



December 4, 2015

Katrina Knutson, ACIP
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Department of Community Development
614 Division Street, MS - 38
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SUBJECT: Response To Staff Report For Edwards Rural Residential to Urban Low Site Specific Comprehensive Plan Amendment / Rezone – Permit No: 15 00737

Dear Katrina, Jeff,

This letter is a response to the Staff Report issued on November 9, 2015 analyzing the Laurier Enterprises, Inc. Site Specific Comprehensive Plan Amendment / Rezone proposal to reclassify and rezone their property to Urban Low on Silverdale Way NW. The subject property is further referenced by Kitsap County Assessor / Tax Numbers – 032501-2-018-2009 & 032501-2-022-2003.

It is noted that the staff report contains no specific recommendation. There are none-the-less implied recommendations or conclusions. Many of the comments made by staff seem to ignore the applicant's responses to the same questions. That begs the question as to how the two documents, i.e. the applicant's responses verses the staff's analysis is to be presented to the Planning Commission and ultimately to the Board of County Commissioners? Also it should be noted that the format of criteria questions addressed by staff is problematic and therefore confusing as there are criteria questions not posed in the application material and there is a different order of criteria assessments not found in the Supplement Site Specific Comprehensive Plan Criteria.

Since the staff report assessment of the Edwards Plan Amendment / Rezone request leads to the conclusion the proposed Comprehensive Plan Amendment satisfies the criteria for approval, at least under Alternative 3 as addressed in the DSEIS. The applicant's response comments herein are to provide clarifications not found in the staff report or to question the meaning of statements made:

Background –

The Staff assessment mentions “the presence of wetlands along the eastern property edge, north of Silverdale Way.” It should further be noted that the County’s mapping of this feature is not precise and it may or may not extend into the Edwards property. The County’s building limitations mapping indicates no other possible environmental development constraint. The reference to the Category 1 critical aquifer recharge area, may or may not have significance in the context of the subject site and the other property in the immediate vicinity, which has been subdivided in to small, urban density lots.

Surrounding Zoning and Land Use –

The “Attachment 3 – Current Land Use Map” found on Page 12 is somewhat misleading in how it characterizes **dedicated open space** within subdivided property west and south of the site and in the subdivision north of NW Mountain View Road. True it is “undeveloped land,” but it is not the same as the Edwards or other sites in the vicinity that are better characterized as vacant land.

EVALUATION –**Reclassification Request Criteria (KCC 21.08.070.D)**

D.1.a – The proposed amendment meets concurrency requirements for transportation, sewer and water, and will not result in significant adverse impacts on adopted level of service standards for other public facilities and services, such as police, fire and emergency medical services, park services and general governmental services -

Staff says when discussing density options under an Urban Low Zoning in the second paragraph that “.....104 lots is a maximum unconstrained estimate; the number would likely be lower when factoring in critical areas and site design.”

That statement might be true if there were evidence of “critical areas” to be found on the site. Even if there are and the evidence is lacking “clustered housing” such as is possible with a Performance Based Development (PBD) design could offset in density allowance any loss of dwelling units that might result from the need to dedicate street right-of-way, storm drainage facilities, perimeter buffer allocations or possible critical area conditions that might be uncovered on the site.

Regarding the discussion of Criteria D.1.c. found on Page 7 of the Staff Report

D.1.c – The subject parcel(s) is suitable for the requested land use designation based upon, but not limited to, access, provision of utilities, consistency with existing and planned uses, environmental constraints and compatibility with the neighborhood –

The last sentence of the Staff's assessment is misleading. *"The mapped wetland along the easterly edge would impact future development in that immediate location, but would not impact the majority of the property."* As the added text in the Background discussion indicates the so-called mapped wetland, shows up on County maps because of the presence of soils with hydric characteristics. That soil condition may or may not be associated with the other two components that are necessary to have a wetland – wetland vegetation and hydrology. The best that can be reported is that the property to the east has a potential wetland component and the extent of such possible wetland, might extend into the Edwards' property.

Also, if there is indeed a wetland on the neighbor's property the category of it is important to determine what extent the required buffer might impact the Edward's property.

Regarding County-wide Planning Policies –

Please note the applicant's objection to the County-wide Planning Policies (CPPs) being part of analysis criteria as explained on Pages 3 & 4 of the applicant's response to the Supplemental Comprehensive Plan Amendment Criteria. Also to be referenced here is the e-mail transmitted to Katrina Knutson and Dave Greetham on November 17, 2015 providing further discussion of why the CPPs should not be used to evaluate Site Specific Comprehensive Plan Amendment? Rezone proposals. If Staff continues to refer to these policies as set forth in their staff report for evaluative criteria and they can subsequently defend the use of those policies as discussed in the November 17, 2015 mentioned above, **the applicant reserves the right to address** the Staff's compliance assessment either as contained in the November 9th staff report or as detailed in a response to that November 17th e-mail from W.M. PALMER CONSULTANTS.

Also note that County-wide Planning Policies (CPPs) are only to be employed as comprehensive plan framework criteria to judge that the County and the Cities have coordinated plans. Each of those jurisdictions have separately adopted CPPs, but none so far have tried to include them or portions of them in their respective comprehensive plans. **And that is a good thing** since the **so-called policies are mostly not policies at all**, they are written to be regulations with mandates like shall and must in the verbiage, but not codified as an ordinance. Just in the 2010-2011 amendments there are 118 instances when this has occurred. Many other so-called policy statements are laughable examples of meaningless platitudes.

Based on the analysis and conclusions Staff has presented, the clarifying comments of this response and the original application material, demonstrates the Edwards proposed Urban Low Site Specific Comprehensive Plan Amendment / Rezone has met the criteria for approval in the Context of the Draft Supplemental EIS Alternative 3 Plan proposal.

Please allow the applicant to reply to any further Staff analysis and/or conclusions drawn, prior to submittal of document to the Planning Commission for Public Hearing. Also, clarification is needed to determine whether the comments contained in this letter are to be included in the response to the Draft Supplemental EIS, before the Final Supplemental EIS is published.

Thank you for the opportunity to respond to the Staff Report.

Sincerely,

A handwritten signature in blue ink that reads "William M. Palmer". The signature is fluid and cursive, with a long horizontal flourish extending to the right.

William M. Palmer
W.M. PALMER CONSULTANTS

cc. Rhonda Edwards, Mountain View Meadows