Kitsap County Planning Commission – October 19, 2010

M I N U T E S
KITSAP COUNTY PLANNING COMMISSION
Administration Building – Commissioners Chambers
October 19, 2010 6:00 pm

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, Fred Depee, Tom Nevins, Linda Paralez, Carol Smiley and Jim Sommerhauser
Members absent: Lou Foritano
Staff present: Scott Diener, Katrina Knutson, Heather Adams, Eric Baker, Angie Silva, and Planning Commission Secretary Mary Seals

6:03:47

A. Call Meeting to Order, Introductions

B. Adoption of Agenda

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

The Vote
Unanimous
The motion carries

C. Public Comments

James Weaver, Development Director for the City of Port Orchard: He requests that 4 City owned parcels designated in Kitsap County as rural and identify them as urban. They are designated for construction of the City’s reservoir and for the City’s stormwater ponds for the annexed areas of McCormick Woods. These parcels are City owned. Having these parcels identified as rural has impaired the City’s ability to obtain state, federal, and grant funding for development of these improvements. This request had not been forwarded to the Planning Commission for consideration. He asks the Planning Commission to consider the City of Port Orchards request for designation for these 4 parcels as urban and forwarding it to the Board of County Commissioners.

Nevins asks if movement was made in the direction he would like to go would it inhibit the county to make adjustment to the UGA in the future should that be necessary from court action.

Weaver states that because they are identified for only Public Capital Facilities they would not have any impairment for the county to modify those boundaries.
Diener states that staff was advised by legal to wait on any site specific amendments that would have the affect of altering any UGA boundaries.

Discussion is held about the process for this site specific and what they Planning Commission can to tonight.

Weaver states that the docket indicated that consistent with sections C.1.A for site specifics regarding urban capital facilities were consistent with the 2010 docket change for comp plan changes. The City’s preference is to have a motion tonight.

A motion is made by Commissioner Depee and seconded by Commissioner Brown for staff to review and include these 4 parcels that the City of Port Orchard has submitted.

The vote:
Yes: 5
No: 1
The motion carries

6:27:20

D. Approval of the September 14, 2010 Minutes

A motion is made by Commissioner Sommerhauser and seconded by Commissioner Brown to approve the September 14, 2010 minutes.

The Vote
Unanimous
The motion carries

6:30:19

E. Findings of Fact: Kingston Land Use Tables- Jeff Smith, Senior Planner, DCD

Diener presents the Findings of Fact.

A motion is made by Commissioner Sommerhauser and seconded by Commissioner Brown to adopt the Findings of Fact as presented.

The Vote
Unanimous
The motion carries

6:30:19

F. Deliberations/Recommendations: North Kitsap Legacy Partnership – Proposed Comprehensive Plan and Development Regulation: Eric Baker, Special Projects Manager, Kitsap County Commissioners

Commissioner Paralez arrives: 6:31:36

Baker reviews the North Kitsap Legacy Partnership. He states that from the last meetings public testimony there a number of concerns about the health of Port Gamble Bay, cultural
resources, and potential closure of gooey duck and shellfish beds in the bay. He states that nothing the proposed language designate a Fully Contained Community or National Historic Town in Kitsap County, although, Port Gamble is one of the areas that has been discussed for one of these avenues. NKLP is committed to ensuring the health of Port Gamble Bay, the protection of cultural resources both terrestrial and aquatic, as well as, the protection of shellfish beds. They are working closely with the tribes to look at a host of options. These are process components to they are intended to provide a clear process for the County, Staff, Tribal organizations, etc. to go through as we work on developing any future subarea plan or environmental impact statement. Kitsap County, the Board of County Commissioners, fully concur with the comments and concerns that have been brought forward by the public testimony.

6:35:34

Sommerhauser asks what staffs response to a proposal to accept changes at to National Historic Town, but to reject the proposed changes to allow Fully Contained Communities.

Baker states that staff is supportive of all the components that are in the documents, but understand the Planning Commission has the authority to recommend making changes.

