

MINUTES

KITSAP COUNTY PLANNING COMMISSION
PUBLIC HEARING
October 18, 2005

The Kitsap County Planning Commission met on the above-stated date at the Presidents Hall, Fairgrounds Rd, Bremerton, Washington 98311. Members Present: Monty Mahan, Tom Nevins, Mike Gustavson, John Ahl, Lary Coppola, Deb Flynn and Dean Jenniges. Members not present: John Taylor Staff Present: Eric Baker, Jim Bolger, Dave Greetham, Cindy Baker, Arnica MacCarthy, and Acting Planning Commission Secretary Brynan Pierce.

3:00 PM

A. Chair Monty Mahan called the meeting to Order and introduced the Planning Commission members present.

- Chair Mahan-Noted item B on the agenda will be differed to next weeks Planning Commission work/study session. Chair Mahan explained tonight's hearing is a continuance from the last public hearing on the second draft of the Critical Areas Ordinance (CAO) and the same rules will apply. Members from the public that signed in last time and did not have a chance to speak will be guaranteed three minutes to give their testimony. If there testimony gets to twelve or fifteen minutes, the speaker may be asked to wrap up his or her testimony. After the list has been gone through, the sign in sheet from tonight will be read from allowing those members from the public to speak with the same rules. Chair Mahan informed the public that the Planning Commission is a group of members not employed by the government, but who are a community volunteers that share a wide variety of views on this and other related county government topics.
- Frank Mahaffay-Asked Chair Mahan to remind the speakers to state their names and county they reside in.

- 1 • Chair Mahan-Asked the public to state their names and
2 addresses for the record.
- 3
- 4 • Mahaffay- Reminded Chair Mahan that the Planning
5 Commission voted that those who are property owners
6 and live in Kitsap County will be allowed to speak first and
7 if there is time at the end of the testimonies, they will then
8 be allowed to testify.
- 9
- 10 • Chair Mahan-Asked the Planning Commission if they had
11 voted on that.
- 12
- 13 • John Ahl-Does not remember any vote on that.
- 14
- 15 • Mahaffay-Stated it was voted upon at the last Planning
16 Commission meeting.
- 17
- 18 • Chair Mahan-Decided to proceed the meeting as the last
19 regardless of whether the citizen lives in Kitsap County.
- 20

21 3:05 PM

22 **SPEAKERS**

23

24 **Matt Ryan** -Brownsville resident, explained the reason he is in
25 attendance is because of arbitrary standard setback distances from
26 streams without fish. Ryan believes Best Available Science needs to
27 be used and the Planning Commission should use the current CAO
28 until Best Available Science is proven.

29

30 **Jim Aho**- Illahee resident, submitted written testimony for the record,
31 offering general comments regarding the Critical Areas Ordinance
32 and some examples of why and how he came to his position as being
33 in favor of the second draft of the COA.

34

35 **Kate Jackson**- Future wise Representative, submitted written
36 testimony for the record and thanked the Planning Commissioners
37 and Planning Staff for working so hard. Jackson informed the
38 Planning Commission that there are a lot of supporters in the area
39 that are excited about the critical area protection and what they will
40 do by keeping drinking water clean, by protecting critical aquifers,
41 keeping homes safe from flooding and landslides by making sure

1 homes are not built on geologic hazard areas and there is not a death
2 by a thousand cuts situations with wetlands. There are five ways that
3 Futurewise believes the Ordinance can be strengthened to better
4 protect families, homes and the quality of life.

- 5
- 6 1. Small wetlands should not be exempt and instead be
7 protected so Neighborhoods are safe from flooding and
8 landslides and wildlife has a place to survive. This helps
9 reduce flood insurance rates. In addition, we hope to restrict
10 the harmful activities and improve identification of wetlands
11 to truly know where they are.
- 12
- 13 2. All people, not just individual property owners next to
14 affected areas should have the chance to appeal parts of the
15 ordinance if they are concerned. As of right now with the
16 current changes only certain people are allowed to voice
17 their opinions.
- 18
- 19 3. Buffer averaging should be limited to a maximum reduction
20 of 25% less than the required buffer.
- 21
- 22 4. A plan of corrective action should be required if
23 contamination is to be found migrating in our drinking water
24 because plan of action is a really good proactive way to
25 make sure if drinking water sources are not at risk, they are
26 protected before costly situations occur.
- 27
- 28 5. 150 foot shoreline buffers for new development should be
29 applied.
- 30

31 These are the concerns Futurewise has and hopes the Planning
32 Commission will adopt a strong Critical Areas Ordinance.

