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MINUTES
KITSAP COUNTY PLANNING COMMISSION
PUBLIC HEARING
August 23, 2005

The Kitsap County Planning Commission met on the above-stated date at the Long Lake Community Center, 5448 Long Lake Rd. Port Orchard, WA 98366. Members Present: Tom Nevins, Monty Mahan, Lary Coppola, John Taylor, Frank Mahaffay, Dean Jenniges, Mike Gustavson, John Ahl and Deborah Flynn. Staff Present: Cindy Baker, Robbyn Myers, Eric Baker, Jim Bolger, Scott Diener, Albert Williams, Dave Greetham, Patty Charnas, Dennis Oost, Arnica MacCarthy, and Acting Planning Commission Secretary Brynan Pierce.

9:00 AM

- A. Chair Monty Mahan called the meeting to order and introduced the Planning Commission members present. County Staff and citizens from the public introduced themselves.

Chair Mahan adjusted the agenda, first noting that the Sub-Area Plan updates will be moved to the end of the meeting and discussion on the Critical Areas Ordinance will be held instead.

Approval of Minutes

B. June 28 Minutes

A motion was made by Dean Jenniges and seconded by Frank Mahaffay that the minutes of June 28, 2005 be approved. THE VOTE: Motion carried unanimously.

1
2 **C. Work/Study**

3
4 **Discuss and review the second draft of the Critical Areas Ordinance.**

5
6 **Cindy Baker – Explained that originally there was not going to be**
7 **another Planning Commission meeting to discuss the Critical Areas**
8 **Ordinance, but felt it necessary to make sure everyone understands**
9 **the Ordinance. Today will not be a debate about the science, rather**
10 **an understanding of the technical parts of the Critical Areas**
11 **Ordinance.**

12
13 **In addition, the following administrative issues to be discussed: a lot**
14 **of emails from Planning Commissioners to staff. These and**
15 **subsequent emails should be filtered through Chair Mahan before**
16 **being sent to County staff to ensure questions and concerns are not**
17 **being repeated or duplicated. Also, it is okay to agree and disagree**
18 **with staff.**

- 19
20
 - **Chair, Monty Mahan- Asked what the role of the Planning**
- 21 **Commission members is at this point and what products**
- 22 **the Planning Commissioners need to provide to the**
- 23 **department.**

24
25 **C. Baker- It would be appreciated if the Planning Commission would**
26 **go forward with the process to get the findings of fact from the public**
27 **and make a recommendation. Collective input is needed and today**
28 **the goal is to make sure that what the department is recommending**
29 **is understood.**

- 30
31
 - **Dean Jenniges-Asked C. Baker if she wanted a discussion**
- 32 **or an agreement.**

33
34 **C. Baker – Stated she wants a discussion so everyone understands**
35 **and that it is okay for people to agree or disagree.**

36
37 **E. Baker- Informed everyone that Mike Gustavson is running late.**

- 38
39
 - **Jenniges- Has a problem because after previous**
- 40 **recommendations on the Critical Areas Ordinance, there**
- 41 **have not been any changes and feels comments and**

1 suggestions are being ignored. Jenniges thought the
2 process was to have educated opinions and best available
3 sciences, so those things could be considered.
4

5 **C. Baker-** Asked Jenniges to let staff know when this is happening
6 because staff needs that kind of input.
7

- 8 • **Jenniges-** Thought that C. Baker has made this statement
9 about the entire document. It appears to Jenniges that the
10 Planning Commission's comments and concerns may be
11 considered, but County staff's input is more important.
12
- 13 • **Frank Mahaffay-** There has been specific things asked
14 about the document and they have been consistently
15 blown off. Commissioner Gustavson's questions have
16 also been blown off. At the last meeting, it was decided
17 that if the discussion were tabled, the first thing on the
18 next Planning Commission agenda would be the Critical
19 Areas Ordinance. Mahaffay has been told that County staff
20 has been trying to manipulate the Planning
21 Commissioners, the public and the Board of County
22 Commissioners. Lately he has felt the same way. The way
23 he understood the Planning Commission's roll is that it
24 makes a recommendation to the Commissioners before
25 staff does. He asked for clarification on RCW 36.70.040
26 relative to the Department of Community Development
27 staff being obligated to present the Planning
28 Commission's recommendations to the Board of County
29 Commissioners prior to moving forward, when in fact this
30 was not done.
31