Discussion is held about the impact of accepting the NKLP proposal without the Fully Contained Community element.

Nevins expresses concern about moving forward with the Fully Contained Community language and talks to some of the negative impacts of moving forward with this. He believes this is a cart before the horse situation. Until we have the major players on board he doesn’t think there is a program.

Baglio clarifies that the question is are you open to the concept or not open to the concept and leave where it’s going to take place alone.

Discussion is held about the impact of this process opening the door for discussion, but not approval.

Discussion is held about adding a sunset clause.

Baker suggests breaking the decision into three areas; Fully Contained Communities, National Historic Town, and Development Agreements.

Sommerhauser states that his concern is that looking at the examples of Fully Contained Communities that have been attempted under the state provisions, the practical effect has been that the housing is built, some of the retail, and it never gets to the employment. It hasn’t worked.

Baker states that the description he gave fits some of our cities. The attempts on the east side have been very, very large. Those are real examples with real problems. He doesn’t expect that anything of that size would fit with our geography or infrastructure. The Fully Contained Community has a much wider range of uses that have been applied statewide to date.
Depee expresses concern about the size proposed for Fully Contained Communities. They are pretty broad based and they are going to be here for a long time. He is not willing to be involved in approving the addition of more cities in Kitsap County.

Discussion is held about the docket.

Paralez requests to state clearly that providing some condition for OPG to develop 1000 acres into a community is clearly a condition of Kitsap County getting that 7000 acres of trails and forest, etc.

Baker states that we cannot state that clearly. There has been discussion of this and a host of other options.

Baglio asks what is precluding them from holding onto this, having the study done, have the information brought in and with that information they hear first which way they are going with the process; whether it’s a Fully Contained Community or a National Historic Town. And then hear the specific issues.

Baker states that he is talking about a 1 year to 18 month process with a significant amount of work into it. Without the establishment of a process or criteria and waiting until the end, leads to the conclusion that the criteria were crafted around the project, not the project around the criteria.

Discussion is held about the process for Fully Contained Communities and what it really is.

7:08:10

A motion is made by Commissioner Paralez and seconded by Commissioner Sommerhauser to break these three options into three pieces, Development Agreements, Fully Contained Community, and National Historic Town, for deliberations and recommendations.

Discussion is held about the merits of splitting the three and voting on them separately.

The Vote

Yes: 5
No: 2
The motion carries

7:14:33

Deliberation is held on Fully Contained Communities.

A motion is made by Commissioner Paralez and seconded by Commissioner Sommerhauser that the Fully Contained Communities be eliminated for consideration in the Comprehensive Plan Amendment.

Paralez states that they are not appropriate for Kitsap County and not appropriate for the particular application in North Kitsap.
Baglio states that since they don’t necessarily know the specific information, they may be eliminating something with that does have a benefit. Perhaps they can learn by the failures of the Fully Contained Communities in the past.

Sommerhauser asks what the impact of excluding Fully Contained Communities from the comp plan this year is; does it prevent it from coming back.

Baker states that if it is included it will continue to be a conversation and a tool. If it is out he cannot guarantee it will come back. It could be brought back next year or the year following.

The Vote
Yes: 4
No: 3
The motion fails

Diener clarifies that a vote of majority (5) is needed.

7:20:10

Deliberations are held on National Historic Town.

A motion is made by Commissioner Sommerhauser and seconded by Commissioner Paralez to adopt the amendment language to the Comprehensive Plan for National Historic Town.

The Vote
Unanimous
The motion carries

7:20:57

Deliberations are held on Development Agreements.

Baker reviews the details of Development Agreements. He brings comments from Jerry Harless.

7:26:00

A motion is made by Commissioner Sommerhauser and seconded by Commissioner Nevins to adopt the proposed ordinance amending title 17 and 21 with the exception of the portion beginning on page 12 E 1 and 2.

Brown states that legal is already indicated that our actions in the past have made this mute. The actions that are described under E1 and 2 are actions that we take now because that is the procedure we adopted.

