

Kitsap County Planning Commission – September 6, 2011

MINUTES

**KITSAP COUNTY PLANNING COMMISSION
Administration Building – Commissioners Chambers
September 6, 2011 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: Mike Brown, Linda Rowe, Karanne Gonzalez-Harless, Lou Foritano, Carol Smiley, Robert Baglio and Jim Sommerhauser

Members absent: Tom Nevins & Linda Paralez,

Staff present: Larry Keeton, Scott Diener, David Greetham, Angie Silva and Planning Commission Secretary Karen Ashcraft

5:58:20

A. Call Meeting to Order, Introductions

Adoption of amended Agenda Motion made by Commissioner Sommerhauser and seconded by Commissioner Baglio.

The Vote:

Unanimous

The Motion carried

6:00:18

B. Public Comments: Ralph Marshall

Commissioner Brown stopped the Public Comment as invalid for this meeting.

6:01:01

C. Findings of Fact: Title 16, Scott Diener, Manager Policy & Planning, DCD

On August 30th the Planner Commission approved the Kitsap County Title 16 code. The revised Findings of Fact include the Planning Commission's changes from the August 30, 2011 meeting. Also included are the Comprehensive Plan goals and policies that support Title 16 changes.

A motion was made by Commissioner Sommerhauser and seconded by Commissioner Foritano to approve the Findings of Fact as submitted.

The Vote:

Unanimous

The Motion carried

The Bremerton Site Specific has been withdrawn by the city. Also, the Agricultural Plan is continued to September 20, 2011 Planning Commission meeting.

6:04:32

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D. Briefing: Shoreline Master Plan, David Greetham, Senior Planner, DCD

- **Currently in Stage 3: development of Policies, Regulations and Standards.**
- **Public access recommendations are under consideration.**
- **Currently working on review of bulkheads, piers and docks and shoreline buffers.**
- **Bulkheads can only be built if the structure to be protected is threatened.**
- **Piers and docks can become a navigation hazard issue. Review for docks will need to be site specific, and may have to consider a maximum dock length in certain areas.**
- **Review of buffers includes consideration of what other jurisdictions are doing, state agency input, (i.e. Fish & Wildlife, Department of Ecology), local experts. Draft proposal for flexible buffers aims for no net loss of shoreline functions. The draft Shoreline designations are Natural, Rural Conservancy, Shoreline Residential, Urban Conservancy and High intensity. Each designation will have a starting buffer and a minimum buffer. Buffer averaging is a possibility to accommodate site specific conditions.**
- **Crafting language that will recognize site specific conditions. Department of Ecology has provided the Renton example. New or expanded development within proposed buffers will have options to offset impacts.**

Foritano asks about an existing bulkhead on a community lot?

Fish & Wildlife would request repair with the least amount of impact to the shoreline, i.e. use logs and “softbank” methods.

Sommerhauser asks about water depth at the end of a dock?

The depth of the water at low tide should be 4 feet to prevent adverse impacts. DCD is trying to follow the regulations of the state and federal agencies for consistency.

Foritano asks about new site development versus existing site development and conforming versus non-conforming. DCD is currently under going legal review of proposed language.

Brown asks about no net loss on individual property or in the mitigated land bank?

No net loss standard applicable to ecological function loss across all county shorelines. Kitsap County can look at an offsite estuary for impacts for opportunities to mitigate development impacts.

Sommerhauser asks about what is Department of Ecology’s time line for reviewing conforming and non-conforming land issues. DOE is starting their survey in September.

Sommerhauser asks about having the non-conforming and conforming language in the Shoreline Code as well as Title 17. Can the Shoreline Code have different language?

Yes, it can, if stated that it specifically applies to the Shoreline Master Plan.

6:21:59

F. Deliberations: Espresso Code, Larry Keeton, Director, DCD

- **DCD proposed 3 ordinances**
- **1. Lewd Conduct**
- **2. Regulation under Adult Entertainment**

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- **3. Adopting language for Adult Entertainment not currently in the code**
- **Of the 32 people who spoke at the Public Hearing 28 agreed with Option #1 and 4 didn't want any ordinance.**
- **Mr. Havers suggested additional signage and fencing.**

6:25:14

Shelley Kneip, Kitsap County Deputy Prosecutor

- **Review the legal principles of regulating adult entertainment under the 1st Amendment.**
- **The current Espresso Stands don't comply with a non-conforming use that is a zoning regulation under Title 17, this isn't a zoning issue. it's a health and safety issue under Title 10.**

Sommerhauser asked if the Planning Commission adopts this under Title 10 would this become enforceable.

Kneip stated Yes, it depends on what we adopt, but it would fall under Title 10.

- **Under 1st Amendment this is considered a form of Freedom of Speech**

Foritano asks if any of the court cases was specific to espresso bars.

Kneip stated no.

Sommerhauser asks if one of the tests is the effect of intent (the nudity), i.e. that selling of coffee.

Kneip stated no.

Discussion is held on the limited apparel espresso bar regulations.

6:59:34

A motion is made by Commissioner Baglio to adopt Option #3 and work on the refinement of adult entertainment to limit the exposure.

No second to the motion.

7:00:09

Sommerhauser suggested a discussion of the Planning Commission before making a motion.

Discussion is held regarding the Espresso Code.