32
33 **C. Baker-** No, actually, Frank, it is the Planning Commission's job to
34 make a recommendation to the Department of Community
35 Development, and a recommendation to the Board of County
36 Commissioners. The Planning Commissioners work for the
37 Department of Community Development and the Department truly
38 needs the Planning Commission's assistance.
39

- 40 • **Mahaffay-** For the record, the Department of Community
41 Development works for the citizens and the Planning

1 **Commission members are citizens. So, people don't work**
2 **for the Department of Community Development, County**
3 **employees work for the citizens. Mahaffay asked how it**
4 **would look at a public hearing if all Planning**
5 **Commissioners' questions were ignored.**
6

7 **C. Baker- If the discord continues between the Planning Commission**
8 **members and staff, nothing will get accomplished. She asked to**
9 **have an agreement on something similar today.**
10

- 11 • **Tom Nevins- The process has been going on for years and**
12 **it is basically complete. Various groups of people came**
13 **and gave input. That input was in the first draft. Some of**
14 **the changes are those that went into the second draft.**
15 **Commissioners have read and noticed their suggestions**
16 **were not there or found other things they would like to see**
17 **in the draft. The Planning Commission needs to get to the**
18 **public hearing process. To say that one's comments have**
19 **been disregarded is not true. To say the public and the**
20 **Planning Commission have been ignored is a false**
21 **statement. Nevins would like to go forward with the**
22 **process and get to a public hearing.**
23
- 24 • **Chair Mahan- The next step is to have the public hearing.**
25
- 26 • **Lary Coppola- Agrees with Frank Mahaffay and Tom**
27 **Nevins and believes that the Planning Commissioners**
28 **have been heard, but have been ignored. If there are not**
29 **answers, the discussion needs to be tabled at once. This is**
30 **not a productive debate at this point and is a case of staff**
31 **blowing off the Planning Commission's remarks and**
32 **questions.**
33
- 34 • **Chair Mahan- Our duty is to hear all issues, public**
35 **comments both written and oral and make suggestions. It**
36 **is then up to the department if they want to incorporate**
37 **these suggestions or not. The Planning Commission then**
38 **produces findings of fact and provides a recommendation**
39 **that is agreed to by a majority of the Commission**
40 **members. It would be preferable to follow this proven**

1 process because it is the best way to bring credibility to
2 the Planning Commission.
3

- 4 • John Taylor- Has a motion prepared, but will wait until
5 Mike Gustavson arrives. Taylor asked Deborah Flynn if she
6 had any comments.
7
- 8 • Deborah Flynn- Feels that the process has been a good
9 one and believes the ordinance is not proposed by
10 everyone in the County and believes it stated in the
11 minutes about receiving public comment.
12
- 13 • Taylor- Stated that the last three meetings have been at
14 different locations. Taylor also stated that he did not
15 receive an agenda prior to the meeting and there are no
16 agendas on the tables now. Taylor noted the agenda
17 had changed as soon as it hit the table and would like
18 better communication with County staff.
19

20 **E. Baker-** Explained that the meeting locations changed because of
21 the lack of facilities available during the fair. Baker also stated this is
22 the reason the Planning Commission usually takes the month of
23 August off.
24

- 25 • Jenniges- The original agenda started with Sub-Area
26 Plan updates and asked if those could be started while
27 waiting for Mike Gustavson so time is not wasted.
28
- 29 • Chair Mahan- Had no objections.
30

31 **Scott Diener-** Introduced Jim Bolger, Albert Williams and himself
32

33 **Albert Williams-** Updated the North Kitsap Sub-Area Plan explaining
34 there are currently two plans under way, one for Suquamish and one
35 for Kingston. North Kitsap is currently working on Land Use
36 Alternatives and hopefully there will be a Plan and a public process
37 in November.
38

- 39 • Jenniges- Asked Williams if there will be any issues in
40 Suquamish as Bainbridge Island has had (referring to an

1 article in the newspaper) and asked if there will be any
2 legal ramifications.
3

4
5 Williams- Nothing has come up in Kingston because it is an Urban
6 Growth Area. Suquamish is a LAMIRD and has a defined boundary. It
7 may be a different matter because it is a different situation where
8 Bainbridge Island is incorporated.
9