7:28:19

An amendment is made by Commissioner Brown and seconded by Commissioner Paralez to strike the omission and leave the ordinance as drafted in its entirety.
Discussion is held about the bi-laws.

7:33:25

The vote on the amendment
Yes: 5
No: 2
The amendment carries.

The vote
Yes: 6
No: 1
The motion carries

7:34:55

A motion is made by Commissioner Brown and seconded by Commissioner Baglio to accept the proposal for Fully Contained Communities as recommended by staff.

Brown states that this enables legislation, it doesn’t approve anything, is just allows citizens to proceed.

Sommerhauser states that a majority of this body do not believe that Fully Contained Communities are not appropriate anywhere in Kitsap County. By disapproving it at the is time doesn’t prevent it from being docketed in the future if a project does come up.

Depee states that all the public comment points to not wanting this to move forward.

Brown points out that not a single member of the board has pointed out a single sentence in the amendment that they object to. He states that this language is in the comprehensive plan, in the rules and regulations. He believes it’s hypocritical to say that approving this is approving a project.

The vote
Yes: 3
No: 4
The motion fails.

Break: 7:41:40
Reconvene: 7:49:00

G. Public Hearing – 12 Trees and Rural Employment Center LAMIRD Use Tables - Katrina Knutson, Senior Planner, DCD

Diener clarifies questions from the last meeting.

Discussion is held about signage and screening.

8:06:56

Chair Baglio opens the public hearing.
Melvin Patton: He states that on Stoddlemeyer and Bond they don’t care what the property looks like. He has been there 20 years and these little buildings keep going up with no cover and no inset. He states that they got the community to sign a petition that they sent in. He believes it seems like they want a strip mall from Poulsbo to Kingston.

Knutson addresses non-conforming buffers being addressed in a certain amount of time.

Carol Klinkert: She states that this LAMIRD boarders a totally residential area, except for Jim’s auto wrecking. She is concerned that Stoddlemeyer will no longer be a 25 mile per hour road. She is concerned about the buffers, noise, smell, and the creek that boarders the property. She expresses that it is very uncomfortable to picture a bunch as cottage industries when reading the LAMIRD description.

Chair Baglio closes the public hearing.

8:14:25

H. Deliberations and Recommendations: North Kitsap LAMIRDs – Use Tables, Development Regulations (Keyport Junction, Bond/Gunderson, Streible’s Corner, Ecology Road, and 12 Trees) - Katrina Knutson, Senior Planner, DCD

Knutson reviews the LAMIRD Deliberation Option sheet.

8:24:57

Nevins states that he is generally supportive of LAMIRDs, but may be voting against these LAMIRDs because they include newly designated industrial lands even though they were site specific applications last year. He states that the land supply was calculated on a big mistake in the computation of land needs when SKIA was implemented. There are enough industrial lands in Kitsap County.

A motion is made by Commissioner Sommerhauser to separate motions as boundaries for each LAMIRD and separate motions for the Use Table for 12 Trees and then all the rest.

No second. Motion fails.

Discussion is held about why they are all Type III and none are Type II.

8:29:12

Knutson discusses the 12 Trees boundaries.

8:45:05

Keyport Junction Deliberation
A motion is made by Commissioner Depee and seconded by Commissioner Baglio to approve the Keyport Junction LAMIRD boundary with the inclusion of the church and the kennel properties.

An amendment to the motion is made by Commissioner Sommerhauser and seconded by Commissioner Brown to remove the church and kennel from the approval of the Keyport Junction boundary.

Depee states that the wetlands should be held against this piece. The kennel is a business that has been there for a long time. He believes that giving it the proper zoning makes sense. There will always be inequities in the land use process.

Sommerhauser states that the equity argument carries a lot of weight. There are others that have asked to be included and were not. There is nothing to prevent these land owners to ask to be included later and they can get more information about the good and the bad points for including it.

Nevins states that the proposal is based on faulty information that precedes any of us. The need for industrial land is grossly overstated. He explains why it is grossly overstated.

The vote on the amendment
Yes: 2
No: 4
Abstain: 1
The amendment fails.

