These minutes are intended to provide a summary of meeting decisions and, except for motions made, should not be relied upon for specific statements from individuals at the meeting. If the reader would like to hear specific discussion, they should visit Kitsap County’s Website at http://www.kitsapgov.com/dcd/pc/default.htm and listen to the audio file (to assist in locating information, time-stamps are provided below).

The Kitsap County Planning Commission met on the above-stated date at the Kitsap County Administration Building Commissioner’s Chambers, 619 Division Street, Port Orchard, WA.

Members present: Robert Baglio, Mike Brown, Linda Paralez, Mike Gustavson, Tom Nevins, Lou Foritano, Carol Smiley and Jim Sommerhauser

Members absent: Fred Depee

Staff present: Scott Diener, Katrina Knutson, Heather Adams, and Planning Commission Secretary Mary Seals

5:20:23

A. Call Meeting to Order, Introductions

B. Adoption of Agenda

A motion is made by Commissioner Sommerhauser and seconded by Commissioner Foritano to adopt the agenda as posted.

The Vote
Unanimous
The motion carries

C. Public Comments

5:21:24

D. Continuation of Public Hearing: Revisions to Chapter 3 of Comp Plan - Katrina Knutson, Senior Planner, DCD

Diener introduces the topic for Public Hearing

5:23:25

David Overton, South Kitsap Land Owner: He states that co-mingling the rural residential and rural commercial into the comp plan has created a lot of confusion. He states that GMA directs to have separate areas for this. He states that there is confusion about whether the information on the tables is tax account designation or zoning designation. He submits written comments regarding Mineral Resource Overlay. He believes that the process is backwards for Mineral Resource Overlay and the letter provides suggestions. He states that the Rural Wooded Incentive Program has been shelved and he hopes that down the road when they are
trying to address clustering that they are told they should have addressed that in the Year of the Rural. He asks that the Planning Commission identifies what they could not address so that they are not precluded in future years from having that conversation.

Discussion is held about the combination of rural commercial and rural industrial being combined.

5:34:10

Doug Skrobut, McCormick Land Company: He is frustrated with the confusing data in the documents that staff brings before the Planning Commission. He states that this plan as written, will not stand a challenge to the Hearing Board because the rural and resources are comingling completely throughout it.

Paralez states that they need to resolve these numbers before going ahead and asks staff if they agree.

Knutson states that the legal staff disagrees with McCormick Land Company. They believe that agriculture, forestry, and mineral resources are all three outlined as resource activities for the Growth Management Act and therefore agriculture discussions should stay in the resource section.

Skrobut agrees that it stays in the resource section. He states what they disagree with is that the resource and rural are in the same section.

Knutson states that this section has been in the same format since 1998 and during the process none of the sections were changed around. The legal staff believes that it should remain the way it is. She states that the Land Use tables are not zoning designations, they are assessor tax categories. She suggests that we add in the definitions of these to state that they are not zoning designations, but assessor tax categories. She reminds the planning commission that the docket language in resolution 230-2009 stated that in updating this chapter they are not to touch the goals and policies or deal with the issues in trying deal with what needs to be done with forest land. She states that they were to address rural character and provide an inventory for this year’s docket only. She states that the tables outlined in 3-1-7 are confusing and feels they need to be better explained.

Discussion is held about land designation and tax classification.

5:42:45

He would change no policies, no goals. They are asking is; why is resource policy being implemented by a rural lands goal. They disagree with the county’s position.

He wants the tables to be accurate.

Sommerhauser states that he would like the titles and the acreage changed.

Sommerhauser asks him to submit his requests in writing. He states that he will have it submitted by Monday.
Foritano states that Mr. Skrobut’s changes are structural in the document, not minor. He asks why he wasn’t involved as a major stakeholders.

Skrobut states that they were not asked. But they have been present from the beginning.

Discussion was held about public outreach and community involvement in this process.