10 C. Baker- Saw the article Dean was referring to and thought it was
11 exciting to read. Baker explained that staff does not have a response
12 because it has not been read internally.
13

14 Jim Bolger- Gave the Silverdale Sub-Area Plan update, explaining
15 that Silverdale's work would not be done until late 2006 or early 2007.
16 The visioning elements have just been finished, taking the elements
17 from the 2052 plan, done by the Central Kitsap Community Council,
18 refining them, while adding a few more. Silverdale is also in the
19 process of developing design guidelines and standards. Those
20 documents are being drafted. It is anticipated these will be ready for
21 review in the next month. The next steps are the land use
22 alternatives. Property owners are being invited to submit
23 reclassification requests by September 30, 2005.
24

- 25 • Jenniges- Asked if this has been advertised.
26

27 Bolger- Yes, in the Sun and Reporter.
28

29 Diener- Updated the South Kitsap/Port Orchard Sub-Area Plan
30 explaining the Open House Scoping/EIS process held on August 17,
31 2005. Staff is currently reviewing four alternatives and staff is
32 accepting comments until the end of the month.
33

- 34 • Jenniges- Asked about the four alternatives: what are
35 the boundaries, what currently is the Urban Growth
36 Area and how far does it expanded.
37

38 Diener-It is hard to explain the alternatives but had some handouts
39 for the Planning Commissioners. Diener also explained that the
40 Urban Growth Area has not been expanded as of right now and that
41 is why we are looking at the alternatives.

1
2 **C. Baker-** Explained that the land use alternatives are evaluating
3 solutions to accommodate the population growth within the study
4 area. There are various factors, such as sewer, water, roads, critical
5 areas, etc. that need to be looked at in this evaluation. Baker stated
6 that she received two phone calls, one from the city and one from a
7 citizen who participates in the process. Both callers were pleased
8 about the process. Baker asked Lary Coppola to speak about the
9 process as being part of the Port Orchard/South Kitsap Citizen
10 Advisory Group.

- 11
- 12 • **Coppola-** The process was straightforward and the
13 hardest part was applying reasonable measures.
14 Commercial arterials were incorporated for future
15 planning where an urban growth area has to be
16 contiguous to another so if in the future if they want to
17 expanded, they can.
 - 18
 - 19 • **Jenniges-** Heard McCormick Woods could be a possible
20 city or an individual town and asked how that would
21 work.
 - 22
 - 23 • **Coppola-** McCormick Woods was not included in the
24 plan because it is not contiguous and is an Urban
25 Growth Area of its own.
 - 26
 - 27 • **Jenniges-** By looking at the blue lines on the map, it
28 looks like McCormick Woods is included.
 - 29

30 **C. Baker-** Today was to be a brief discussion and staff would come
31 back later with visuals.

- 32
- 33 • **Taylor-** Asked when the next Silverdale meeting is
34 scheduled.
 - 35

36 **Bolger-** The next meeting is the first Thursday of the month, which
37 would be September 8, 2005.

38

39 **C. Baker-** The staff in front of you is the same staff that put together
40 the forum, they are the same staff that issues permits, and they do a
41 lot of other things. The staff has been working over 80 hours to get

1 the job done and the complaints have gone up at the permit counter.
2 Staff can only be in one place at one time. The shift in the work has
3 altered to get priorities done first.
4

- 5 • Taylor- Calendar indicates a joint public hearing on
6 September 8, 2005 as well.
7

8 E. Baker- That meeting has been canceled because of the
9 unavailability of some Planning Commissioners. The Board of
10 County Commissioners has decided to have separate hearings from
11 the Planning Commission. Baker will check all calendars for
12 availability for a night meeting in the month of September.
13

- 14 • Chair Mahan- Updated Gustavson on what has
15 transpired thus far at today's meeting.
16

17 E. Baker-This meeting would be slightly different from others and
18 explained that it is not going to be a debate about the technical
19 merits of buffers, but instead to make sure that what is in the
20 document is clear. The main goal is to assure clarity of content for
21 everyone. If there is a disagreement, it should be heard. Staff has
22 produced a rough draft of the comments and questions from the last
23 three meetings and tried to answer all of them. It has also taken the
24 questions from the forum and is trying to get them posted on the web
25 for the public hearing. This is a document that can be read clearly
26 and it is not just semantics. Even internally, the Planning
27 Commissioners do not need to agree but staff and Commissioners
28 need to know where everyone stands.
29