33
34
35 Marjorie Pearsol- Port Orchard resident, is testifying because she
36 signed up to attend meetings to find out where the problems were
37 with critical areas. The first meeting was at Given's Community
38 center with a facilitator who ran the meeting, then she and her
39 husband signed up to be a part of a program with Jim Bolger every
40 Wednesday night. After the meetings were over Pearsol and her
41 husband did not see or hear anymore about the meetings. Mr.

1 Pearsol wrote a letter to all three County Commissioners. Only one
2 responded saying people attending the meetings were not there to
3 give input, but to be educated, which was a surprise to the Pearsols,
4 because they thought they were attending the meetings to solve
5 problems. Later, the couple attended a round-table discussion where
6 citizens voted not to make any more changes to the CAO. The initial
7 concern is about losing property. If private properties are taken away,
8 then citizen's guns, this is not the United States of America anymore.
9 Being a property owner is one thing that makes people free. Pearsol
10 does not think the County needs any more regulations especially for
11 the young generation dealing with the rising cost of homes.

12
13 Helen Hoover- Kingston resident, stated, for centuries the Native
14 Americans new they were guardians of land and wildlife and today
15 there are debates to what extent protection should be. Hoover agrees
16 with Jim Aho when he said greater buffers are needed now, then it is
17 possible to relax them later. Also, ground water is limited and it will
18 disappear if it keeps getting pumped out discriminately. Groundwater
19 can also be affected if the aquifer recharge areas are not taken care
20 of. Scientific research is essential and more needs to be applied.
21 Hoover is in favor of the adoption of second draft of the CAO.

22
23 Cornelius Ross, Kitsap County resident- Thanked the Planning
24 Commission for all of their hard work. Ross is appalled about what
25 has happened to property rights in the last twenty years. Ross
26 attended a round table meeting and found the County had no interest
27 in citizen's input. He feels much of the best available science was
28 generated by grants and government contracts. Under those
29 conditions, results tend to be slanted. To make matters even worse,
30 the members that put the CAO together are not trained to evaluate
31 scientific data. In addition, more restrictions on land use mean more
32 job security. Only one side of Best Available Science is being used.
33 Ross submitted a list of references for the record. And has not seen
34 any reports by the Department of Community Development stating
35 the current restrictions are inadequate. Ross feels to increase
36 anything under the second draft of the CAO is irresponsible.

- 37
38 • Mahaffay-Asked Ross to provide copies of his references.

39
40 Helen Daly-Hood Canal resident, stated her family owns Clide Tree
41 Farm on the Hood Canal and is in favor of strong buffers. Daly has

1 lived here all of her life and would like Kitsap County to remain a
2 beautiful place with all of the natural qualities. Upland forests need
3 attention because they are what give the streams their water. Daly
4 understands property owners concerns and thinks it would be a
5 good idea to develop a purchase of rights system or a transfer of
6 development rights. There should be a way to compensate property
7 owners.

8
9 Naomi Maasberg- Kingston resident, stated her family has eight
10 acres with wetlands, streams, swamps and ponds and they do not
11 find it restrictive to have the large buffers. When the family needed to
12 place some construction on their property and found where the
13 buffers were, the County was very helpful and useful in making the
14 best decisions and what the best buffers should be. Maasberg is also
15 the manager of Stillwaters Environmental Education Center. The
16 Stillwaters board was very anxious to address the Planning
17 Commissioners and the Board of County Commissioners about the
18 Critical Areas Ordinance because they are very concerned about
19 protecting the critical areas of the County. They see them as assets
20 to the community both to the scenic and aesthetic values. Maasberg
21 submitted a copy of a letter to the Board of County Commissioners
22 from Stillwaters Environmental Education Center in support of the
23 second draft of the CAO.

24
25 Beth Wilson-Olalla resident, thanked the Planning Commissioners
26 and staff for all of the hard work that has been put in. Wilson heard
27 about a report regarding the effects of global warming on the
28 Northwest which includes an increase in rain, a decrease in snow
29 pack, decrease in glaciers, falling of actual land, and a rising of the
30 sea and there will probably be a loss of the shoreline in the next fifty
31 years. There may be an increase in flooding and problems with
32 drinking water retention. Wilson urges the Planning Commission to
33 be careful and use the best available science and most recent
34 science. Several years ago Washington State offered to conduct
35 inventories of all of the animals and plants in the drainages in Kitsap
36 County, such as Chico Creek drainage. There was a meeting held in
37 Silverdale in regards to the inventories, where many people did not
38 want to see what was in the drainages because the County would
39 protect what was found and that meant more takings of property
40 rights. The County decided not to do this inventory, free of charge
41 and that was a real loss. If the inventory had been done, there would

1 not be a question of what buffers are the best or not. Wilson thinks
2 by doing these inventories, protection will be greater.