Ryan Sandstrom, Alpine Evergreen: He comments regarding participation and the stakeholders. He states that this has gone on for decades and they continue to say the same thing. He thinks it’s good that the county is looking at this for opening up some rural development area and accepting that there is going to need to be some diverse tax base. He would like them to look at the nonconforming parcels.

Knutson states that they are currently working through the rural stakeholders on revising the nonconforming code and invites Mr. Sandstrom to the meeting.

Gene Bullock, West Sound Conservation Council, speaking as a citizen: He asks that they not weaken restrictions to the point that it becomes more profitable to locate in rural areas than in appropriately zoned urban growth areas.

Baglio asks Doug Skrobut to clarify that he wants the acreages to be corrected for staff to look at those.

Skrobut states to identify if its tax classification, it says tax classification, and if it’s a zoning designation, it states zoning designation.

Baglio asks what the benefit is for separating the resource and rural.

Skrobut states it starts the general public on the path to understanding the framework that the state legislature set up on when the adopted the Growth Management Act.

Chair Baglio closes the public hearing.

E. Deliberations/Recommendations: Revisions to Chapter 3 of Comp Plan - Katrina Knutson, Senior Planner, DCD

Diener states that an introductory paragraph can be added to indicate that they are tax parcels to make it clear for the public.

Discussion is held about the purpose of the tax parcels in the comp plan. The direction came from the board to provide an inventory and character of the rural area in Kitsap County. The purpose was to go zone by zone to inventory the tax parcels within the rural area.

A motion is made by Commissioner Gustavson to deny that the document go forward to the commissioners because it’s premature.

No second. The motion fails.
Sommerhauser asks for explanation about this in relation to Policy RL-8.

Diener states that RL-8 was going to go away, however through discussion with the stakeholders additional policy guidance was warranted for RL-8 rather than it just going away. Staff created some criteria that that the director and legal thought were appropriate. There was some suggestion the site specifics ought to do an analysis to see if there were other properties available in the area. Some felt that the policy as proposed or doing away with the policy provided much too liberal application of site specific amendments. Staff counters by going to Title 21 and reminds that there are no less than 20 tests that must be addressed, 8 of those in the affirmative, for a site specific application to be approved. Staff felt that Title 21 along with RL-8 made sense.

Discussion was held regarding Policy RL-8.

6:19:36

Nevins presents an alternative to staff’s proposal for Policy RL-8.

A Motion is made by Commissioner Nevins and seconded by Commissioner Paralez to recommend his RL-8 policy be substituted for staff’s version of RL-8.

Foritano asks what is the rough percentage of for vs. against in the stakeholder group and what functional area do they represent?

Knutson states that the people that are generally in favor of keeping on RL-8 do not have a vested monitory interest in it. Those that are in favor of eliminating it are generally persons that may come in for applications (consultants, engineers, attorneys, etc.).

Discussion is held about the details of both proposals. Sommerhauser states that he would like to include the question of does a business rely on being in the rural location.

Baglio comments that those criteria would eliminate many historical uses that we are trying to protect. He states perhaps it should be an “or” and not an “and” criteria.

Nevins states why it should be in policy and not left down the road to be influenced by a person behind the desk. If it’s a policy that your use be required to principally serve the rural community that puts you in that category to show the need to be in the rural area. Dealing with this policy now and making it clear takes the load off of staff administratively down the road.

Baglio states that it’s clearer in code than in policy.

Nevins states that we are going to be looking at code; if this policy does not come forward in a fairly clear manner we are going to spend a considerable amount of time on the use tables. He intends to hold this line of RL-8 being very specific.

Discussion is held about specificity.

Discussion is held about grandfathering.
The Vote:
Yes: 3
No: 5
The motion fails

6:41:31

A motion is made Commissioner Foritano and seconded by Commissioner Sommerhauser to accept staffs proposal.

