

Emails from W. M. Palmer

Katrina, Dave,

Last night I attended a City Council study session in Port Orchard. They had auxiliary power even though the rest of Port Orchard was black.

Among the topics discussed was Port Orchard's comments on the three alternative land use maps for Port Orchard's Urban Growth Area. The maps staff reviewed (or is still reviewing) was different from the maps Councilwoman Bek Ashby had in her possession. The confusion seemed to arise from the fact that what Kitsap County staff sent to the Port Orchard Planning Department was different than what Bek said she had gotten from the County's website. No doubt you will hear from Port Orchard to the effect they favor the "no action" alternative unless they are given more time to respond than early December.

Apparently the City is not aware as to what Kitsap County's time line is for public hearing consideration of the plan update and how the DSEIS process affects that schedule. They are only aware of the deadline for comments on the Draft Supplemental EIS.

If Port Orchard is given more time to respond, will that be true for others?

Aside from that question, I am quite concerned that there was no prior vetting process for any of the alternative plan proposals Port Orchard was asked to consider. Unlike Draft/Final Supplemental EIS alternatives for prior plan updates, these alternatives seem to have potentially a greater impact on people who own property or have paid taxes on commercial property for years. For example in the South Bethel Corridor one of the alternatives would take away the commercial zoning that many people have relied on for at least 13 – 14 years and others even longer. The concept of making existing business such as West Sound Landscape Supply or the Highway market nonconforming uses is.....patently absurd!

And who was it that thought that development in North Kitsap County is more important than South Kitsap? And why on earth was it ever a consideration to pull back the UGA in South Kitsap when West Sound Utility District is already committed via their water and sewer planning area and plans to serve Port Orchard's UGA along with the City? In short there are a lot of issues that are reflected in the two, three? alternatives that should have been vetted with the public (not just staff in the "back room") prior to their presentation in the Draft SEIS. For the record the actual plan alternative maps seem to be not readily available on the County's website separately. They do show up in the DSEIS.....at a reduced size!

Back in 2006, the County took time to create some Citizen Advisory Groups and even supported those groups with DCD staff and/or consultants. So far the only such group formed was in Central Kitsap and that group has not met for at least three to four months. My belief is that the group was disbanded before any kind of summary report was prepared to include a recommendation for what land use provisions should occur in the Silverdale area. John Taylor

was the Kitsap Alliance of Property Owners appointee to serve on that citizen committee and it is his comments I am referencing about what the Central Kitsap group did or did not accomplish. Assuming John's participation and comments about what was accomplished are accurate, then there is a failure in the citizen participation process. And even if that group did accomplish something that escaped my notice, why was there no citizen group formed in South Kitsap County? There are just as many dedicated people who would have been willing to work on plan provisions in South Kitsap as there may be in Central or North Kitsap. Witness the hours of time spent by concerned citizens helping to craft the 2006 comprehensive plan update.

It is also a "slap in the face" to the citizens north to south to be presented with alternative plan proposals only in the Draft SEIS process. Even the three "open house" meetings held this month did not really provide much opportunity to comment on the DSEIS alternatives. Witness the fact that the Power Point presentation did not have even one slide / graphic to show that there were even three alternatives or provide an explanation for how they were derived or what the implications might be to people living in or owning property in these UGA areas.

A year has gone by since the first announcement of the Comprehensive Plan update process back in October of 2014. Since that first round of "open houses" there has been nothing but an echo of silence about what DCD staff has been doing to craft a plan. Yes, questions went out to solicit the opinion of interested people, but nothing to indicate public opinion would even be a consideration in the plan update process. We citizens received no, as in nada, zilch, feedback regarding the comments we did submit. And none of the questions posed to the public had anything to do with how or in what context there might be plan alternatives developed or considered in the comprehensive plan proposal. Then early in October of this year in the midst of final election activities notice goes out that a DSEIS is available for a 30 day review with alternatives in it that had as stated above, no prior vetting.

Direct comments were solicited from Port Orchard (and I assume Bremerton and Poulsbo) about the provisions for its/their UGAs, but citizens were not accorded such favor! Yet, property and business owners have as much or more at stake with what the comprehensive plan provides than does the City. But.....their only notice was the issuance of the Draft SEIS and some maps to look at during the October, 2015 open houses. Was there even a presentation of the plan alternatives to the Realtors, the Home Builders, the professional community or the DCD Advisory Committee? Certainly KAPO received no such presentation or even a notice that the plan alternatives were available for review. And while I had to miss the last DCD Advisory Committee meeting on October 27th, the agenda for that meeting did not include a presentation of plan alternatives.

Aside from what is contained in the Draft SEIS, the next time anybody may see these alternatives or versions thereof, will be at a Planning Commission work study on December 9th. By definition a "work study" of either the Planning Commission or the Board of County Commissioners does not include opportunity for public comment. Citizens are not even at the

table to be involved any any kind of discussion. This process is a sham!!!

While the DCD staff may have limited manpower resources, that fact is not the creation of citizens, but it is property and business owners who will wind up paying a price for an underfunded and under staffed planning process. On behalf of the Kitsap Alliance of Property Owners, I am objecting to the kind of planning process where there is no attempt (and I mean no!) attempt to involve citizens in the development of the proposed plan or the proposed alternatives.

