Kitsap County Planning Commission – November 9, 2010

MINUTES
KITSAP COUNTY PLANNING COMMISSION
Administration Building – Commissioners Chambers
November 9, 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, Lou Foritano, Linda Paralez, Carol Smiley and Jim Sommerhauser

Members absent: none

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

6:00:29

A. Call Meeting to Order, Introductions

B. Adoption of Agenda

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

The Vote
Unanimous
The motion carries

C. Public Comments

Ron Eber, Stakeholders group: He makes a procedural point – the agenda itself. He objects to the site specifics being brought before the planning commission because the issue of Policy of RL-8 has not been completed. He states that consideration and action on these are premature. He states that the Staff Reports for three of these were changed this afternoon. The public has not had time to review these reports.

Diener states that the commissioners have had policy RL-8 brought before them. He believes that the board is comfortable with the proceedings. He states that staff can revise staff reports and did make the noticing requirements for the staff reports.

Eber states that tonight’s discussion is based on presumptions of the board. He states that although the revised staff reports were posted. He found them on the website earlier today. There was no time to review them.
Barb Hromjak: States that she never received a postcard and the signs that were posted at the site kept falling over. She states that she is angry because she wasn’t notified. She states that she was supposed to be on an interested party list and was never notified.

6:13:54

D. Approval of the September 21, 2010 Minutes

A motion is made by Commissioner Sommerhauser and seconded by Commissioner Brown to approve the September 21, 2010 minutes.

The Vote
Unanimous
The motion carries

6:14:28

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

Knutson presents the Findings of Fact for the North Kitsap LAMIRDs.

A motion is made by Commissioner Foritano and seconded by Commissioner Brown to approve the Findings of Fact with the removal of the residential property in the 12 Trees application as approved in the 11/2/10 Planning Commission meeting.

The vote
Unanimous
The motion carries

F. Findings of Fact: Rural Commercial and Rural Industrial Density and Dimension - Katrina Knutson, Senior Planner, DCD

Continued to 11/16/10

G. Work Study: Kingston Parking Revisions - Jeff Smith, Senior Planner, DCD – proposed to be continued to 12/7/10

Continued to 12/7/10

H. Public Hearing: Kingston Parking Revisions - Jeff Smith, Senior Planner, DCD – proposed to be continued to 12/7/10

Continued to 12/7/10

I. Deliberations and Recommendations: Kingston Parking Revisions - Jeff Smith, Senior Planner, DCD – proposed to be continued to 12/7/10

Continued to 12/7/10
J. Work Study: Site Specifics City of Port Orchard – Katrina Knutson, Senior Planner, DCD

Knutson reviews the City of Port Orchard Site specific application.

Paralez clarifies that they are being deeded under the condition that they will be used for retention ponds.

Sommerhauser asks how the City can be an applicant for a zoning change for property that they do not currently own.

Knutson states that they retention ponds service properties that are in the city.

Nancy Bounano-Grennin states that the county and the city entered into an inter-local agreement where the county asked the city to take over the stormwater retention ponds. It services McCormick Woods, which is not in the City’s jurisdiction. The County requested that the City make this application.

James Weaver states that these parcels are bound by an inter-local agreement for municipal purposes that serve the City.

Brown questions if it is legal for a property to be rezoned without the express written permission of the property owner.

Knutson states that staff believes they meet the requirements and are legal to proceed. She notes that the County is recommending a comp plan designation of Public Facility.

K. Public Hearing: Site Specifics City of Port Orchard – Katrina Knutson, Senior Planner, DCD

Chair Baglio opens the public hearing.

No one wants to speak.

Chair Baglio closes the public hearing.

A motion is made by Commissioner Depee and seconded by Commissioner Nevins to recommend approval with conditions as presented in the staff report.

The vote
Unanimous
The motion carries
Larry Keeton discusses the process for the following site specific applications. Staff was advised by the legal department that nothing had changed in the comp plan that would affect the 2009 site specific applications. As it turns out that there have been changes:

- There is now a rural element that clearly defines what the character of Kitsap County is.
- Policy RL-8 – establishing a rural commercial and rural industrial code
- LAMIRDs

These things were not part of these applications. Theses site specifics were primarily commercial industrial in nature. These applications were postponed last year in a Planning Commission meeting when the development community and public stated that we didn’t do it right. They were not moved forward because we wanted to do the rural element. The problem is that the processing of the site specifics did not enjoy the time they did last year in part due to loss of staff and the nature of the rural element. He has met with some of the applicants as recently as yesterday.