An amendment to the original motion is made by Commissioner Sommerhauser and seconded by Commissioner Gustavson to amend proposed staff language to insert the second paragraph starting with “Expansion may be approved…” from Tom’s proposal as a separate lettered item between “F” and “G”.

Nevins states that any of these things could trigger the acceptance of a site specific. All of the “or’s” make it a little bit fuzzy. He suggests that the sentences that end in “and” be moved to the top.

The vote on the Amendment
Yes: 6
No: 2
The amendment to the motion carries

6:48:04

Amendment to the motion is made by Commissioner Sommerhauser and seconded by Commissioner Gustavson to the staff proposed language as modified by deletion of item E.

Discussion is held about the amendment and the 5 mile radius.

The vote on the Amendment
Yes: 6
No: 2
The amendment to the motion carries

6:54:28

An amendment to the motion by Commissioner Nevins and seconded by Commissioner Sommerhauser that we label “expansion may be approved for lots of a significance percentage of perimeter contiguous to existing industrial zoning designations” as A, followed by the word “and”’. Item B put in “meets rural character”, followed by the word “or”, followed by “and”. And then item C “currently serves the rural population”. Re-number the “or’s” in order.

Foritano finds the notion of a strong test of rural character incompatible with the idea of commercial and industrial.

Discussion is held about the impact of the amendment to the motion.
Brown states that putting an “and” after the “expansion may be approved...” statement is putting a lot of weight to the property. He disagrees with making that an “and”.

Discussion is held about the criteria.

7:04:01

The vote on the Amendment
Yes: 4
No: 4
The amendment to the motion fails

Discussion is held about non-conforming uses having protection to these changes. Diener states that there is substantial case law that protects them.

A motion is made by Commissioner Gustavson and seconded by Commissioner Baglio to reconsider the previous vote.

Brown states that it’s a good addition and adds clarity.

The vote on the Motion
Yes: 2
No: 6
The motion fails

Discussion is held about the order of the “ands” and the “or’s”.

7:15:55

An amendment is made by Commission Brown and second by Commissioner Foritano to move the “expansion may be approved...” paragraph from Commissioner’s Nevins’ proposal as item “A”, followed by an “or”, and move the rest of the “ors” and “ands” as they stand right now. Item “E” will be deleted in its entirety.

The vote on the Amendment
Yes: 5
No: 3
The motion carries

7:18:25

The vote on the main Motion as modified.
Yes: 7
No: 1
The motion carries

7:18:33

A motion is made by Commissioner Sommerhauser and seconded by Commissioner Brown to approve the revisions to chapter 3 as amended by the body to go forward to the County Commissioners.
Clarifies is made that the motion includes the new RL-8 and the discussion that staff has made about adding an introductory statement to explaining the tables that follow on the next 10 pages and providing definitions to make it more clear as to what we are reading.

Discussion is held about the motion.

7:28:14

An amendment to the motion is made by Commissioner Gustavson that staff draft an opening paragraph that defines rural character that reflects the actual development of rural Kitsap County.

No second the motion fails.

7:30:42

An amendment to the motion is made by Commissioner Baglio and seconded by Commissioner Gustavson to page 3-64, paragraph at the top of the page that talks to the expedite permit review process to be removed.

Baglio states that that process is already in place.

The vote on the amendment
Unanimous
The amendment carries

7:32:44

An amendment to the motion is made by commissioner Nevins and seconded by commissioner Sommerhauser to change the last part to read “recognize recreational equine activities and animal grazing uses as a part”( eliminate “essential to and”) “of county agricultural infrastructure because of the economic contribution to the county agriculture infrastructure.”

The vote on the amendment
Unanimous
The amendment carries

7:38:27

Nevins suggests that staff call out for close examination policy RL-70 2-A. It talks about rural wooded policy. He states that that paragraph is troublesome.

Gustavson asks the group to consider policy RL-64. He asks what it is; what is temporary worker housing?