3
4 Chris Shardelman-Poulsbo Resident, read and submitted written
5 testimony for the record against the second draft of the CAO.

- 6
7 • Chair Mahan-stated the Planning Commission has not
8 voted one way or another on the CAO and are not ready to
9 guess how to vote. Also, the Board of County
10 Commissioners will hold a public hearing probably in the
11 month of November to hear all of the testimony.

12
13 Judith Kringsman-Ilahee Resident, read and submitted written
14 testimony for the record in favor of the second draft of the CAO.

15
16 Becky Kelley- Futurewise Representative, read and submitted written
17 testimony for the record in favor of the second draft of the CAO.

18
19 Ellen Patterson-Silverdale resident, read and submitted written
20 testimony for the record.

21
22 Mike Elliason-Association Executive and Government Affairs Director
23 of Kitsap County Association of Realtors, submitted a memo,
24 editorial, and recommendations for the record.

- 25
26 • Chair Mahan-Asked if there was anyone who signed up at
27 the last public hearing who has not had a chance to speak.

28
29 John Olsen- Bremerton Resident, used to live in the Seattle area and
30 had a lot of property. He was interested in property rights because of
31 a few instances that occurred in Seattle. One being a couple that
32 bought property and paid it off, then decided to retire. They found out
33 their property was classified as wetlands a number of years prior.
34 They were not able to build on their property. Hopefully in Kitsap
35 County there is fairness that occurs and Kitsap County will not treat
36 people the same as in King County. Other concerns that relate to the
37 CAO are flexibility. Olsen is in favor flexibility in the variances with a
38 lot of subjectivity where buffers should be. At the same time, fixed
39 buffers do not make sense when these factors are not weighed in.
40 Olsen's experience has been more with small properties one being a
41 disgruntled neighbor wanting to use his property for a dumping

1 ground for used oil or vehicle parts and he spent \$15,000 to clean up
2 the property. Part of the new ordinance has a procedure that is a
3 burden to the landowner to find an expert to dispute land issues if
4 the County disagrees. These costs are very expensive and there
5 needs to be something that provides fairness. There is subjectivity in
6 both the science and determining variances and such. Between
7 limitation and taking, when you have a designated property, the
8 County can check on it at any time. The property owner has the
9 liability to take care of any dangerous trees or noxious weeds. It is
10 important to realize we have a CAO in effect now.

11
12 Theresa Mooney- Central Kitsap resident, has lived in Kitsap County
13 since 2002. Her family loves the mountains, trees and rain. There is a
14 view of the trees because the builders left many trees in place when
15 homes were constructed. When looking for a home, a lot of the newer
16 neighborhoods had been stripped down from trees. Many of the lots
17 are very small and the prospect of living in one of the diluted
18 developments to be very disheartening. An option was to build a
19 home on a large lot on what I refer to as a strip neighborhood that is
20 defined as a strip of homes isolated into the forest and there are
21 many of these in Kitsap County. The newer part of our neighborhood
22 is a huge contrast to what was already built. They were stripped of
23 trees and the hills slid into the backyards of some homes. Runoff
24 water made channels down the hills. There was a patch up job done
25 which really didn't fix anything. This area is ¼ mile up from Barker
26 Creek. This is just a small example of how careful we need to be. It is
27 harder to undo damage than it is to prevent in the first place. The
28 Planning Commissioners have a chance to do the right thing.

- 29
30 • Chair Mahan-Asked the citizens to raise their hands if they
31 have not had a chance to speak and if there is anyone who
32 had a chance to speak at the last hearing and would like to
33 speak again. After the break, we will go through the list
34 from last time again, then go through the new list and if we
35 have time, go through the speakers who wish to speak
36 again.

37
38 **Break 4:30**

39
40 Bruce Gunderson-Lowfall resident, feels with a few exceptions and
41 changes, is in support and recommend Kitsap County implement the

1 second draft of the critical areas ordinance. The flexibility of buffers
2 is important, but would like the committee to consider some
3 suggestions. For commercial developments, buffer distance should
4 be parking lot size. Also, the type of landscaping that is used. If
5 native plants and ground cover like Kinnikinnik is used, buffer
6 changes do not need to be increased further. If grassed lawns are
7 used, buffers should be increased because of the fertilizer, pesticides
8 and herbicides often used to maintain lawns. In regards to existing
9 residential property, where buffers have been increased, property
10 taxes should be omitted. During the first hearing, there were negative
11 comments when speaking about Best Available Science. The
12 information sources used for this critical areas ordinance include the
13 Department of Fish and Wildlife, the Department of Agriculture,
14 Washington Department of Ecology and others. The people who work
15 at these places are specialists who have been schooled and know
16 the best science. Another concern was some people showed a
17 paranoia about Environmentalists trying to take their land. There are
18 concerns about surroundings and the environment, so everyone may
19 be called an Environmentalist. This is best summed up by Kitsap's
20 Auto bond statement that states, to preserve the natural world
21 through education, Environmental study and habitat protection. I
22 encourage people to come to an Audobon meeting. Gunderson is in
23 support of the second draft of the CAO.