Sommerhauser asks about the timelines for the site specific applications.

Keeton states that on December 6th they have to be before the Board of Commissioners.

Discussion is held about notification.

A motion is made by Commissioner Baglio to extend the written comment period until close of business Friday, November 12 for the three that were revised today.

Diener gives an overview of the criteria for the site specific applications.

L. Work Study: Site Specific Yamamoto – Katrina Knutson, Senior Planner, DCD

Baglio recommends that the planning commission deliberate on each site specific after its public hearing.

Knutson gives an overview of the Yamamoto application. Staff recommends denial.

Baglio confirms that the property to the north of it was zoned highway/tourist commercial in last comprehensive plan update in 2006.

Knutson explains the benefit of changing from operating under a conditional use permit; currently they are under rural protection, which limits what they can do with the property. With a change to rural commercial they would be able to enjoy an array of uses, subject to the critical areas ordinance.

Discussion is held about countywide LAMIRD land allocation.

M. Public Hearing: Site Specific Yamamoto – Katrina Knutson, Senior Planner, DCD
Chair Baglio opens the public hearing.

Bill Palmer, Land Use Planning Consultant representing Mr. Yamamoto: He states that the city of Port Orchard is willing to extend water and sewer to the site. He states that if you look at the environmental issues relative to the property if there was any wetland issues on the front part of the property it is no longer evident. The difference between the Yamamoto property and the one immediately to the north is that the one to the north is zoned commercial and the Yamamoto property isn’t. The one with the commercial use on it is the Yamamoto property. He asks why it wasn’t included in the expanded urban area in 2006. The applicant wasn’t aware that the plan update was going on and did not attend any of the meetings. He states that his request is a logical one in a sense that he is immediately adjacent to the City of Port Orchard, commercial area, and has had commercial uses on the property for a number of years.

Depee asks if the property’s current sewer and water supports this property as it is now.

Palmer states it does.

Discussion is held about why the property was not taken in during the CAG meetings. The final recommendation included the property on the north of this site; Yamamoto’s property was left out due to its environmental issues and the need to limit the amount of usable commercial area.

Depee asks if this were to move forward is it the applicants intention to move forward with annexation into Port Orchard. This currently cannot be done because of the existing zoning.

Palmer states that unless it’s in an Urban Growth Area you cannot annex property.

Chair Baglio closes the public hearing.

7:25:22

The Planning commission Deliberates on the Yamamoto Site Specific Application

Foritano asks if the city specifically excluded this property.

Knutson states that the Port Orchard Kitsap Summary Plan had a Citizen Advisory Committee that did exclude this property was left out. It was the Citizen Advisory Group, note City.

Knutson states that DCD did receive a letter from Port Orchard stating that water and sewer could be extended to this parcel if the rezone were to occur. When the letter sent to the applicant was sent out in July that staff would not recommend approval of this application a letter was also sent to the City that this parcel would not meet the criteria for rural commercial and a better avenue for the applicant would have been to petition the city for UGA expansion and then annexation into the City.

A motion is made by Commissioner Nevins and seconded by Commissioner Sommerhauser to accept staff’s proposal of denial.

Paralez agrees that it doesn’t meet the test.
The Vote
Yes: 6
No: 2
The motion carries

Break: 7:30:05
Reconvene: 7:39:35

N. Work Study: Site Specific Seabeck Developers – Heather Adams, Associate Planner, DCD

Adams gives an overview of the site specific application. Staff recommendation is inconclusive.

Paralez asks what the applicant proposes to use the site for. They defer to the public hearing for the applicant to address this.

7:44:53

O. Public Hearing: Site Specific Seabeck Developers – Heather Adams, Associate Planner, DCD

Chair Baglio opens the public hearing.

Mark Eissis, Maps Ltd., representative for Seabeck Developers: There is currently just one gas station in this rural area of Camp Union. He states that Camp Union is located between two compact rural areas; Lake Symington and Lake Tahuya. The density is typically 2-3 units to the acre. Central Kitsap is described in the 2006 comp plan as the last frontier without immediate access to a highway, making rural services very important. He states that they don’t have a specific project for the parcel because the process takes more time; to plan it ahead of time makes it difficult. But the applicant is thinking of things like self storage, daycare, small engine repair, etc. He believes these are compatible with the neighborhood and the density of the area. He states that he doesn’t feel that the needs of the rural area are not being met by just this one gas station. He states that there will only be development out there if there is a need of the rural people. He compares this area to Hansville; Hansville is a rural community and Camp Union is a rural compact area. Hansville has 12 acres of neighborhood commercial and 215 parcels in it. Camp Union has 3.8 acres of neighborhood commercial and its servicing 829 lots. He asks for approval of the application based on the use tables, etc.