Knutson states that it does say temporary and they did take out the accessory dwelling unit language. There is not a definition of temporary worker housing and will be looked at next year when they work on Title 17
The vote:
Yes: 6
No: 2
The motion carries

Break 8:38:50
Reconvene: 7:48:32

F. Continuation of Public Hearing: Rural Commercial/Industrial Code Development
- Katrina Knutson, Senior Planner, DCD

Diener introduces the topic for public hearing.

Chair Baglio reopens the public hearing.

7:50:49

Larry Brook, Ecology Road and Kitsap Propane: He asks for zoning that would be favorable for business growth is granted to Ecology road.

Discussion is held about the Ecology Road property being included to the upcoming LAMIRD proposal. The LAMIRD’s will have specific use tables.

7:57:06

Bill Lind, on behalf of the Schnitzer family: The family is concerned that the uses on their property have been cut in half and made significantly more difficult. The property is unique because of its size. It allows room for land uses for a greater land area and to buffer. There will be a nucleus of people there because of the airport and vested uses, because of this there is need for supporting businesses such as a small restaurant, gas station, car wash, etc. The existence of the airport is unique as well. There is a developed industrial plat of 30 acres. This is a full scale industrial property that has been long planned. The county needs to look at this in a different way than other uses. He states that he believes they are eligible to have a LAMIRD created for this area.

Sommerhauser states that he discussed the LAMIRD question with staff; the question is if there is time to include it this year.

A motion is made by Commissioner Sommerhauser and seconded by Commissioner Foritano that the Planning Commission requests that if the property owner and staff are not able to include this as a AMIRD in this year’s cycle, that the door be held open to consider this specifically property as a type III LAMIRD next year.

Discussion is held about this property’s appropriateness for a LAMIRD.

Knutson states that they will review the legal issues with this with the legal department.

8:07:00

The vote
Unanimous
The motion carries

8:11:05

Gene SherrodSherrard: States that he would like to suggest that Storage of Vehicle and Equipment in the Rural Industrial Area be a “c” or an “acup” instead of an “x”. He states that it is hard to define rural character in Kitsap County. Rural is different than anywhere else.

Knutson states that Mr. Sherrod Sherrard points out an error on the table; Storage of Vehicle and Equipment in the Rural Industrial Area should be a “c”. She references the Rural Stakeholders review of the RCO/RI zones.

Discussion about footnote 75 – “Storage on commercially zoned rural property is only permitted if no available industrial lands are available within 5 miles, all storage must be screened from public view…”

8:21:44

Bob Tucker, on behalf of Concerned Citizens of Chico Creek Water Basin: He states that they were concerned with RL-8. Would support a simpler version of the 5 page explanation of what these zones are. They are concerned with the Ueland Tree Farm endeavor.

Sommerhauser asks, is the changes they are making here affects gravel mines.

Tucker states that’s correct, however, Policy RL-8 does affect the determinations made in zoning that is affected by gravel mines and rock quarries, with regard to timber harvest, etc. How the zoning is applied out to the various jobs at that site is their concern.

Knutson clarifies that the Ueland property is rural residential property and has the comp plan designation of mineral resource overlay and we are not proposing to change any of that through this process.

Tucker states that it is his understanding that the current design allows for a certain amount of gravel processing.

Knutson states that’s correct per Growth Management, which states we have to allow for the forestry and mineral extraction.

Baglio closes the public hearing.

78:26:04

G. Deliberations/Recommendations: Rural Commercial/Industrial Code Development - Katrina Knutson, Senior Planner, DCD

A motion is made by Commissioner Sommerhauser and seconded by Commissioner Paralez to approve staff recommendation to the RCO/RI and its associated Use Tables.

Amendment to the motion is made by Commissioner Sommerhauser and seconded by Commissioner Paralez to amend on page 7 “Storage Hazardous Material” and “Storage Vehicle and Equipment” under RI to add footnote 75 both of those.
Gustavson speaks against it; he doesn’t see any reason for it.

Knutson reads the definition for storage indoor and storage outdoor.