- 30 • Gustavson- Spent a lot of time going over draft two and
31 has comments on definitions.
32

33 C. Baker- Explained that staff needs some substance. If anyone has a
34 question about a definition and it comes from a source that you
35 disagree with, this cannot be debated indefinitely.
36

- 37 • Coppola- Thinks there is a lot of ambiguous language
38 and a word is needed to better define the wording.
39 Also, the Planning Commission needs responses to
40 previously asked questions.
41

1 C. Baker- Reviewed through the document page by page and ask if
2 anyone had questions. Staff provided a clean document to compare
3 with the marked-up one. If a Planning Commissioner asks to add a
4 word to make the text clearer, this can be done. The agreed-upon
5 document can then be presented to the Board of County
6 Commissioners noting clarifications from the Planning Commission.

- 7
- 8 • Jenniges- Asked if this is the document that is going to
9 be submitted to the Board of County Commissioners.

10

11 C. Baker- No, the version submitted will be the one in the binders, a
12 cross out of the current code to the second draft. Sometimes these
13 are difficult to read.

- 14
- 15 • Jenniges- How are the Planning Commissioners
16 supposed to read the document?

17

18 C. Baker- This is what the law requires. Each Planning Commission
19 member will have a fresh copy as well. She began to review Chapter
20 19.100.105 Statement of purpose, asking for any comments that
21 might give more clarification to the wording.

- 22
- 23 • Jenniges- Under A. Goal statement line 44.
24 What is reasonable to you may not be reasonable to me.

25

26 C. Baker-Understands what Jenniges is saying then asked staff if
27 removing the word reasonable would be a problem.

28

29 E. Baker- Because this is a goal statement, usually there are larger
30 words utilized in it. The uses of the words are problematic but no, it
31 does not hurt to take reasonable out.

32

33 C. Baker- Took out the word *reasonable* under Goal Statement.

- 34
- 35 • Mahaffay- Asked if *inappropriate* could be taken out. It is
36 the same thing as *reasonable*.

37

38 C. Baker- Asked staff if this could be done.

- 39
- 40 • Flynn-Unsure if taking the word inappropriate out might
41 not change the specific meaning. Flynn agrees with E.

1 Baker and adds that if too much is changed or removed,
2 someone will read this and not understand the goal of
3 trying to protect environmental features.
4

- 5 • Jenniges-Reviewed the document and questions to what
6 detail it will be scrutinized today.
7
- 8 • Gustavson- Read the sentence without the words
9 *reasonable* and *inappropriate* and thought it seemed to be
10 clean.
11

12 Robbyn Myers- Explained that both of these words are more
13 quantified.
14

15 C.Baker- Has no problem taking the words out. Doing so does not
16 change the meaning.
17

- 18 • Gustavson- Speaking to paragraph one, need to define
19 what is being protected and asked what is being defined
20 as critical.
21

22 C. Baker- Critical Areas are defined in the document.
23

- 24 • Gustavson- If wildlife is in the document it needs to be
25 defined.
26

27 C. Baker- Will put a tab on Gustavson's comments and come back to
28 them after going over the definitions.
29

- 30 • Flynn- Asked if there was going to be a hearing on this
31 draft.
32

33 C. Baker- Replied you will have a hearing on the second draft. Either
34 Planning Commission members or staff will go forward and say
35 language has been clarified.
36

37 C. Baker- Asked if there were any questions on B. Policy Goals
38

- 39 • Mahaffay- Expressed a huge concern with goal number
40 12 and the word restoration. It is dangerous to use
41 when talking about mitigation. The intent is to protect,

1 not restore. Needs to know what restoration and
2 enhancement mean. If current County staff moves on
3 and is no longer with the County, a new staff member
4 could misinterpret the words.
5

6 **Bolger-** The word rehabilitation might be a more appropriate word.
7

- 8 • **Coppola-** Does not like the word enhancement and
9 explained that there is nothing in the GMA stating we
10 need to enhance anything.
11

12 **Greetham-** Some Planning Commission members are missing the
13 point of this goal. The point is to provide options.
14

- 15 • **Coppola-** Does not want administrative staffs saying
16 what he can or cannot do.
17