Nevins asks if Seabeck Developers is the same group that put a site specific application in about 8 years ago on hwy 303.

Eissis states that Seabeck Developers has a site specific that never went forward because it is already Urban Restricted.

Nevins asks if this is a speculative request on the part of the applicant.

Eissis states that he cannot answer for the applicant on that. When he started this he was probably looking to finish the project, he has since hit the same hard times others have and he wouldn’t doubt if he gets the rezone it could go either way.
Sommerhauser asks if the applicant is aware of the conditions applied such as borders for 50’
vegetative screening.

Eissis confirms that the applicant is aware of these.

Chair Baglio closes the public hearing.

Deliberations and Recommendations are continued to the 11/16 meeting.

7:56:40

P. Work Study: Site Specific Palmer/Stokes/Mullenix – Heather Adams, Associate
Planner, DCD

Adams gives an overview of the site specific application. Adams reads a memo from staff,
Dave Greetham, discussing environmental concerns on the property. Staff recommendation
is inconclusive

Depee clarifies that the wooded area is not in use.

Palmer clarifies that it is currently rural protection zone.

Depee asks how much of parcel 008 is going to be unusable for setbacks.

Adams states that she will get that for deliberations

Paralez asks about feedback from the applicant regarding staff’s proposal and current zoning;
they are modestly different.

Adams states that she believes the applicant would like to move forward with his request.

Sommerhauser asks what the zoning is in the other four corners of Mullenix.

Adams explains that there is a park n’ ride, rural protection, and the site of Stoke Auction.

Nevins is confused about the term condominium as it relates to land use. He asks how
concurrency works with this kind of arrangement.

Diener states we don’t currently have codes for or regulation of, but it is his understanding that
citizens can file a condo-subdivision with the state and it is not something needs to be vetted
by county official unless they have ordinances so regulating.

Nevins states that his concern is with that kind of arrangement, traffic concurrency and that
sort of stuff gets complicated. He does not understand how the condo item changes things.

Diener states that the SEPA analysis was conducted in totality.

Depee clarifies that it sets it up so you have four pad spaces and the rest is kept as common
area for all of them. Then someone could come in and buy just a pad space, but must be a
participant in the maintenance and upkeep for the rest of the property rather than splitting into
four distinct separate sites. It meets all the same codes and regulations it’s just that you own a percentage proportion of the property and participating the maintenance and care of the property.

Knutson states that reason that staff recommends not to include this large parcel, among the critical areas, is that this parcel was set aside as common area for things such as a stormwater and septic. She also notes that one person owns all these parcels, so they have an undivided interest right now, however that would not be the case if those different lots were to sell.

8:10:27

Q. Public Hearing: Site Specific Palmer/Stokes/Mullenix – Heather Adams, Associate Planner, DCD

Chair Baglio opens the public hearing.

Barbara Hromjak, resident: States that the most important aspect of this project to her is the location of Burley Creek. Burley Creek is one of the two year round streams that discharge in Burley Lagoon; a local recreational area. She states that where they are planning to make these big changes is in a very environmentally sensitive area. This location is right at the headwaters of Burley Creek. If you change the habitat at the headwaters of the creek, then everyone down the creek are going to be affected by that change. She states that the neighbors were not notified. She states they spent 1.5 million dollars at the Ollala exchange on highway 16 to mitigate damage or potential damage to Burley Creek. That’s two miles downstream from where you are talking about putting in an industrial complex. She thinks the people who made that area rural protected did it for a reason; to protect the headwaters of the creek for the rights and the benefits of the many, not for the few. People come to Kitsap County for the beautiful environment. She adds that if they take the chance of affecting the headwaters in anyway, it’s their legacy. She asks who they represent and what do they want their legacy to be.

8:21:20

Jean Sherrard, property manager: He gives an overview of the property’s history. He states that this property is already zoned industrial with a nice paved road. He discusses the property being partly industrial zoned. He states that Burley Creek is about 150-200 feet from the property; they are never going to touch Burley Creek. He clarifies where the actual headwaters of Burley Creek are, it’s actually called Spring Creek and it’s very isolated.

