1

de.

1		<b>KITSAP COUNTY PLANNING COMMISSION</b>	
2	Administration Building – Commissioner's Chambers		
3 4	Those	May 21, 2019 @ 5:30 pm minutes are intended to provide a summary of meeting decisions and, except for motions	
4 5	made, should not be relied upon for specific statements from individuals at the meeting. If the		
6	reade	r would like to hear specific discussion, they should visit Kitsap County's Website at	
7	http:/	//www.kitsap/gov.com/dcd/pc/default.htm and listen to the audio file (to assist in locating	
8	inform	nation, time-stamps are provided below).	
9 10	Mom	<u>pers present</u> Kim Allen (Chair), Shelley Kneip, Joe Phillips, Richard Shattuck	
11			
12			
13 <u>Members absent</u> Aaron Murphy, Tom Nevins,			
14	Ctaff.	wegent Dave Ward Liz Williams, Amanda Walston (Clork)	
15 16	<u>Starr</u>	oresent Dave Ward, Liz Williams, Amanda Walston (Clerk)	
17		05:30:55	
18	Α.	Introductions	
19		Mr. Murphy & Nevins absences are noted and excused.	
20	в.	Adoption of Agenda	
21		<ul> <li>Staff has noted the Planning Commission may waive the requirement to approve</li> </ul>	
22		Findings of Fact at a separate meeting following the Deliberations of a topic by a	
23		unanimous vote.	
24		MOTION: Joe Phillips moves to waive the requirement for approving the Findings of	
25		Fact, at a meeting separate from Deliberations for the proposed High-Risk Secured	
26		Facilities ordinance.	
27		SECOND: Jim Svensson seconds.	
28		<ul> <li>VOTE: Unanimous in Favor – Motion Carries</li> </ul>	
29		<ul> <li>MOTION: Joe Phillips moves to adopt the agenda, as revised, to insert Findings of</li> </ul>	
30		Fact as Item 'F' and shift subsequent items accordingly.	
31		SECOND: Jim Svensson seconds.	
32		<ul> <li>VOTE: Unanimous in Favor; 0 Opposed – Motion Carries</li> </ul>	
33	C.	Approval of Minutes	
34		<ul> <li>04/16/19 &amp; 5/14 MINUTES are postponed to next regular meeting.</li> </ul>	
35		5:33:25	
36	D.	General Public Comment	
37		No Speakers present	
38	Ε.	Deliberations: High Risk Secured Facilities Ordinance – Liz Williams, DCD Planning and	
39		Environmental Programs (PEP) Planner	

1	<ul> <li>Ms. Williams presents briefly presents an overview on the High-Risk Secured Facilities</li></ul>
2	Ordinance, noting that materials provided last week included Public Comment
3	received between 04/02/19 and 05/15/19. Tonight, additional materials provided
4	include draft language, a proposed change matrix and draft Findings of Fact.
5	<ul> <li>DCD recommends an overarching (seriatim) motion to consider by paragraph, and</li></ul>
6	vote to approve, as amended.
7	<ul> <li>MAIN MOTION: Mike Eliason moves to consider the proposal seriatim and approve</li></ul>
8	the proposal as amended.
9	SECOND: Shelley Kneip seconds.
10 11 12 13	• Gina Buskirk recuses herself from participation in deliberation and recommendation of this proposed ordinance, due to her employment as a Prosecuting Attorney for the City of Bremerton, and the Mayor and City of Bremerton's strong position regarding the County's proposal.
14	<ul> <li>Ms. Williams reviews Staff's proposed change #1: In Section 4, on page 19 of</li></ul>
15	21, in paragraph 'ii' – replace the words 'others' with 'other specific uses as
16	identified in a neighborhood public meeting or public hearing.'
17	<ul> <li>Ms. Williams reviews Staff's proposed change #2: In Section 4, on page 20 of</li></ul>
18	21, in paragraph 'h' – insert the word 'any' includes the insertion of the
19	word 'any' after 'release' and before 'security locks and allow safe egress'
20	<ul> <li>DISCUSSION: Mr. Shattuck asks if defining that these locks are in place as</li></ul>
21	part of the facility, as dictated by the court orders would be clearer.
22	<ul> <li>Mr. Phillips notes including such language may also help clarify that these</li></ul>
23	are building or safety locks on the facilities, not any kind of individual
24	restraints or monitoring devices.
25	<ul> <li>Staff has no objection to that additional clarification.</li> </ul>
26	<ul> <li>MOTION: Ms. Kneip moves to approve the staff recommended changes as amended</li></ul>
27	to include the addition of the word 'facility' after 'release any' and before 'security
28	locks'
29	SECOND: Mr. Shattuck seconds.
30	<ul> <li>VOTE: 6 in Favor; 0 Opposed; 1 Abstained – Motion Carries</li> </ul>
31	<ul> <li>QUESTION: Mr. Eliason asks why the County defines this use as 2 or more</li></ul>
32	residents, where others have defined it as opposed to other jurisdictions
33	specifying 1 or more.
34	<ul> <li>ANSWER: Ms. Williams notes the change was based on the</li></ul>
35	understanding that placements of 1 individual in a private family
36	home is allowed, this regulation is for group residences. Same
37	restrictions on a Single Family Residence seemed unreasonable.
38	<ul> <li>QUESTION: Mr. Eliason asks why higher density commercial zones would be</li></ul>
39	selected over lower commercial zones.