The vote
Yes: 4
No: 3
The motion fails.

A motion is made by Commissioner Sommerhauser and seconded by Commissioner Baglio to approve Keyport Junction boundary, Development Regulations, and Use Table as proposed by staff.

The vote
Yes: 6
No: 1
The motion carries

Bond/Gunderson Deliberations
Knutson reviews the Bond/Gunderson LAMIRD.
A motion is made by Commissioner Sommerhauser and seconded by Commissioner Brown to accept the Bond/Gunderson LAMIRD as recommended by staff including Use Tables, Development Regulations, and Boundaries.

Paralez states that it is non-conforming and a poor industrial development as is and it looks like it’s not going to get any better.

Smiley states that there really is no buffer and she would want to ensure that future development does not occur with out buffers.

Knutson states that the purpose of the LAMIRDS it to contain the uses.

Discussion is held about buffers.

The vote
Yes: 6
No: 1
The motion carries

9:05:53

Streibles Corner Deliberations

Knutson reviews the Streibles Corner LAMIRD.

A motion is made by Commissioner Sommerhauser and seconded by Commissioner Brown to accept the Streibels Corner LAMIRD as recommended by staff including Use Tables, Development Regulations, and Boundaries.

Sommerhauser asks about the concerns about the wells that were raised by the community.

Diener states that staff believes that there is adequate protection built in Title 19 and hydrological evaluations have been done as well.

The Vote
Unanimous
The motion carries

9:13:06

Ecology Road Deliberations

Knutson reviews the Ecology Road LAMIRD.

A motion is made by Commissioner Sommerhauser and seconded by Commissioner Brown to accept the Ecology Road LAMIRD as recommended by staff including Use Tables, Development Regulations, and Boundaries.

The vote
Yes: 5
No: 2
The motion carries

9:16:10

12 Trees Deliberations

Knutson reviews the 12 Trees LAMIRD.

A motion is made by Commissioner Sommerhauser and seconded by Commissioner Brown to accept the 12 Trees LAMIRD as recommended by staff including Use Tables, Development Regulations, and Boundaries.

An Amendment is made by Commissioner Sommerhauser and seconded by Commissioner Brown to remove the current residential property and recommend its rezone to rural residential.

The vote on the amendment
Yes: 5
No: 2
The amendment carries

The vote
Yes: 6
No: 1
The motion carries

9:22:30

I. Findings of Fact: North Kitsap Legacy Partnership – Proposed Comprehensive Plan and Development Regulation: Eric Baker, Special Projects Manager, Kitsap County Commissioners

A motion is made by Commissioner Sommerhauser and seconded by Commissioner Brown to approve the Findings of Fact.

The Vote
Unanimous
The motion carries

J. Work Study: Rural Commercial and Rural Industrial Density and Dimension Table - Katrina Knutson, Senior Planner, DCD

Continued to November 2, 2010

K. For the Good of the Order: Chair Baglio

Time of Adjournment: 9:34:30

EXHIBITS
A. LAMIRD Deliberation Option Sheet
B. Chapter 17.370 – Industrial Zones
C. Draft 17.382.080 – Airport and Industrial Density and Dimension Table
D. Chapter 17.355 – Commercial Zones
E. Draft 17.382.070 – Commercial Zones Density and Dimension Table
F. NKLP Proposed Comprehensive Plan Amendments
G. Public Comment – David Peterson
H. Public Comment – Irene and Brad Lougheed
I. Public Comment – Kim Freewolf
J. Public Comment – Jerry Harless
K. Public Comment – Port Gamble Development Authority
L. Public Comment – Ahmis Loving
M. Public Comment – John Folz
N. Public Comment – Shawna Jones
O. Public Comment – Olympic Property Group
P. Public Comment – City of Port Orchard 10/18/10
Q. Public Comment – City of Port Orchard 4/15/10
R. Summary of Event – OPG – North Kitsap Trail Meeting

MINUTES approved this _______ day of _______ 2010.

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Robert Baglio, Planning Commission Chair

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Mary Seals, Planning Commission Secretary