Depee asks how long ago the Batch Plat closed down.

Sherrard states that they moved over to the airport about 6 years ago. There is also an auto repair shop there for at least for 10 years.

Sommerhauser asks about the area that staff has recommended for an industrial area as opposed to the mixed commercial and industrial that the applicant has applied for.

Sherrard defers to Bill Palmer to answer that when he speaks.
Bill Palmer, speaking for the applicant: He states that staff’s maps have some inaccuracies. He reviews the existing zoning and uses on the property. He explains how the criteria are satisfied for this application. The intent was that in 2009 and 2010 that it be rural commercial and the other portion be a companion piece to go along with it. The legal description describes the commercial area as commercial; it does not describe the other as being commercial. They are not intending that area to be commercial. As for the encroachment in the rural protection area it is a paved concrete area. They are proposing that it will likely accommodate some septic systems for some of the buildings that are planned in the facility. He states that this is a very strategic location; it is a prime spot for commercial and industrial. Regarding criteria three, use of subject parcel suitable for the requested land use designation, he believes you have to come away with the conclusion that it is suitable. This is because it is contained. Everything proposed is at least 150 feet from the creek, in some cases a great deal further. He doesn’t believe there is any incentive to go west, you can’t go east, a parking and ride and commercial uses on the east side of the freeway. The reason for the commercial zone proposal has more to do with allowable uses that are permitted in the area. If you stuck with the industrial zoning as it is today it would be possible to, the range of uses and commercial uses are pretty much contained by the existing industrial. Once it is changed to rural industrial you drop out uses that the applicant counted on when they originally invested in this property.

Nevins asks if Palmer is saying that the lot lines he indicated on his drawing are legal lot lines and the County’s are not correct.

Palmer states that what he is saying is that the County is only recognizing a very small portion of the industrial. They included it all as rural industrial because it going to be containing septic systems and things like that to support development.

Depee clarifies that Palmers maps look like divided individual parcels, but they are not actually parcels, they are the proposal they are putting forward for the condominium site.

Palmer states that the condominium lots already exist.

Adams clarifies that that the map that Mr. Palmer has is from before the condo subdivision and the county is the most up to date.

Foritano asks that lot number 036 is the one he describes at the one having discovered approximate to a wetland you were not aware of? And this is the location of a large onsite septic system for the ten lots?

Palmer states that it all one parcel at the moment, they are proposing a split zone because the wetland encumbers the north part of this particular parcel. The other entire area was included in the condominium are for that, it just isn’t zoned.

Sommerhauser asks how many acres total and the breakdown between commercial and industrial.

Palmer states approximately 12 acres.

Sherrard states that they have engineering drawings of the site he offers to send these to the planning commission.
Jeff Stokes, applicant: He speaks to his family history in the area, beginning in 1968. He states that the creek has been fenced off by the Stokes family. They have 2400 feet of creek that they chose to fence off, because they chose to protect their animal from contaminating the creek. When WASHDOT built the off ramp that was build in 1992, Stokes was there working with them. If you look at the way the road is designed, the road was purposefully setback to have the proper setbacks with a spirit of compromise and working with the community. That’s why it’s so oddly shaped. He believes that Mullenix and highway 16 is a key location with 11,000 people at the top of the hill and 5,000 at the bottom of the hill and the 44,000 that go there he believes this is ready for development. This is the right location, they are the right family, they have been stewards of this property for 35 years and will continue to be stewards of it.

Chair Baglio closes the public hearing.

Adams clarifies that they will fix the error to the south and she clarifies which parcels will be split zoned.

Sommerhauser asks what the zoning is for the industrial part.

Depee states that it is industrial.

Paralez asks if there are environmental considerations in putting this treatment facility near a stream and near a wetland.

Sommerhauser asks for an explanation of the reasons for the recommended map from staff.

Adams states that it would fix the split zonings on parcel 002 and 008, and put a logical boundary around the commercial designation that is in place.

Sommerhauser asks why staff recommends completely industrial as opposed to commercial at least at the north end.

Adams states that the rural commercial purpose statement was “to principally serve the rural population” and with the urban growth area being in such close proximity we weren’t sure that this would actually serve the rural population. When we do the analysis that we bring back on 11/16 it can show if that is true or not.

Deliberations and Recommendations are continued to the 11/16 meeting.

