:** I just have one comment to make in general and that is there is an
38 inequity that I see and that's because of the Storm Surface Water Management fee is charged
39 to everyone. I think if a Safeway store was built many years ago and did nothing towards
40 maintaining the Stormwater, today a fellow builds one and has lots of money he puts in the
41 ground and he pays the same fee. I think that there should be for the new development, I am
42 not complaining about the fees or the work I think that we need to maintain these things but to
43 charge them annually the same fee to take care of a problem that they spent their money to
44 take care of but the store that was built some twenty or thirty years ago he is paying the same
45 rate. So both of them are paying whether is \$100.00 an acre or \$500.00 an acre for the
46 parking lot. It doesn't seem fair when one fellow has spent hundreds of thousands of dollars to
47 take care of his clean up and parking lot. It's just a thought I don't know how you would
48 impose it and if it would be legal but it is an inequity in my opinion.

49
50
51 **Depee:** How would you suggest that could be resolved?

Kitsap County Planning Commission – October 20, 2009

1
2 **Ross:** Well possibly figure out a method of giving credit for somebody if he has maintained it
3 and if he is taking care of an onsite he has put in re-separators and then he has to have a
4 contract to maintain this. If a person has done that they should get a substantial relief or not
5 have to pay anything because I know of cases where these parking lots are costing hundreds
6 of thousands of dollars to put in the storm retention systems. When you pay that kind of
7 money and the guy next door to you hasn't done it and you both are paying the same price
8 per square foot it just isn't right. I would just arbitrarily say give the guy that spent the money
9 to do it some type of relief.

10
11 ***Nevins and Ross discuss one of the inequities that Nevins points out regarding a***
12 ***person paying half the fee if they discharge directly to the Sound.***

13
14 7:50:39

15
16 **Chair Foritano closes the public hearing**

17
18 ***Clarification is made if Commissioner Gustavson's emailed questions were going to be***
19 ***put in the record.***

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

22
23 ***Discussion is held on the Planning Commission offering their views on matters that***
24 ***have to do with the law as opposed to referring those matters through DCD, to County***
25 ***Attorney and having it come back to the Planning Commission.***

26
27 ***Chair Foritano will be out the next 2 meetings.***

28
29 **A motion is made by Commissioner Paralez and seconded by Commissioner Nevins to**
30 **adjourn.**

31
32 **Time of Adjournment 7:59:24**

33
34 **EXHIBITS**

- 35
36 **A. Memorandum on deferral of certain Site Specific Applications**
37 **B. Draft Copy of Stormwater Manual**
38 **C. Handout on requirements for NPDES permits reissued June 17, 2009**
39

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

42
43
44 _____
45 **Lou Foritano, Planning Commission Chair**

46
47 _____
48 **Karla Castillo, Planning Commission Secretary**