£,

14

1 2 3 4		<ul> <li>ANSWER: Ms. Williams notes the zone selection was based on review of surrounding jurisdictions, which predominantly allowed sites in higher density areas; also noting that higher density areas can generally also provide a higher level of services.</li> </ul>
5 6		<ul> <li>Chair Allen notes in lower density commercial zones, some properties may be more isolated.</li> </ul>
7 8 9	•	<b>QUESTION:</b> Mr. Eliason asks why, on page 21, paragraph B, states 'land use professionals <i>may</i> include any persons with sufficient knowledge,' as opposed to 'shall.'
10 11		• <b>ANSWER:</b> Ms. Williams notes this paragraph tries to define what professionals could be included, but not required.
12 13 14 15 16	•	<b>QUESTION/ANSWER:</b> Mr. Eliason asks, and Ms. Williams confirms, on page 21, paragraph C, states the 'review can be suspended during neighborhood meeting efforts' this can be suspended by the Department or the Applicant, and is intended to allow the 120 day review time clock to stop while the meeting process is arranged.
17 18	٠	<b>QUESTION:</b> Mr. Eliason asks if the Department of Corrections (DOC) has provided any input or comment on the proposal.
19 20 21		<ul> <li>ANSWER: Ms. Williams notes while DCD has reached out to DOC, nothing has been received, other than a statement regarding siting requirements provided early in ode development process.</li> </ul>
22 23	•	<b>QUESTION/ANSWER:</b> Mr. Phillips asks, and Ms. Williams confirms, similar facilities are in operation in other jurisdictions in Washington State.
24 25		<ul> <li>Ms. Williams notes coordination with other jurisdictions took place throughout the process to ensure compatibility.</li> </ul>
26 27		<ul> <li>Mr. Ward notes the City of Poulsbo and Port Orchard both adopted interim ordinances very similar to the County's proposal.</li> </ul>
28 29 30 31	•	<b>QUESTION/ANSWER:</b> Mr. Eliason asks, and Ms. Williams confirms, the County was concerned that proposing the 880 feet restriction from residential zones preferred by the City of Bremerton would result in a legal challenge.
32 33 34	٠	<b>DISCUSSION:</b> Mr. Phillips notes this is a very narrow, gray area now, but in the future, it could be applicable to a much wider group, which could cause problems later on if we have very specific restrictions.
35 36	٠	Ms. Kneip notes the County has to act on the jurisdiction it has now and make an effort to be informed and updated as the issues change.
37 38	•	Mr. Eliason has some concern that restricting sites to almost only high commercial zones may not be equitable.
39 40	٠	Mr. Phillips believes a ray of hope could be found in comments showing that some people have an attitude of how to work with these people, as