18 **Greetham-** If you read the end of the sentence, options applies you
19 have to impact a critical area.
20

- 21 • **Mahaffay-** This is not an option.
22

23 **C. Baker-** Reiterated that this is only when mitigation is necessary.
24

- 25 • **Flynn-** It is necessary to read the document in the
26 context of mitigation. Mitigation doesn't happen unless
27 you are going to destroy something in the first place.
28
- 29 • **Mahan-** Asked if the point of item 12 is to say that
30 restoration and enhancement is preferred over new.
31

32 **C. Baker-** Yes, maybe it should be said that way.
33

- 34 • **Mahan-** This means that you should not create new
35 wetlands, but you should find damaged ones and try to
36 fix them.
37
- 38 • **Mahaffay-** Prefer using the words *rehabilitation* and
39 *enhancement* rather than *restoration* and *enhancement*.
40 The concern is that many will look at this sentence with

1 different ideas of what it means and that will be a
2 problem in the future.
3

4 **C. Baker-** This is saying that the preferred options for mitigation are
5 to restore it or enhance it, and then create new wetlands.
6

- 7 • **Gustavson-**The requirement by the State is to make
8 mitigation the same, equivalent, functioning value of
9 what it was before it was disturbed. Improvement or
10 enhancement is not happening. Instead it is restored to
11 its previous state.
12

13 **C. Baker-** The ordinance is asking that people go beyond what was
14 already in place.
15

- 16 • **Mahan-** Goal 12 is here to assist in the development of
17 property.
18

19 • **Mahaffay-** I think it is totally dependent on the
20 individual.
21

- 22 • **Coppola-** Asked if it is going to be enhanced, who
23 determines the level of enhancement.
24

25 **C. Baker-** Biologists do. They have to be a qualified biologist
26

- 27 • **Coppola-** What are the levels of enhancement?
28

29 **Myers-** There is no levels.
30

- 31 • **Mahaffay-** There can be bias judgments. There are
32 environmental planners on staff in the County today
33 that are so strict that they make the most difficult
34 process for both him and his real estate clients. This is
35 the point Coppola is trying to make. It is dependent on
36 the individual reading the document and the
37 interpretation applied.
38

- 39 • **Gustavson-** Suggested removing the following part of
40 goal 12 (*pursue as a preferred option*).
41

1 C. Baker- Did not think removing that part of the sentence would
2 work. The County wants to say restore and enhance because this is
3 preferable to creating a new wetland.

- 4
- 5 • Gustavson-The word enhancement is nowhere in the
6 GMA.
- 7

8 Myers- Enhancement needs to be provided for an option.

- 9
- 10 • Nevins- What this is, is one of the flexibilities
11 incorporated into the document that is beneficial to
12 developmental interest. This allows the flexibility in
13 options.
- 14
- 15 • Mahan-Understands concerns from experiences, but in
16 this case, the point is that it is better to work on an area
17 that was previously damaged than to create a new one.
18 Mahan asked what words we are going to have if we
19 remove *restoration and enhancement*.
- 20
- 21 • Jenniges- Wants to change the word *and* to *or*.
- 22
- 23 • Mahan-Thinks that is fine. At the end of the sentence we
24 need to add *rather than create new wetlands*.
- 25
- 26 • Taylor- Supports changing *and* to *or*, then adding *rather*
27 *than creating new wetlands*.
- 28
- 29 • Copolla- Goal 4, Can we take out *and adjacent lands*?
- 30

31 C. Baker-Yes, we can. It does not change the meaning.

32

33 Myers- Still has concerns with goal 12. Understands the clarification
34 of restoration and reiterates that creation is a preferred option,
35 mitigation is not. Science is not saying we prefer restoration over
36 creation. Creation is a better bet with larger ratios.

- 37
- 38 • Mahan- This is contradictory to what I have heard.
- 39
- 40 • Mahaffay-Asked if this was discussed at the forum.
- 41

1 Myers-There was a study done by the Department of Ecology looking
2 at mitigation throughout Eastern and Western Washington to see
3 who was in compliance and looking at meeting the goals and
4 standards of the mitigation. Practices throughout Washington have
5 been using enhancement and it is not working in Kitsap County.