24
25 Ron Ross-Central Kitsap resident, thinks the definition section needs
26 work, the definition, disturbance of land, is not acceptable in any
27 ordinance. The habitat area would be better if the habitat under
28 concern was dealt with. This section may be too broad. With the
29 flexibility of buffers, that gives County staff too much discretion
30 where not enough knowledge is there. If someone has a friend that
31 works for the County, they can get more lenient treatment and if
32 someone has been in trouble with staff, they may have a more
33 difficult time. There has been no evidence that the current CAO is not
34 adequate. The Planning Commission has the obligation of reviewing
35 it and if there is no compelling reason to change it, don't.

36
37 Heidi Zamzow- Poulsbo Resident, has family here to support the
38 second draft of the Critical Areas Ordinance. Mrs. Zamzow is
39 speaking as a scientist, a property owner, and a mother; first as a
40 scientist who shares the frustration when reading the CAO revision
41 and seeing there is not enough data. Without the necessary data, the

1 County should proceed with caution. As a property owner, Mrs.
2 Zamrow would like to see less government involvement. As a mother
3 watching a seven-year-old play, the diversity in the backyard makes
4 people glad they came here. The beauty needs to be preserved here.

- 5
6 • Chair Mahan- We are going to the list of names of people
7 who signed up tonight with the same rules.
8

9 Elizabeth Bondy-Silverdale Resident, feels she lives in the most
10 beautiful place on earth and the regulations of the CAO are
11 absolutely necessary to be able to plant trees in your yard where
12 ever and when ever you want to. When I first came here, over fifty
13 years ago, there were wide-open spaces and no one ever heard of
14 polluted water. All of that has changed. I hope you can come to
15 agreement and keep our earth beautiful.
16

17 Bruce Danielson, Port Orchard Resident-Wears a couple of hats as
18 an attorney and a father. I have heard a number of stories about
19 people's tragedies with land sliding. I understand that happens. I live
20 on a hill and I've never had any sliding. That doesn't prove anything.
21 As a lawyer, I hear stories all of the time and this relates to the CAO.
22 There are kids running on the playground and they fall and get hurt.
23 Should we not let the kids run on the playground anymore? With the
24 CAO, it has been blown out of proportion. We heard a speaker talk
25 about property rights. We are not being removed from our land, but
26 removing the opportunity to use the land. Inverse condemnation is
27 what we are looking at here. I have read old English documents that
28 read easier than the CAO. The CAO has to specify the danger to the
29 community. It does not do so. We are not reaching our goals. The
30 CAO takes property rights away and people's personal rights. Due
31 process is a fundamental right and if the county wants to hire
32 attorneys like me, that's fine because they will get sued over this
33 document.
34

- 35 • Ahl-Do your comments refer to the existing CAO or the
36 draft?
37

38 Danielson-I tried to limit my comments to this draft.
39

40 Mary Bertrand- Bremerton resident: Submitted written testimony for
41 the record in favor of a strong Critical Areas Ordinance.

1
2 **Ann Sleight- Poulsbo resident: Submitted written testimony for the**
3 **record.**

4
5 **Richard Anderson- Kingston resident: Doesn't want to see the**
6 **Critical Areas Ordinance weakened. Anderson believes the critical**
7 **habitat needs to be protected for future generations.**

8
9 **Richard Boudier- Concerned about the Olhava area and the salmon**
10 **stream that runs in the area. Boudier owns property near the stream**
11 **and would like to see the salmon better protected. Boudier spoke**
12 **about ponds that have not been filtered after storms, in particular**
13 **Johnson Creek, which has not flown since the last storm in October.**
14 **Boudier also believes his neighbors may have cancer because of**
15 **Chlophoric in the water.**

16
17 **Bob Burkholder- Bainbridge Island resident: Used to be a Land Use**
18 **Planner and helped write an award winning Comprehensive Plan. Also**
19 **helped manage over 1 million acres in Montana and that is why he**
20 **has a different take on property rights. Burkholder feels we get**
21 **caught up in the property rights because citizens pay for the privilege**
22 **of living on the land. Due to the recent hurricanes, Burkholder feels**
23 **there has been a caution put on buffers. The CAO should be about**
24 **protecting sensitive areas, not trying to see how far they can be**
25 **encroached.**