1 2		opposed to the standard NIMBY reaction by some other, and some certain Mayors.
3 4 5 6		<ul> <li>Chair Allen notes these facilities are always challenging as they involve strong emotions. The Land Use perspective is always difficult, because it limits what it does and does not regulate and what can be decided. Staff has done a tremendous job incorporating all these aspects.</li> </ul>
7 8 9		<ul> <li>Mr. Ward thanks the Planning Commission and notes that the same conflicted feelings have been through, along with legal counsel to try and find balance.</li> </ul>
10 11		<ul> <li>Chair Allen asks to have some mechanism to revisit this issue down the road, to keep up with any changes and be informed.</li> </ul>
12 13		<ul> <li>QUESTION: Mr. Eliason asks what training and safety requirements state mandated chaperones who work with these facilities are required to have.</li> </ul>
14		• <b>ANSWER:</b> Ms. Williams notes that anyone can apply to be
15		approved as a chaperone, and the requirements are determined
16		by court orders. Training is required for acknowledgment and
17		understanding the risk potential of individual they are observing.
18		A cell phone in order to contact DOC as well as a completed
19		background check are required prior to approval as a chaperone.
20 21		The County does not have any latitude or authority to change or regulate any of those conditions.
22 23 24		<ul> <li>VOTE: ON MAIN MOTION TO APPROVE STAFF RECOMMENDED CHANGES, AS AMENDED BY THE PLANNING COMMISSION: 6 in Favor, 0 Opposed, 1 Abstained – Motion Carries</li> </ul>
25		6:06:20
26		RECESS
27	F.	Findings of Fact: High-Risk Secured Facility Ordinance
28		<ul> <li>MOTION: Mr. Shattuck moves to approve the Findings of Fact, as amended</li> </ul>
29		regarding the High-Risk Secured Facilities Ordinance
30		SECOND: Mr. Phillips seconds.
31		<ul> <li>Ms. Kneip asks, and Ms. Williams confirms, the amendment will include</li> </ul>
32		Appendix A and date of adoption.
33		• VOTE: 6 in Favor: 0 Opposed; 1 Abstained – Motion Carries
34		6:11:50
35	G.	BRIEFING: 2019 Zoning Use Table Update – Liz Williams, DCD PEP Planner
36		• Ms. Williams briefly describes the tentative timeline and scope for the planned update
37		to the 2019 Zoning Use Table, noting that last year, the BoCC approved funds to look
38		at the Zoning Table and related footnotes for Title 17 of the KCC.

#### DCD anticipates a high level of involvement with the Planning Commission to help 1 modernize, streamline, correct discrepancies and focus on changes to uses within 2 Urban Growth Areas (UGAs), Limited Areas of More Intensive Rural Development 3 (LAMIRDs) and the rural commercial, rural industrial and mineral resource overlay. 4 This update will not include a focus on rural residential zones, as an extensive review 5 6 and update was done across the County a few years back. 7 Revisions at the permit review level to remove barriers to achieve outcomes 8 consistent with the Kitsap County Comprehensive Plan, with focus on the 100+ 9 footnotes currently included in the table. This will help reduce surprises and clarify standards across the County. Subsequent updates to various other sections, including 10 definitions, will also be needed to align with any changes made. 11 This update will not look at site design, setbacks, density, parking, height requirement 12 as this is the first step in adjusting the table, and DCD will look to address those issues 13 in later stages or phases. 14 15 Ms. Williams refers to page 5 in the materials, showing a project/process timeline. The schedule is ambitious, with work studies with the Planning Commission in July, a final 16 17 draft in September/October and final presentation for BoCC adoption in March 2020. Mr. Ward notes this process includes a more substantial engagement with the 18 ٠ Planning Commission prior to the more traditional process. 19 6:19:55 20 **COMMENT:** Mr. Shattuck notes citizens often express frustration that decisions and 21 plans are already set by the time they even get to the Planning Commission, so this 22 approach seems to allow more involvement on all sides from the beginning. 23 QUESTION/ANSWER: Mr. Shattuck asks, and Ms. Williams confirms this is not just the 24 25 footnotes, and the update will include review of forestry, farm industries and what should be permitted in those zones, and how the approval process should be applied 26 27 to different uses within zones. 28 QUESTION/ANSWER: Mr. Phillips asks, and Ms. Williams confirms, that other 29 jurisdictions across the State and Country, utilize a zoning use table. Mr. Phillips believes examples of what is used in other places would be very 30 helpful, especially when educating and engaging the public. 31 Mr. Ward acknowledges that outreach in plain talk is needed. Not many are 32 familiar with all the terms and applications or even how to follow the table 33 through code. Ms. Williams has already been researching other areas as 34 35 trends and changes are taking place. We are seeking a balance, without opening it up entirely, but still allow creativity and flexibility within the 36 37 boundaries of requirements.