Discussion is held regarding the amendment to the motion and footnote 75.

The amendment is tabled until the amendment to delete the first sentence of footnote 75 is resolved.

8:38:00

Amendment to the motion is made by Commissioner Sommerhauser and seconded by Commissioner Gustavson to delete the first sentence in the footnote 75.

The vote on the Amendment

Unanimous

The amendment carries

Amendment to the motion is made by Commissioner Sommerhauser and seconded by Commissioner Paralez to amend on page 7 “Storage Hazardous Material” and “Storage Vehicle and Equipment” under RI to add footnote 75 both of those.

The vote on the Amendment

Yes: 7

No: 1

The amendment carries

8:39:30

An amendment to the motion is made by Commissioner Nevins and seconded by Commissioner Paralez to include as an overlay for the use table the criteria for proposed RCO and RI zones which reads: “That all proposed uses in these zones principally serve the rural community or rely on being in a rural location. It preserves the Kitsap County rural character, provides actual service to the rural residents, and the use is able to be limited in size as to be small scale.”

Baglio asks if this is already dealt with when the applicant submits.

Nevins states that it is following the criteria for RCO and RI zones. There are possibilities for site specifics to show up that have to meet criteria, including these criteria.

Brown states that what we have here are uses and what you’re speaking to are any uses that are not here.

Discussion is held about the criteria for uses and the impact of them.

Knutson states that if this proposal passes it may make sense to include it in the intent statement.

Call for the question.
The vote
Unanimous

The vote on the Amendment
Yes: 2
No: 5
Abstain: 1
The amendment fails

9:00:12

An amendment to the motion is made by Commissioner Sommerhauser and seconded by Commissioner Nevins to change the “c’s” to “x’s” on page 4 under rural commercial, General Office and Management Services and General Retail Merchandise 4000-10,000 sf.

Sommerhauser states that he thinks these are too large for the rural zone.

Discussion is held about the criteria for applying for a permit to build one of these.

The vote on the Amendment
Yes: 2
No: 6
The amendment fails

9:07:19

An amendment to the motion is made by Commissioner Sommerhauser and seconded by Commissioner Paralez to change the first sentence in the intent statement under rural Industrial to “The intent and function of the rural industrial zone is to permit the location of small-scale industrial activities which serve a limited service area and rural population outside established UGA’s.”

Discussion is held about the intent statements.

The vote on the Amendment
Yes: 2
No: 6
The amendment fails

9:14:45

The Vote on the Motion
Yes: 7
No: 1
The motion carries

Discussion was held about the 15 minutes of Q&A time prior to a public hearing.

H.  For the Good of the Order: Chair Baglio

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Nevins states that changing agenda order is confusing.

Time of Adjournment: 9:17:36

EXHIBITS

A. 2010 Year of the Rural – Revisions to Rural and Resource Chapter of the KC Comp Plan – Staff Report
B. Strategies Resource Lands Designations and Interim Development Regulations
C. Draft Changes to KCC Title 17 Zoning: Proposed Rural Commercial and rural Industrial Use Tables
D. Unincorporated Rural Lands with Commercial Uses
E. Rural Stakeholders Review of Rural Commercial and Rural Industrial Zones
F. 2010 Year of the Rural – Rural Code Development: Rural Commercial and Rural Industrial – Staff Report
G. KC Comprehensive Plan: Chapter 3 ‘Rural Resource’: Errata Sheet and Draft Document Comments
H. Comments on Draft Revisions of Chapter 3 of Comp Plan dates July 2010
I. 49 various Maps of Kitsap County
J. 21.08.180 Criteria for Recommendation or Decision – Site Specific Amendments
K. Policy RL-8
L. Public Comment: Gene Bullock
M. Public Comment: McCullough Hill; Courtney E. Flora

MINUTES approved this _______ day of _______2010.

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Robert Baglio, Planning Commission Chair

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Mary Seals, Planning Commission Secretary