- 6
- 7 • Mahaffay-Asked who the scientist was.
- 8

9 Myers-It was not a scientist.

10
11 C. Baker- If the information in the document is not correct, we need
12 to fix it.

13
14 Myers- Look on Page 47, Chapter 19.200.250, Wetland mitigation
15 requirements.

16
17 C. Baker- Possibly it could read, *if mitigation is necessary, then*
18 *reestablishing, rehabilitating or restoring the affected environment.*
19 Baker will create some language then read it to the Planning
20 Commission and staff.

- 21
- 22 • Jenniges-Nature has provided critical areas and I thought
23 the intent was to protect, but then we duplicate it. Nature
24 to nature is not restoration.
- 25

26 C. Baker- Agreed with Jenniges. Wherever we can protect critical
27 areas, we need to.

- 28
- 29 • Mahaffay-At the forum, there was a question about that.
30 The answer given is not the same as what is in the
31 document.
- 32

33 C. Baker-We need to fine tune the language.

- 34
- 35 • Mahaffay- A member of the public was misinformed at the
36 forum. This is a problem.
- 37

38 C. Baker- Asked if Mahaffay could be more specific.
39

- 1 • Mahaffay- The citizens were told that creation is not a
2 preferred option. The response was, if we can recreate,
3 why have regulations?
4

5 C. Baker-Under very limited conditions that could happen.
6

- 7 • Ahl- Asked if an all day meeting can be scheduled because
8 this is taking so long.
9

10
11 E. Baker- September 13 is the next available time. Schedules will be
12 checked for this.
13

14 Break

- 15
16 • Mahan-This meeting is intended to end at 12:00 PM and
17 suggested the floor be opened to members of the public at
18 12:00 PM.
19

- 20 • Mahaffay-If the meeting must end at 12:00 noon, then the
21 floor should be open for comments at 11:45 PM.
22

- 23 • Jenniges- Asked if today's meeting is a public hearing. If
24 not, he would prefer to review the entire document and get
25 through it today.
26

- 27 • Taylor- Requested a copy of the written ruling on the
28 motion to table the Critical Areas Ordinance.
29

30 C. Baker- Asked the Civil Prosecutor's staff to get it.
31

- 32 • Gustavson- Requested that the Planning Commission be
33 given copies of the current version of the GMA and WAC
34 sections covering Best Available Science. There is also a
35 requirement of the County to show its work. Everything
36 should be footnoted. If you cannot show your work, it
37 should not be in the document.
38

39 C. Baker-The Best Available Science is supposed to do that. It
40 supports this document.

1
2 **Gustavson-** Distributed a document to staff and Planning
3 **Commissioners** to read titled, *Unwritten Rules and Unfinished*
4 *Business—The Legislature Needs to Revisit the GMA and Best*
5 *Available Science*, dated November 15-16, 2004.

- 6
7 • **Mahan-** Referred the members back to item 12.

8
9 **C. Baker-**Jim Bolger prepared the document and Robbyn Myers
10 mentioned that restoration is actually reestablishing or rehabilitating.

- 11
12 • **Gustavson-**Requested references.

13
14 **C. Baker-**19.200.250 A3

- 15
16 • **Gustavson-**Asked where to find the actual reference and
17 that the Planning Commission be given copies.

18
19 **Jim Bolger-** We have both of the alternatives for goal 12 on the board.

20
21 **C. Baker-**Referred Gustavson to his binder, *Critical Areas Ordinance*
22 *vertical analysis*, it shows where we got some of the things we have
23 for the current Critical Areas Ordinance. These are support
24 documents.

- 25
26 • **Mahan-** Asked if anyone has any questions about
27 19.100.110 A.

- 28
29 • **Gustavson-**Thinks line 40 is a little harsh.

30
31 **C. Baker-**At the very end of the sentence it states..... *for any*
32 *development regulated by this title...*this title is the Critical Areas
33 Ordinance. Any of these things related to the Critical Areas
34 Ordinance cannot be done.

- 35
36 • **Gustavson-** Asked if he can remove a noxious weed from a
37 buffer.

38
39 **C. Baker-**If you go back in the section, it talks about it.