R. Work Study: Site Specific Palmer/Stokes/Campbell – Heather Adams, Associate Planner, DCD

Adams gives an overview of the sites specific application. Adams reads a memo from staff, Dave Greetham, discussing environmental concerns on the property. Staff recommendation is inconclusive.

Nevins asks the distance from this to the next commercial corners.
Adams states that the closest to the north is Sedgwick and on the east side of 16 there are some mixed use areas that extend down to where Bethel crosses hwy 16.

9:10:17

S. Public Hearing: Site Specific Palmer/Stokes/Campbell – Heather Adams, Associate Planner, DCD

Chair Baglio opens the public hearing.

Barbara Hromjak, resident: She asks why they want to develop industrial so close to the creek. She believes that the residents would prefer not to have the area developed. She believes that the residents in the area would be more miserable if the land is developed than if it is not. She believes that the property was zoned protected for a reason. One big mistake on the big septic system and what are you doing to that stream. We have to put our money where our mouth is and we have to make hard decision. Right now the hard decision is to say no to changing that rural protected.

David Hromjak, resident: He agrees with Barbara. He asks that they don't rezone the land that is not yet industrial to add on to the property that they have. He can't see that many gallons for septic for commercial not affecting the area. He would like that they just develop what they have and not change the zoning.

9:16:05

Bill Palmer, speaking for the applicant: He comments on the septic systems; in an industrial complex the impact is a lot less than is true for a single family house. The flows are based on the bathroom facility and number of employees. Industrial waste is not put in a septic system. In addition, the septic system envisioned for both sites is a drip technology where it is considered nearly potable and beneficial for the environment; much more so than standard septic systems. This site is a reduction from the original proposal. He reviews the features of the site. They have proposed it as rural commercial because there is an off ramp near, traffic coming on Mullenix that is a more suitable environment for commercial development and it was recognized in the comp plan that when you have a freeway location that it brings about different land use considerations than for decisions made in 1998.

Baglio asks about the mixed findings in 3 and 4.

Palmer states that the issue of criteria number 3, which has to do with the requested land use designation being suitable for the request. He states that the site is suitable and clearly the analysis shows that it is suitable for commercial development. Not all properties zoned rural protection is site sensitive property. And then item, would the proposed amendment create pressure to change the land use, the creek is a logical buffer to limit the land use expansion. The property owner survey all the property owners abutting Mullenix on both sides of the street and nobody else wanted to participate. When they first started they were instructed that the county might be interested in LAMIRD for this area.

Baglio asks for the engineering studies.
Sommerhauser asks if Palmer is familiar with the planning commission’s recommendations regarding RL-8. As it the limited expansion relates to rural commercial if it principally serves the rural population is one of the criteria. Not the cars on the freeway.

Palmer states that there are 11,000 people on the east side of the highway and another 4-5,000 on the other side. He believes there is sufficient population to support this project.

Sommerhauser asks if they have specific projects for this.

Palmer states that they have a development proposal they would like to move forward with.

Jeff Stokes, applicant: He states that it was their intention to put a convenience store on that south side of the site and the north side was unknown to what that might be. He adds that from the beginning he has been willing to do whatever is right for the community and what he is allowed to do. He is willing to listen to all recommendations and make changes as needed.

Sommerhauser asks him to comment on the staff’s recommendation for just industrial on the other site and lean towards commercial on this site.

Stokes states that is a disappointment. When he started on this he started alone and on staff’s advise he has brought in the neighbors. The natural conclusion was that the natural buffers were the highway and the creek. He had to work together with Campbell to get logical access to the properties.

Sommerhauser states that his inclination is to wait for staff to tell them what other commercial is in the area and if there a lot of other commercial in the area to look very jaundice to look at adding two more.

Stokes states that when he commutes with a friend and they need to get gas and they meet at the park and ride they either have to drive the 3 miles to Sedgwick or, what usually happens, to Purdy in Pierce County. He believes we are losing taxable dollars and business to Purdy and Pierce County.

Chair Baglio closes the public hearing.

Deliberations and Recommendations are continued to the 11/16 meeting.

Foritano asks for staff to have a more conclusive recommendation than mixed or inconclusive.

Sommerhauser agrees with Foritano.

Depee states that he thinks staff has given their recommendation. They’ve come to the conclusion after a lot of work, it could go either way. It’s a gray area; it’s not a cut and dry proposal.

Nevins agrees with Depee.