26
27 **Irwin Creagsman- Illahee Resident: Has a stream that runs through**
28 **his property, and stormwater collects in it. There are large black**
29 **pipes that run through his property and it is now ruined. Hopefully**
30 **the County will not ruin other's property by respecting the rights of**
31 **property owners.**

32
33 **Jean Bullet, Bremerton resident-Feels the second draft of the Critical**
34 **Areas Ordinance needs a lot of work and does not like the ordinance**
35 **referring to people as *landholders*, because she feels people are**
36 ***landowners*. Bullet also feels the county should not have access to**
37 **properties at all times and it violates people's personal rights.**

38
39 **Jerry McMann, Olalla resident-Does not want to see the government**
40 **take personal rights away. There has to be another way of protecting**
41 **critical areas without the government's hands on citizen's property.**

1
2 **George Warrington, Port Orchard resident-Submitted written**
3 **testimony for the record against the second draft of the Critical Areas**
4 **Ordinance.**

5
6 **Glen Katzenberg, Has worked with many jurisdictions and is against**
7 **the second draft of the Critical Areas Ordinance because of the way it**
8 **is written. In the draft guidelines are intended to be guidelines, not**
9 **recommendations. All projects and their setbacks need to be looked**
10 **over carefully because there is still a lot of area that can be worked**
11 **with.**

12
13 **6:45 PM Dinner Break**

14
15 **Jenny Onning, Bremerton Resident-Is a mom who grew up in Kitsap**
16 **County and believes small wetlands should have more protection**
17 **then they do now. This is damage control. Right now it seems only**
18 **properties adjacent to critical areas have a say in what is put into the**
19 **Critical Areas Ordinance.**

20
21 **Betsy Cooper, Kingston Resident- Supports the second draft Critical**
22 **Areas Ordinance and does not want buffering averages to go below**
23 **25% because properties will be lost. Cooper is a landholder with**
24 **wetlands on her property and with the regulations she knows when**
25 **and what she is able to build.**

- 26
27
28
 - **Chair Mahan-Spoke with the other Planning Commission**
29 **members and they would like to wrap up public testimony**
30 **by the end of the evening and they are going to limit the**
31 **comments to three minutes.**
- 32
33
 - **Jenniges-Asked that the citizens that are going to speak**
34 **do not repeat what others have already said. If a speaker**
35 **agrees with what has been previously said, they can state**
36 **that they agree with whomever and sit down.**
- 37
38
 - **Mahaffay-Has a problem with the three minute rule**
39 **because he knows a person that is going to testify tonight**
40 **that has expertise which will serve both the Planning**
41 **Commission as well as public. Mahaffay feels there is no**

1 way to perform that task when time is limited to three
2 minutes.

- 3
4 • Nevins-Suggests the person Mahaffay is referring to have
5 their comments in written form because the Planning
6 Commission reads those as well.

7
8 A MOTION was made by Gustavson to have the speakers continue
9 with the original rules. Mahaffay seconded the motion.

- 10
11 • Jenniges-Reiterated that repeating what has already been
12 said will take too much time. If there is written comments,
13 speakers should highlight key points and submit that as
14 part of the record.
15
16 • Gustavson-Read the RCW Planning Enabling Act and the
17 Planning Commission is under no legal obligation to end
18 their deliberation despite the letter from the Board of
19 County Commissioners requesting a decision by
20 November 1, 2005.
21
22 • Mahaffay-Stated the Board of County Commissioners
23 cannot legally continue until after 90 days of their
24 notification. Mahaffay feels public testimony is far more
25 important than anything else at this time especially
26 because the Growth Management Hearings Board is very
27 supportive of public participation.

28
29 All in favor 4 all opposed 4. Discussion was held about whether the
30 chair can vote if there is a tie.

- 31
32 • Mahaffay-At the last Planning Commission meeting there
33 was a vote to have more lenient rules at today's hearing.
34 The chair does not have the authority to change the rules
35 during the public hearing. There was a vote of 5
36 commissioners who voted on a more lenient public
37 hearing.
38
39 • Jenniges-Let's move on to see how things go.

40

1 **Jim Bolger-Asked for clarification regarding if there was an actual**
2 **motion made was to allow unlimited time for testimony at the last**
3 **work-study.**

- 4
5 • **Mahaffay-Believes it was, therefore the chair does not**
6 **have the authority to over turn the motion.**

7
8 **Bolger-Does not remember that being a formal motion at the last**
9 **work/study and needs to see the minutes on that motion.**

- 10
11 • **Mahaffay- The minutes cannot be used because they were**
12 **tabled for the next Planning Commission meeting.**
13
14 • **Chair Mahan-A review of the August 23, 2005 has been**
15 **discussed without finding the motion discussed. The next**
16 **speaker will start while legal staff investigates the matter.**