### Kitsap County Planning Commission Minutes - May 21, 2019

		Kitsap County Planning Commission Minutes – May 21, 2019
1 2 3 4 5		<ul> <li>Ms. Kneip notes that around 2006, the zoning use table changed dramatically, and the number and complexity of the footnotes included increased exponentially from there. In addition to the number, they were substantially different in some cases and there is no way to cross-reference backward for different version.</li> </ul>
6 7 8 9		<ul> <li>Mr. Ward notes, and Chair Allen agrees that many existing footnotes do not help clarify, they actually are stating requirements, which should not be a footnote, it should be in text, where people can research, absorb and understand them.</li> </ul>
10 11 12		• <b>QUESTION:</b> Chair Allen notes that while this won't take up rural residential, the County is in an affordable housing crisis, in which CUPs for Accessory Dwelling Units (ADUs) may play a large role; and asks if this could be considered.
13 14 15		• <b>ANSWER:</b> Mr. Ward notes the department has had discussion on this matter, and also with the tribes. While it is not part of this update, it is definitely on the radar.
16 17 18		<ul> <li>Mr. Eliason notes the last significant update regarding ADUs was to try and bring people into compliance, since they were already doing it, has any study or data been collected on volume of permits since the last update?</li> </ul>
19 20		<ul> <li>Mr. Ward notes Scott Diener has been reviewing trends, and while it seems they have been rising, no numbers are available at hand tonight.</li> </ul>
21		• Chair Allen notes affordable housing is a different scope than compliance.
22 23		• <b>QUESTION/ANSWER:</b> Mr. Phillips asks, and Ms. Williams confirms, simplification of the Zoning Use Table will reduce cost and time from both sides.
24 25		• Chair Allen notes that taking anything from the CUP to an Administrative CUP would be a significant reduction.
26 27		<ul> <li>Mr. Ward and Ms. Williams encourage the Planning Commission to send any questions or ideas.</li> </ul>
28 29		<ul> <li>Mr. Phillips also encourages staff to share information and ideas with the Planning Commission, even if only to spur thoughts, ideas and creative consideration.</li> </ul>
30		• .
31		6:35:33
32	н.	Administrative Update
33 34 35		<ul> <li>Jeff Rimack, DCD Director, introduces himself noting he has worked in DCD for the past 10+ years in Land Use, Stormwater, Inspections, as the Certified Building Official and now as Director. Mr. Rimack thanks the Planning Commission for their work and</li> </ul>