40

- 1 • **Mahaffay-Asked If he has to call the County if he has an**
2 **ivy-covered tree in his buffer.**

3

4 **C. Baker- No that is not an emergency.**

5

- 6 • **Nevins- Suggested everyone commit some time to reading**
7 **this document from front to back to avoid some of the**
8 **concerns. I have read the document and know I can take**
9 **noxious weeds off my bluff. We need to make sure we read**
10 **this carefully.**

11

- 12 • **Ahl- Commissioner Gustavson has stated that each part of**
13 **the document should be related directly to the law that**
14 **requires it. He was not sure that is necessary. Kitsap**
15 **County has gone beyond the minimum requirements**
16 **needed to document sources. If you go below the**
17 **minimum requirements, then we should be concerned.**

18

- 19 • **Gustavson- Had a big issue with that.**

20

- 21 • **Chair Mahan- Back to item G.**

22

- 23 • **Mahaffay- Item G, the 250 buffer width.**

24

25 **C. Baker-It was intended to have a review within the largest buffer**
26 **area. Why don't we say *that lies within the largest buffer?* This is the**
27 **area that is being looked at, not regulated.**

28

- 29 • **Chair Mahan-Explained to Mahaffay that the maximum**
30 **buffer area increased from 200 to 250ft. They wanted the**
31 **review area to match the buffer area.**

32

33 **C. Baker- We can discuss the language further when we get to**
34 **buffers.**

35

- 36 • **Nevins-250 ft is an area of review not a buffer.**

37

- 38 • **Chair Mahan- When people look at this and see the number**
39 **250, they may get confused when talking about buffers.**
40 **Even though it may not be the buffer width, it could be**
41 **interpreted that way.**

1
2 C. Baker- We suffer from giving too much information at times and
3 then too little at other times.

- 4
- 5 • Chair Mahan- There is agreement with the wording under
6 19.100.110, item G, *For the purpose of this title, the area of*
7 *review is defined as the critical area and the area within*
8 *the maximum buffer requirement for each critical area*
9 *type. This defines the area of review only. Refer to*
10 *Chapters 19.200 through 19.600 for specific development*
11 *standards.*
 - 12 • Chair Mahan- Suggested addressing 19.100.115,
13 Relationship to other County regulations
 - 14
 - 15 • Jenniges-On line 30, Jenniges would prefer the word *most*,
16 be changed to *basic* because a basic protection says you
17 have to worry about safety, health etc. If you say *most*, it
18 gives people the chance to redefine the word *most*.
 - 19

20 C. Baker- We can remove the words *as determined by the*
21 *department*. That would work for everybody.

22

23 A motion was made by John Taylor and seconded by Chair Mahan
24 that through the process, the public has not been involved; that new
25 taskforce groups be established for the purpose of redrafting the
26 entire Critical Areas Ordinance. This shall be completed in 60 days
27 and returned to the Planning Commission for review; and that the
28 taskforces include 1 member from Citizens For Responsible
29 Planning, Home Builders and Realtors, Tribes, Kitsap County, KAPO
30 and two people at large. Not to exceed 7 people.

31

32 The Planning Commission needs to take a different approach. If this
33 draft goes to the public as is, it will cause more emotion. I would like
34 to be able to say that the draft came from all of Kitsap County who
35 came to an agreement and this draft is the product.

- 36
- 37 • Mahaffay- Would like to make an amendment to the
38 motion. That being, one person from the Home Builders
39 and one person from the Realtors. Not one or the other.
 - 40

- 1 • **Nevins-This discussion leans toward asking the Planning**
2 **Commission to redo this process that started two years**
3 **ago with basically the same people. We will be at the**
4 **same place two years from now that we stand at today.**
5 **The chance that there will be a judgment against the**
6 **County by Growth Management Hearings Board if they**
7 **find the County out of compliance and makes a**
8 **recommendation to the Governor, is why I am going to**
9 **vote against this motion.**

- 10
11 • **Jenniges- Agrees with Nevins stating that the Planning**
12 **Commission cannot take two years of work already done**
13 **by the stakeholders mentioned.**

- 14
15 • **Mahaffay- Staff has put in time, however, various groups**
16 **mentioned has not been involved with this process. One of**
17 **the various stakeholders has been pushing this process**
18 **through but has never been brought to the table as a**
19 **participant to give public input. Mahaffay is tired of hearing**
20 **of a threat from the Governor. If she was going to do**
21 **something, she would have done so already.**