17
18 **Ron Tempelton, Kitsap County Home Builders Association-The**
19 **homebuilders association has primary commitments to the**
20 **community to build safe homes. That is why the homebuilders**
21 **support protection of critical areas and a good balance. The home**
22 **builders are also dedicated to build affordable homes so all**
23 **segments of the community can share the American dream of home**
24 **ownership. Last, the members are committed to building safe homes**
25 **in a manner that is sensitive to the environment. The Home Builders**
26 **Association has three concerns with the second draft. One, being**
27 **common sense, two some of the revisions have gone too far and**
28 **there are risks of invalidation of the constitution and last, some of the**
29 **ambiguities are unpredictable and affect the costs of homes.**
30 **Templeton submitted written comments for the record.**

- 31
32 • **Mahaffay-Asked what the constitutional concerns would**
33 **be.**

34
35 **Templeton-In any planning setting there are two constitutional**
36 **concerns, one is due process considerations specifically substantive**
37 **due process. Our concern is we may have crossed the line where the**
38 **ordinance may be considered invalid.**

39

- Coppola-Asked Templeton would like to see minor revisions to the draft or the existing Critical Areas Ordinance.

Templeton- Would like to see revisions to the draft.

Diane Carley, North Kitsap Resident-Lives near places that are being industrialized and she would like to see adequate buffers and aquifer recharge areas. There are only so many things a person can do to be a good steward. Carley cannot do anything about neighbors who empty their chlorine filled swimming pools into an area adjacent to a wetland. Protection is very important for this reason.

Richard Nerff, Bremerton Resident-Is in support of the second draft of the Critical Areas Ordinance and thinks science will give probability, not certainty. For example a study showed beer causes cancer then another study showing beer is good for the heart. So, the science and the wisdom are both needed to balance good choices.

- Chair Mahan-Going back to procedure, after searching the minutes from the last work/study session, there is no motion to allow unlimited time for testimony. Chair Mahan would like to give the Planning Commissioners the chance to reword a motion to see if that may be voted for.
- Jenniges-Asked what happens if there isn't enough time for everyone to speak.
- Chair Mahan- Listed two options. One to continue the hearing and two, to not continue with the hearing because everyone who did not get a chance to speak last time has already spoken tonight and this was only a continuation of the last public hearing.
- Mahaffay-Has a concern because this is a major ordinance and it involves the citizens directly causing a huge impact. Mahaffay has had to limit his comments at a public hearing and feels he could not get his point across in three minutes.

- 1 • Jenniges-Reminded everyone that the Planning
- 2 Commission is taking written comments.
- 3
- 4 • Nevins-Measured three feet of information he has at home
- 5 and is willing to read more.
- 6
- 7 • Gustavson-Believes the Planning Commission can get
- 8 through everyone tonight.
- 9
- 10 • Chair Mahan-Would like to continue the Public Hearing
- 11 and for people to be as concise as they can.
- 12

13 William Stratan, Port Orchard Resident-Supports a strong Critical

14 Areas Ordinance and wants to be a good neighbor. If the Planning

15 Commission puts together a strong draft, he will do the best to

16 support the Planning Commission.

17

18 Peter Shrappen, Bremerton Resident who think Kitsap County is a

19 lovely place to live and is here to support the second draft of the

20 Critical Areas Ordinance.

21

22 Edward Bass, Poulsbo Resident-Submitted written comments for the

23 record in favor of the second draft of the Critical Areas Ordinance.

24

25 AJ Breadberg, Gig Harbor Resident-Who has done over 3500 projects

26 and has been through this process in Pierce County. If this code

27 passes, it is fine because it will make Breadberg a lot of money.

28 Pierce County consultants are about six months out in the wetland

29 business. Breadberg used to do a wetland study for \$2400.00, now he

30 requires a \$5,000.00 check to look at a wetland. There is not flexibility

31 in this document. Some of the buffers are going to be reduced. I am

32 milking my clients because I know they will pay anything. Breadberg

33 submitted the Snohomish County code for the record. The Planning

34 Commission needs to protect the staff and the public. There needs to

35 be nice, simple, clean code that anybody can understand. The rating

36 system in the Snohomish code is one page long. The rating system

37 in the Kitsap code is in a huge book. People think the wetland stuff is

38 a joke. This is science, it is not touchy feely. This will get appealed if

39 this does not go properly.