9:38:37

T. Work Study: Site Specific McCormick/Sunnyslope – Scott Diener, Manager Policy and Planning, DCD
Knutson gives an overview of the site specific application. Staff’s recommendation is that right now we don’t find a compelling reason for the re-designation and if the planning commission does not find a compelling reason the default position is to stay with the status quo of denial.

Foritano asks for the location of the airport and flight path.

It would be over the proposed development.

Sommerhauser asks what the zoning is for the annexed portion.

Knutson states that it was business center, but I’m not sure what it is now. Bremerton is going through a huge subarea plan process for SKIA. Knowing that that would change the comp plan for the area management contacted Mr. Skrobut and offered to move this application until such time it is known what is going on with SKIA.

Depee points out that last year staff argued that this would make this urban property. When it went in front of the commissioners they rejected that contention also; one to five is not an urban characterized area.

It’s clarified that staff used the term sprawl not urban.

Knutson states that it was one of the reasons and there are other criteria that have not been satisfied, but may be satisfied based on what happens with Bremerton.

9:58:01

U. Public Hearing: Site Specific McCormick/Sunnyslope – Scott Diener, Manager Policy and Planning, DCD

Chair Baglio opens the public hearing.

Doug Skrobut, president of McCormick Land Company: He discusses the change in circumstance from last year. They believe that the annexation to the City of Bremerton is a change in circumstance. They ask to be treated in the same fashion as other applicants. The other issue is the code itself 21.08.160. Staff finds the language “that for each proposed amendment to the comprehensive plan the Planning Commission in reaching its recommendation and Board of Commissioners in making decisions shall develop finding conclusions which consider”, they believe that is an exclusive list, a and b. His perspective and others perspective is that is not if it was to be only or restricted it would say that in this code. If in fact when this code was written that those were the two things that could only be considered it would say that. There are other changes that have occurred besides the annexations. This property is at the southern end of these compact areas of Sunnyslope. The area shows the power lines which are a natural ending and it buts up against the park, so it’s a natural ending of the compact area of Sunnyslope, so it would seem to be more consistent to have consistent zoning through it. He references Policy LU-2 and not hitting the 76% in that break up. He states that in the county we are hitting that number. He offers data to the Planning Commissioners. Under rural element goal #1, “The property was designated as rural wooded which is applied to larger parcel land and contiguous blocks that are forested in nature.” He states that that is not always accurate. One of the things that have been worked on this year is getting more real about that. He states that the staff report takes language out
of the plan, but in fact it’s not an accurate statement. He references Policy RL-15 and states
that it is indifferent to zoning. He reference number 8 in the staff report, he states that timber
can occur on rural residential, rural protection, rural wooded, industrial, urban. The zoning of
it does not one way or another protect the natural resources. He argues page 19 that
everything is subject to the same critical areas ordinance and also to say that an R-20 zone
will have less impact than an R-5 zone may or may not be accurate. He talks about 76/24
split and CPPs. He hands out a memo that talks about there being a slight disconnect
between the CPPS and Policy LU-2 with the 76/24 split and the idea of sizing the rural areas
to meet those goals. He states that the Hearings Board has ruled that the rural areas are not
sized to be too big or too small, that only occurs in urban areas.

Foritano asks, what’s the compelling reason for doing this?

Skrobut states that one of the reasons for not finding a compelling reason is we may or may
not have met the goals. He believes that they have met all the criteria.

Chair Baglio closes the public hearing.

V. Deliberations/Recommendations: Site Specifics – Heather Adams, Associate
Planner, DCD

Nevins states that the 76/24 split was a number that was invented about 6 years ago when it
was determined that we were not meeting the original 88/12 split. That was established in the
98 comp plan. The county was not meeting that goal because prior to the initiation to the
comp plan several land owners rushed the counter and did a lot of land subdivision. It created
an immense number of rural lots that we are living with today. The CCP was changed to the
76/24 with the stipulation that once we started meeting that goal we would revert to the 88/12.
He states that one of the other big mistakes made was to accept a need that was created by
bumping the industrial jobs limit from 3% to 9% of the population, but not considering any
adjustment to any other job category. This was utilized by large land owners to put a lot of
land into industrial use. Now we have all of that land put in a space of being a UGA annexed
by Bremerton. Bremerton will make some interesting changes. He doubts they are going to
see the need for so much industrial area and they will see the need for commercial or
residential. The numbers are in flux. He believes we don’t have any basis to make sound
decisions on any of the rezones of this nature. He believes they would be making another
mistake.