22
23 **A motion was made by Michael Gustavson and seconded by Lary**
24 **Coppola that the stakeholders and the public are very important; that**
25 **the document be submitted to the public, and at the same time, have**
26 **stakeholders look it over as well.**

- 27
28
29 • **Mahaffay- Expresses concern that if this process is**
30 **redone, nothing will change.**

31
32 **C. Baker- Believes that there is enough information to proceed with**
33 **the technical part of the document.**

- 34
35 • **Flynn- Will vote against the motion because the process**
36 **will be the same and the groups will not agree. Flynn believes it**
37 **is disturbing to wordsmith the document right now when the**
38 **public should be involved.**

- 39
40 • **Coppola- Agrees with Flynn and states that there is a lot of**
41 **mistrust on both sides.**

1
2 A motion was made by John Taylor and seconded by Michael
3 Gustavson that the original motion be revised based on Mahaffay's
4 suggestion that one member each from the Realtors and
5 Homebuilders be members of the proposed task force.

- 6
7 • Coppola suggests an all day Saturday hearing.
8
9 • Jenniges- Called for the question.

10
11 **THE VOTE: FOR- 1; opposed-7. Coppola did not vote. Motion died**
12 **for lack of majority.**

- 13
14 • Gustavson- At the next meeting it may be necessary to
15 spend the first twenty minutes recapping this meeting.
16
17 • Coppola- Asked if we reviewing this issue because of the
18 Department Of Ecology.

19
20 **C. Baker- If the Planning Commission members refer to their book,**
21 **they will see what the County is mandated to do.**

- 22
23 • Mahaffay- If the State does come down and issue a
24 mandate to the County, he needs to have a copy of the
25 mandate.
26
27 • Mahan- Opened the floor to the public.
28
29 • Vivian Henderson-Feels that the County is not interested
30 in what the public has to say. Henderson has submitted
31 comments and does not feel they were accepted. KAPO has
32 paid an attorney \$500.00. The Growth Hearings Board is very
33 glad to hear if the public is involved. KAPO has not been
34 recognized or welcomed by the County.
35
36 • Jack Hamilton- The County staff gets paid to be at these
37 meetings but he does not. Under law and GMA, public
38 participation requires pubic comment, which involves open
39 discussion.
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- **Carrie Riplinger-Understood of this meeting was for Planning Commission members to look at this document to make changes. It is a waste of time if nothing goes to the public. Riplinger feels the last three hours were a waste.**
- **Mike Eliason- There was a lot of time spent on the first draft but the second draft is so pressed for time that we are now debating what is Best Available Science and what is not. We need to incorporate written comments and staff can forward those to the Planning Commissioners.**
- **Ron Rice- There is a lack of trust when it comes to buffers.**
- **Mahan-Wondered if the Planning Commission should go to a public hearing or if today’s meeting should be re-done.**
- **Gustavson- Thinks the document should be reviewed again.**
- **Flynn-In favor of a public hearing and then come back to discuss public comments.**
- **Nevins- In favor of a public hearing.**
- **Ahl- Should go to a public hearing and then come back to continued review and comments by the Planning Commission.**
- **Taylor- Would like another session to make changes that need to be implemented for the public for review.**
- **Coppola- Should go to a public hearing to have specific concerns brought to the table.**
- **Mahaffay- Needs to see the State mandate before taking anything to a public.**
- **Jenniges- Wants to go to a public hearing.**

- 1 • Mahan- A public hearing is needed and he also agrees
- 2 with Riplinger in that we need to give the public whatever draft
- 3 is being worked on.

4

5 12:30 PM – No further business being heard, a motion was made by
6 Coppola and seconded by Chair Mahan that the Planning
7 Commission meeting be adjourned. Motion carried unanimously.

8

9 **EXHIBITS:**

- 10 1. Planning Commission Agenda for August 23, 2005 Planning
11 Commission meeting
- 12 2. Submittal from Michael Gustavson entitled, “*Unwritten Rules*
13 *and Unfinished Business—The Legislature Needs to Revisit*
14 *The GMA and Best Available Science*”
- 15 3. Legal Notice for the August 23, 2005 Planning Commission
16 meeting

17

18 Approved this _____ day of _____, 2005

19

20

21

22

23

Chair Monty Mahan

24

25

26

27 _____
Acting Planning Commission Secretary
28 Brynan Pierce