40

- 1 • Jenniges-You have provided a lot of information to read,
2 and asked if Breadberg had a recommendation to make
3 the CAO better.
4

5 Breadberg- I recommend you use the rating system from Snohomish
6 County. It is so much easier when looking at wetlands. There needs
7 to be innovative designs.
8

- 9 • Gustavson-Asked about the success rate of created
10 wetlands.
11

12 Breadberg-It depends if they are done right. There was a study done
13 by DOE with a 30 or 60% failure rate. The key to moving wetlands is
14 having the right soil.
15

16 Jim Trainer, Illahee Resident-Bainbridge island has a 71% tree
17 canopy, Bremerton has a 40%. There are heritage trees in Kitsap
18 County that are not protected. There needs to be a tree protection
19 program in the ordinance.
20

- 21 • Coppola- Recognized Trainer as one of the four most
22 authorities is this area about trees and asked him to
23 comment on the danger tree issues.
24

25 Trainer-Doesn't know about danger trees in the ordinance.
26

27 Jim Dawson, Tumwater Resident-Would like to see the buffers
28 significantly wider to 250ft and submitted written comments for the
29 record.
30

31 Anita Rose Correen, Port Orchard Resident-Would like to endorse the
32 second draft of the Critical Areas Ordinance because of balance. If
33 balance is not in nature or the community, systems collapse.
34

35 Eric Scoutan, Poulsbo Resident-Wonders if landowners that are
36 opposed to the second draft of the Critical Areas Ordinance feel their
37 property is so important the air and salmon are polluted. If the
38 answer is no, then the draft should move forward.
39

40 Jacob Metcalf, Bremerton Resident, President and founder of Young
41 Democrats of Kitsap County-Feels there is a moral obligation to

1 support the second draft of the Critical Areas Ordinance to ensure
2 clean air and water for future generations and citizens of Kitsap
3 County.

4
5 Thomas Ostrum, Biologist with the Suquamish Tribe-Submitted
6 written comments in favor of a strong Critical Areas Ordinance.

7
8 Charles Bickle, Poulsbo Resident-Supports everything that has been
9 said endorsing a strong Critical Areas Ordinance.

10
11 Randy Biegenwald, Silverdale Resident-Has concerns with
12 provisions on variances and reasonable use. All property owners and
13 applications have not been treated equally and there needs to be
14 some sort of oversight to ensure everyone is treated the same. This
15 will give the public more faith in the process.

- 16
17 • Gustavson-Please comment on your concerns of
18 reasonable use that is one of the Planning Commission's
19 major concerns.

20
21 Biegnwald-Reasonable use may be defined different between
22 different people.

- 23
24 • Gustavson-The Planning Commission will be speaking
25 about that very issue next week.

26
27 Cynthia Folley, Bainbridge Island student-Feels 50% buffer
28 reductions are too large and submitted written comments for the
29 record.

- 30
31 • Ahl-Thanked for her comments and interest on the Critical
32 Areas Ordinance.

33
34 Jonathan Hallot, Bainbridge Island student-Loves where he lives
35 because the community takes care of nature and he feels it is
36 important to keep nature beautiful. This can be achieved by not
37 letting private property impede on the Critical Areas Ordinance.

38
39 Craig Jensen-Feels protection is needed, but over protection is too
40 much. The younger generations will not be able to enjoy this

1 wonderful country because the government is taking away property
2 rights.

3
4 Ann Frodel, Poulsbo Resident-submitted written comments for the
5 record in favor of the second draft of the Critical Areas Ordinance.

6
7 Rex Nelson, South Kitsap Resident- Would like to see balance and
8 people treated equally when dealing with personal properties.

9
10 Jeanette Franks, Bainbridge Island resident, submitted comments in
11 favor of the second draft of the Critical Areas Ordinance.

12
13 Jack Hamilton, Silverdale resident, Informed the Planning
14 Commissioners that the questions submitted at the public forum held
15 at the Norm Dicks Center are not available to the public and
16 submitted water quality information for the record.

17
18 Dorothy Guice, Poulsbo resident- submitted written testimony for the
19 record against the adoption of the second draft of the Critical Areas
20 Ordinance.

21
22 Tim Matthes, Port Orchard resident- Feels the staff has not thought
23 about the rights of the property owners and should reconsider the
24 proposed draft.

25
26 Glen Jurges, Bremerton resident-Submitted written testimony against
27 the second draft of the Critical Areas Ordinance for the record.

28
29 Linda Parish, Poulsbo resident-Understands homeowners are upset
30 that they might lose parts of their property. Regardless, if there are
31 any questions, it is needed to air on the side of caution. It is easier by
32 far to loosen requirements than to go back and replace what has
33 been destroyed. For the sake of the whole community personal
34 needs should be overlooked and environmental needs should be
35 addressed.

36
37 Don Flora-Bainbridge Island resident-The city council on Bainbridge
38 Island has revised the wording in their ordinance from *native*
39 *vegetation* to *native vegetation or equivalent*. That has much to be
40 commended. Flora submitted written testimony for the record.