If somehow the DCD staff thinks that “open houses” and comments submitted to the County’s website constitutes citizen participation, then there is a serious lack of understanding of what meaningful citizen involvement in a comprehensive plan process looks like. Also these kind of measures are just “tokenism” and fail to rise to even the level of credibility of the Shoreline Master Planning process. What elected official or staff member believes a Shoreline Master Plan has any greater impact on the citizens of Kitsap County than the comprehensive land use plan?

Where is the “work study” with the citizens wherein there can be open dialog and open critique of proposed plan measures with assurances that our comments and recommendations will make a difference in what the final plan proposal will be? Why was the citizen participation process designed to make it possible for citizen input to be minimized and likely ignored? That is exactly what the public hearing process does. Without active dialog with citizens while crafting the plan, the message the County is communicating is.....we do not really care what you think or what works for the property or business owner. No the real message is “citizens” you can take the highway! We, the staff and elected officials know best and could care less about what you think – you got your three minutes at the podium, so good bye!

When backed into a corner citizens will appeal a plan or specific provisions of it, thereby costing the County even more money and time. What is our choice after all?

This time,

William M. Palmer, President
Kitsap Alliance of Property Owners

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Katrina, Dave,

In going over staff reports for the Comprehensive Plan Amendments I find that one of the criteria being used to judge compliance with Kitsap County’s Comprehensive Plan is the Countywide Planning Policies. A point I tried to make when I completed each of my several Site Specific Comprehensive Plan Amendment applications was that these policies could not be used to judge compliance with the County’s Comprehensive Plan unless there had been a prior action to include these same policies – particularly the amendments to those policies adopted by the Board of County Commissioners in the fall of 2011, in Kitsap County’s Comprehensive Plan.

Please understand the issue is not whether Kitsap County adopted the Countywide Planning Policies as they did that according to my memory in 1998 with the then latest revisions occurring on November 19, 2007. The further revisions, i.e. the 2010 / 2011 amendments in October / November of 2011. No, the issue is..... did Kitsap County ever take action to include the the CPPs in the County's Comprehensive Plan document? And specifically my question is where is the evidence that Kitsap County amended its Comprehensive Plan to include those 2011 CPPs amendments?

I have followed Kitsap County's Plan adoption and Plan amendment process fairly closely since 1978 and have been involved particularly as a member of the public during the entire course of GMA planning. Some things may have escaped my notice, but one issue I have tracked is the Countywide Planning Policies. I have made comment about them on several occasions and at least tried to discover whether or not Kitsap County or any of the Cities were going to include the CPPs in their comprehensive plans (by amendment). So far I have been unable to document that the County or any of the Cities incorporated the CPPs or any of the revisions in their respective comprehensive plans. For quite a few years I have been critical of Kitsap County's Comprehensive Plan and process (for many reasons) due to the fact the CPPs have not been included in (by amendment to) its Comprehensive Plan. My reading of GMA (RCW 36.70A.210) leads me to the conclusion that if the CPPs are to guide specific land use decisions, such policies must be included in and not be separate from the Comprehensive Plan.

The last time Kitsap County made any amendments to its Comprehensive Plan was in December of 2010. Even if the prior 2007 CPPs revisions had been included in that action, the amendments could not have been because they were not approved until October / November of 2011. Note the 2006 Plan amendments that came back to Kitsap County on remand did not have CPPs and no action was taken when addressing the remand issues to also include the 2011 CPPs in the final action on the 2006 Plan amendments.

So again I ask, by what comprehensive plan amendment action did Kitsap County include the CPPs or any of the amendments? The mere fact that Kitsap County along with the Cities may have adopted those policies is not the issue. By definition the CPPs are "framework policies" adopted with the purpose of providing guidance to member jurisdictions (of KRCC) in the preparation of their respective comprehensive plans. If such policies are to provide specific guidance to implementing ordinances, such policies must be included in the comprehensive plans.

You may remember that both Jack Hamilton and I provided extensive critique of the 2010 / 2011 proposed revisions to the CPPs. In short, the policies are poorly worded, not policies at all, filled with meaningless platitudes and at best offer poor guidance to any jurisdiction adopting them. The policies are so bad, Kitsap County's elected officials and staff should be embarrassed to admit either recommending them for adoption or that they adopted them. Of course Kitsap County ignored our critique and made not one single change in the policies to reflect any of our criticism and there was not one single response to either of our critiques or

any portion there of. A significant fact worthy of note here is that there are 118 times when so called policies are worded such that they are “mandates.” Mandates are not policy! They are in fact prescriptive and therefore belong in an ordinance not a policy statement.

Jack and I tried to appeal the CPPs 2011 amendments to the Growth Management Hearing’s Board and were told by that Board that citizens like us did not have standing to make such an appeal. Further they instructed us that we could appeal such policies if they were included in Kitsap County’s Comprehensive Plan. The Board did not opine as to whether an appeal could be made if the County used those policies (without including them in its comprehensive plan) to make decisions about what actions make the County’s Plan compliant with the CPPs.

If the answer to the question I posed at the beginning of this e-mail is that there was no action taken by Kitsap County to include the CPPs in its Comprehensive Plan, then such policies cannot be used to judge what is compliant with its adopted Plan. If the argument is that any change to the Plan must be compliant with the CPPs, then the apparent fact is the CPPs have been included within the plan by reference and thus they are now subject to appeal. In either case I object to their use to judge individual Site Specific Comprehensive Plan Amendment requests. My concern also goes to the issue of how the County in good conscience can use any of these policies even as a “framework” for preparing its Comprehensive Plan, they are absolutely terrible.

I look forward to your response.

William M. Palmer
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