### **T**7

2

1 2		invites them to share any questions or concerns they may have. If there is anything he or DCD can do to help their work, just let us know.
3 4 5	•	<b>QUESTION:</b> Mr. Eliason asks about the process for meeting minutes, how the time spent on preparation affects the Clerk and Staff, as well as what is required as to how much or little must be captured.
6 7 8 9		• <b>ANSWER:</b> Ms. Kneip notes there is no statute or law, and that Roberts Rules of Order requires action items. Custom levels on details have varied throughout the years and run from minimal action only all the way to verbatim transcript style.
10 11		<ul> <li>The Planning Commission invites the Clerk, Amanda Walston, to join them for continued discussion</li> </ul>
12 13 14 15 16 17		<ul> <li>Ms. Walston notes that the level of detail and overall 'feel and function' of minutes do vary based on what the BoCC and Planning Commission would like to see. When Ms. Walston came on last August, format and preparation was essentially action only, but a request was made that the minutes provide a summary level detail with attention to specific questions and answers as well as any public testimony or comment.</li> </ul>
18 19 20 21 22		<ul> <li>Ms. Walston also notes that the level of complexity for the past several projects that have come through the Planning Commission process have involved very technical information and specific details, which can also contribute to the length of minutes as well as time spent preparing and editing them.</li> </ul>
23 24 25		<ul> <li>Chair Allen notes that the minutes provided feel 'right-sized' in order to provide a comfortable level of what transpired at each meeting and concerns raised, in addition to specific action items.</li> </ul>
26		6:44:40
27 28 29	•	<b>QUESTION:</b> Mr. Eliason asks about the County's interaction between DCD and Public Works (PW), particularly transportation, and how communication and funds are shared.
30 31 32 33 34 35		• <b>ANSWER:</b> Mr. Rimack notes many crossovers for DCD, traffic impact fees and studies, environmental impact statements, Comp Plan, and with those things many are driven by PW. Changes in methodology such as traffic/trip generation affected us as well, where some went up, a few dropped lower. Really finding the tie in how the changes affect Land Use and our projects as they move forward.
36 37		<ul> <li>Mr. Phillips notes there has been a feeling in the past that the two don't always agree.</li> </ul>
38 39 40 41		• Mr. Rimack notes that it really depends on what you are looking for. Even if with construction of a road, why is it happening and what are the impacts? There is also a difference between what they want to see and do and what the code requires. Developers might note want to make the frontage

.

	Kitsap County Planning Commission Minutes – May 21, 2019
1 2	improvements required by the County, but DCD and PW have been a united front and resolute in the requirements.
3 4 5 6 7 8 9	<ul> <li>Mr. Rimack also notes for questions about road standards, who regulates those, who takes the lead, we work pretty well with PW Right-of-Way (ROW) too. DCD's DSE department is partly funded by PW, including Stormwater mitigation, ROW openings and other aspects that have been way more efficient to house under DCD. Not that the review didn't happen before in PW, but now it can happen in the same house with Land Use, allowing for grater communication and efficiency.</li> </ul>
10 11	<ul> <li>Chair Allen asks if input was solicited from the Planning Commission on traffic impacts, noting some jurisdictions do.</li> </ul>
12 13 14 15 16	<ul> <li>Mr. Rimack notes the last draft looked to align Land Use and associated traffic impacts eliminated some of the uses and now we are trying to balance and align the traffic trip generation use table with ours. It will be difficult, but we would definitely try to involve the Planning Commission along with others.</li> </ul>
17 18 19 20 21 22 23	<ul> <li>Mr. Ward notes the way the traffic impact problem is solved, along with need to pay for roads and schools, is approached differently everywhere. In the Midwest, if you are developing, the assumption is that the roads will refer to a certain jurisdiction, and there are differences in how school lovies are handled. In terms of a silo between DCD and PW, it might be there but it is pretty thin and we work closely. It is a better relationship here than in many places.</li> </ul>
24 25	<ul> <li>Mr. Svensson agrees that any wall that may be between the two is far less significant than it was in years past.</li> </ul>
26	6:51:10
27	I. Good of the Order
28 29	• No meeting on 06/04/19, with nothing on the agenda currently until July. Updates will come as we go.
30 31 32	<ul> <li>Ms. Kneip notes that her resignation, due to moving out of County, will be in effect at the end of June, so this will likely be her last meeting. Planning Commissioners and Staff all express gratitude for her work, and though sorry she is leaving wish her well.</li> </ul>
33	Time of Adjournment: 6:55:11
34 35 36 37 38	Minutes approved this <u>30</u> <sup>th</sup> day of <u>2019</u> . Kim Allen, Planning Commission Chair
39 40	XIm
41	Amanda Walston, Planning Commission Clerk