41

1 **Vivian Henderson**-Kitsap Alliance of Property Owners, submitted
2 written testimony from Bill Palmer as well as from herself.

3
4 **Karl Duff**- South Kitsap resident, submitted written comments for the
5 record.

6
7 **Lois McMahan**-Olalla resident, submitted written testimony against
8 adoption of the second draft of the Critical Areas Ordinance.

9
10 **Jean Bradford**-Silverdale resident, submitted written comments
11 against the second draft of the Critical Areas Ordinance.

12
13 **Harriett Norwood**- Port Orchard resident, read from an article stating
14 salmon have been protected with buffers of at least 50 feet and feels
15 root rot is important to investigate for dangerous trees.

16
17 **Jim Somerhauser**- Central Kitsap resident, submitted documentation
18 regarding land use regulations and property rights.

19
20 **Tom Donnelley**- South Kitsap resident, heard testimony regarding
21 potential for substitute due process violations and for the cost to the
22 real estate owner to file for a variance and would like to reiterate the
23 recommendation to gradually extend the planning by watershed
24 concept that was demonstrated by the Chico creek watershed
25 project, then we will know what is really on the ground to tailor the
26 ordinance to a particular site. This will reduce the cost to the real
27 estate owner to conduct and EIS. This would help planning overall.
28 Property tax relief should be provided to property owners with
29 buffers. Perhaps the open space concept could be extended to
30 include buffers. This does not have to be part of the Critical Areas
31 Ordinance. There should also be more emphasis on low impact
32 development. This will reduce the harmful effects of stormwater
33 runoff.

34
35 **Rex Nelson**- On the watershed studies, a year ago that was vetoed by
36 an Indian tribe that fished in the waters. That did not turn out to be a
37 good effort.

- 38
39 • **Gustavson**-Asked what the thickness of materials that
40 were submitted look like.

41

- 1 • Chair Mahan-Closed verbal testimony.
- 2
- 3 • Gustavson-Asked the Planning Commission if one week is
- 4 enough time to read through the material.
- 5

6 There was a motion by Gustavson and seconded by Coppola to defer
7 deliberation by one extra week to read through all of the submitted
8 material.

- 9
- 10 • Mahaffay-Asked for clarification on the date
- 11
- 12 • Jenniges- Asked if the Planning Commission would be in
- 13 violation of the County Commissioner's November 1, 2005
- 14 deadline.
- 15
- 16 • Gustavson- Stated this is in the interest of the public, not
- 17 the County Commissioners.
- 18
- 19 • Mahaffay-The only way to answer the question about the
- 20 November 1, 2005 is to get legal council that does not
- 21 work for the Commissioners or the Department of
- 22 Community Development to determine the RCW. Justice is
- 23 not being served to the citizens if the Planning
- 24 Commission does not have a recommendation for the
- 25 County Commissioners.
- 26
- 27 • Nevins- If the Planning Commission delays deliberation by
- 28 one more week, the County Commissioners will go
- 29 forward without a recommendation. The deliberation
- 30 needs to be done before the November 1st deadline.
- 31
- 32 • Chair Mahan- The next Planning Commission meeting is
- 33 scheduled for October 25, 2005. Following that date is the
- 34 November 8, 2005 meeting. The County Commissioner's
- 35 hearing is scheduled for November 7, 2005.
- 36
- 37 • Mahaffay-Let's move forward with the deliberation.
- 38
- 39 • Jenniges-Has already gone through significant
- 40 information and would like to move forward with the

1 process to be able to fulfill the obligation of a
2 recommendation for the citizens.

- 3
- 4 • Mahaffay-Would like to see the motion withdrawn.
- 5
- 6 • Gustavson-Withdrew the motion to delay deliberation by
7 one week.
- 8
- 9 • Coppola- It is clear that there are differences of opinion
10 within the Planning Commission. If concerns are written
11 out those can be submitted to the County Commissioners
12 for the findings of fact.
- 13
- 14 • Chair Mahan-Suggested individually listing items of
15 concerns that need clarification or are disagreed on then
16 round robin taking turns expressing them.
- 17
- 18 • Jenniges-Is going to use the documentation received to
19 decide concerns.
- 20
- 21 • Ahl-Thinks the Planning Commission should keep in mind
22 what they need to do, which is deliberate.
- 23

24 10:35 PM - No further business being heard. A motion was made by
25 and seconded by that the meeting be adjourned. THE VOTE: For-8;
26 Against-0. Motion carried unanimously the meeting was adjourned.

27

28

29

30 APPROVED this ____ day of _____, 2005.

31

32

33

34

35 _____
36 Monty Mahan, Chair

37

38 _____
39 Brynan Pierce, Acting Secretary

40

41 EXHIBITS:

- 1
- 2 **A.**
- 3
- 4