Depee states that the 5 acre zoning makes sense. Having gone out to look at the area 5
would be a better fit. There come a time when you have to listen to common sense.

Brown states that that is an island and not good planning practice; it wouldn’t make sense to
have it be at a 20 acre. It stands by itself; it doesn’t make sense to develop it as a 20 acre
parcel.

Paralez states that at this particular moment in time the county is not in need of more building
lots. It’s adjacent to additional 20 acre parcels.
Baglio states one of the speakers stated how nice his area was with wildlife and trees, and when asked he lived on a 5 acre piece. He states that 5 acre parcels are rural. Other than the park, there are more 5’s than 20’s. It does make it an island in there.

Sommerhauser states we don’t know what the annexed area is going to be and would vote against it depending on what Bremerton does.

Knutson states that there are many valid points. Although staff is leaning towards denial or a proposal to push the application off they don’t feel that the application has met all the criteria set forth in Title 21. She states that the first two criteria, management has decided that those do not necessarily need to be met in the affirmative like the other seven. Title 21 is very clear that the remaining seven need to be met in the affirmative in order for the Board to make a recommendation in the affirmative. As of right now, staff does not feel that it meets that. She addresses the rural wooded zoning next to Urban Growth Area.

Baglio states that staff should just deny this application since they have come up with reasons to deny it and take a position on it. He states that when he reads it he doesn’t see an argument that states strongly to deny.

Knutson states that it was written for denial and that management direction was to change the staff report to inconclusive and that their default position will be to deny.

Discussion is held about title 21 criteria.

10:26:21

A motion is made by Commissioner Sommerhauser and seconded by Commissioner Paralez to deny.

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

A motion is made by Commissioner Brown and seconded by Commissioner Foritano to approve the application.

Brown states that it is an island and no matter how you look at anything else it needs to be corrected. They have met most of the criteria.

Sommerhauser states that his reason to deny it is that he believes there some things that were missed in the numbers and they are not just single family, it’s also multi-family. He recalls the last time it was brought by staff it was somewhere around 58% or 59%. He compares 5 homes or 18 homes and does not like the prospect of 18 homes.

Paralez states that our need for greater density of zoning anywhere in this county at this present time is not urgent. Fixing zoning problems is not urgent in this economy at this time.

Depee states that we still need to prepare for the future. He asks at what point do you throw in the towel and say time are bad and don’t change anything.
Knutson states that the last time there was an official adopted urban rural split ended in 2005. That was adopted in the 2006 Buildable Lands Report. She agrees that the data that was brought forward is only a small portion of what goes into the urban rural split.

Nevins states that optimism gets a lot more credit than it deserves. He gives examples of SKIA and the Urban Area Expansion for Port Orchard. He states that if there is no compelling reason for the re-designation the default position is the status quo.

10:34:00

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

W. For the Good of the Order: Chair Baglio

Time of Adjournment: 10:35:47

EXHIBITS
A. Staff Report: Yamamoto Site Specific
B. Staff Report: City of Port Orchard Site Specific
C. Staff Report: Seabeck Developers Site Specific
D. Staff Report: Palmer/Stokes/Mullenix Site Specific
E. Staff Report: Palmer/Stokes/Campbell Site Specific
F. Staff Report: Sunnyslope Site Specific
G. Letter from Scott Diener regarding Returning of Yamamoto Site Specific Application and Refund of Fees
H. Memo from Dave Greetham regarding Environmental Constraints for Stokes/Campbell ad Stokes/Mullenix sites
I. Letter from Ron Eber regarding Objection to Consideration of Agenda Items for Site Specific Plan amendments: Yamamoto, Seabeck, Palmer/Stokes/Mullenix and Palmer/Stokes/Campbell
J. Letter from Bill Palmer regarding Stokes/Mullinex Industrial Properties Site Specific Comprehensive Plan Amendment and Rezone Proposal – Rural Protection to Rural Commercial and Rural Industrial.
K. Letter from Bill Palmer regarding Stokes/Campbell Comprehensive Plan Amendment and Rezone Proposal – Rural Protection to Rural Commercial
L. Doug Skrobut handout: Single Family Residential (SFR)

MINUTES approved this _______ day of _______ 2010.

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Robert Baglio, Planning Commission Chair

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Mary Seals, Planning Commission Secretary