7:08:24

A motion is made by Commissioner Baglio and seconded by Commissioner Gonzalez-Harless to recommend Option #1 and have legal review for lewd conduct.

Discussion is held regarding Option #1.

7:16:12

The Vote:

Approved: 3

Opposed: 4

The Motion fails.

7:17:43

Discussion is held regarding the Espresso Code.

7:21:00

Keeton suggested the Planning Commission could recommend Option 1 following review of the definitions of Title 10, struck 10:58:020, 030 and 040. First would be the definitions, then 10.58.050 lewd conduct, 10.58.060 violation of an infraction would remain, and violation of

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1 penalties would remain. This would be a recommendation to staff from the Planning
2 Commission.

3
4 **7:22:20**

5 **A motion was made by Commissioner Sommerhauser and seconded by Commissioner Rowe**
6 **that the draft in Title 10 for Lewd Conduct has been recommended by Planning**
7 **Commissioners to Kitsap County Board of Commissioners.**

8
9 **The Vote:**

10 **Unanimous**

11 **The Motion carried**

12
13 Keeton will bring forward the Findings of Fact at the September 6, 2011 Planning Commission
14 meeting.

15
16 Keeton explained to the audience the upcoming process. The recommendation from the Planning
17 Commission will go to the Kitsap County Board of Commissioners for Work Study, Public Hearing, etc.

18
19 Sommerhauser asks what the upcoming schedule would be for the Planning Commission.

20
21 Keeton explained that the Planning Commission will be briefed on Title 21. Title 17 is scheduled for
22 the October 4th meeting for minor changes. Agricultural Comp Plan policies and Site Specifics are
23 done.

24 **7:27:06**

25 **G. Work Study: Central Kitsap Community Campus Design Standards & Master Plan, Angie**
26 **Silva, Special Projects Planner/Policy Analyst**

- 27 • **Staff, Central Kitsap Community Council and Interested Parties has been meeting since**
28 **September, 2010 regarding Central Kitsap Community Campus to achieve a community**
29 **vision.**
- 30 • **12 acre parcel is located off Silverdale Way and Randall Way, within the Bucklin Hill Town**
31 **Center of the Silverdale Design Standards.**
- 32 • **Hazelwood YMCA 83,000 square foot facility opened in June, 2011.**
- 33 • **Campus Design with Village Common includes library, theater, senior housing, retail and**
34 **open space and phased parking design or garage.**
- 35 • **Architectural design to coordinate and connect the various buildings together with**
36 **pathways and landscaping.**
- 37 • **Title 17 amendments will include transit. The zoning is Regional Commercial Zone for the**
38 **Silverdale Campus.**
- 39 • **Design Review Committee wants to make several changes of the draft design prior to the**
40 **presentation to the Planning Commission. Public Hearing will be held on October**
41 **18, 2011 with Deliberations/Recommendations to follow. Following the Planning**
42 **Commission review, then to Kitsap County Board of Commissioners in early 2012.**

43
44 Brown asks if Kitsap Community Transit is part of the plan.

45 Silva stated yes, this will include a transit facility but not a park and ride.

46

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1 Foritano asks if functions like county meetings/meeting candidates would move from Presidential Hall
2 at the Fairgrounds to this new campus facility.

3 Silva stated that the Presidential Hall will remain and function as it currently does. The campus design
4 will have a multi-purpose meeting rooms. The community center will eventually be replaced.

5
6 Foritano asks since this is a county facility, what will happen when Silverdale is incorporated in the
7 future.

8 Silva stated the county will continue to own the complex. The YMCA followed the current code in the
9 design standards for the facility.

10 **7:46:41**

11 Sommerhauser asks about Growth Management Hearings Board eliminated the UGA’s that include
12 Silverdale.

13 Silva stated that the recent Court of Appeals hearing reviewed UGAs to determine validity, ours is not
14 invalid, but subject to a remand order.

15 **7:46:43**

16 Discussion is held on Silverdale Incorporation.

17
18 **7:50:05**

19 Discussion is held regarding the Waaga Way, “Village Green” and Silverdale campus economic
20 development/investor support. In order to keep people at a predominantly civic area, there needs to
21 a large amount of retail usages incorporated into the site. This is what keeps people in the area.

22 Phase 1 is the YMCA on the campus. Phase 2 is the Performance Arts facility, library, retail and Senior
23 Housing.

24
25 **8:07:32**

26 **Good of the Order:**

27 Commissioner Sommerhauser stated Kitsap County Commissioners are reviewing the budgets of the
28 various county departments. The Department of Community Development’s budget proposal is
29 currently being shown on BKAT.

30
31 **8:09:12**

32 **Co-Chair Brown adjourned the meeting.**

33
34 **Time of Adjournment: 8:09:13**

35
36 **EXHIBITS**

- 37 **A. Shoreline Master Plan**
- 38 **B. Findings of Fact & Recommendations for Title 16**
- 39 **C. Public Comment Matrix Kitsap County Limited apparel Espresso Stands & Draft to BOCC**
- 40 **D. Site Specific Comprehensive Plan Amendment Application Staff Report (Bremerton)**

41
42 **MINUTES approved this _____ day of _____ 2011.**

43
44 _____
45 **Linda Paralez, Planning Commission Chair**

46 _____
47 **Karen Ashcraft, Planning Commission Secretary**