

Kitsap County Planning Commission Minutes – March 19, 2019

**KITSAP COUNTY PLANNING COMMISSION
Administration Building – Commissioner’s Chambers
March 19, 2019 @ 5:30 pm**

These minutes are intended to provide a summary of meeting decisions and, except for motions made, should not be relied upon for specific statements from individuals at the meeting. If the reader would like to hear specific discussion, they should visit Kitsap County’s Website at <http://www.kitsapgov.com/dcd/pc/default.htm> and listen to the audio file (to assist in locating information, time-stamps are provided below).

Members present Kim Allen (Chair), Shelley Kneip, Tom Nevins, Joe Phillips, Jim Svensson, Mike Eliason

Members absent Aaron Murphy, Gina Buskirk, Richard Shattuck

Staff present Jim Bolger, Darren Gurnee, Katharine Shaffer, Dave Ward, Liz Williams, Amanda Walston (Clerk)

05:30:14

A. Introductions

- Mr. Murphy, Ms. Buskirk & Mr. Shattuck’s absences are noted and excused.

B. Adoption of Agenda

- **Motion: Joe Phillips motions to adopt the agenda as presented**
 - **Second: Jim Svensson seconds**
 - **Vote: 6 in Favor; 0 Opposed – Motion carries**

C. Approval of Minutes

- **Postponed to next regular meeting**

D. Work Study: Kent Open Space Application 18-05662, Katharine Shaffer DCD Planner

- Ms. Shaffer provides a brief overview of the Open Space Application process, as well as the Kent application, referencing the Staff report, maps and photographs, and recommendation, as provided.

Public Hearing: Kent Open Space Application 18-05662, Katharine Shaffer DCD Planner

- **Chair Allen opens the Public Hearing.**
- **Chair Allen calls for speakers, hearing none, closes the Public Hearing.**

Deliberations: Kent Open Space Application 18-05662, Katharine Shaffer DCD Planner

- **Motion: Tom Nevins motions to approve the application**
 - **Second: Joe Philips seconds**
 - Mike Eliason commends the program and its benefits.
 - **Vote: 6 in Favor; 0 Opposed – Motion carries**

Findings of Fact: Kent Open Space Application 18-05662, Katharine Shaffer DCD Planner

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- 1 • **Motion: Shelley Kneip motions to approve the Findings of Fact**

- 2 • **Second: Joe Phillips seconds**

- 3 • **Vote: 6 in Favor 0 opposed – Motion carries**

4 **5:43:01**

5 **E. Briefing: Interim Ordinance 366-2019 - Group Residential Facilities, Secured High Risk – Liz**
6 **Williams, DCD Planner**

- 7 • Ms. Williams provides a brief overview, referencing presentation slides, regarding
8 Group Residential Facilities, including long history and state law requiring the
9 allowance but no regulation in placement, noting the proposed ordinance provides
10 definition in the code, including limits, allowances and restrictions related to capacity,
11 location and other factors.
- 12 • The Board of County Commissioners (BoCC) has 6 months to adopt a final ordinance.
- 13 • A BoCC public hearing is scheduled for 03/25/19 at 5:30 pm. Comment received will
14 help shape the ordinance moving forward, packet of info tonight
- 15 • Ms. Williams outlines the Planning Commission schedule for this item, which includes
16 a 04/16/19 work study, 05/07/19 public hearing, 06/21/19
17 deliberation/recommendations and 06/04/19 findings of fact.
- 18 • Ms. Williams notes the public is encouraged to stay informed and involved, describes
19 public outreach, contact avenues and process to submit comment. Public comment
20 period closes at midnight 03/25/19 and will open again in April during the public
21 hearing before the Planning Commission.
- 22 • **QUESTION:** Ms. Kneip asks about the existing facility, that appears to have been the
23 reason this issue came forth.
 - 24 • **ANSWER:** Ms. Williams states DCD has issued a notice of violation and
25 begun the associated process.
- 26 • **QUESTION/ANSWER:** Ms. Kneip asks, and Ms. Williams confirms, the State does not
27 operate the home, services are contracted out.
- 28 • **QUESTION/ANSWER:** Mr. Eliason asks, and Ms. Williams states she is unaware of any
29 other jurisdictions having set limits on number of occupants.
- 30 • **QUESTION:** Ms. Kneip and Mr. Eliason ask if other zoning or designation of essential
31 public facilities has been considered.
 - 32 • **ANSWER:** Ms. Williams confirms neighboring jurisdictions' zoning was
33 reviewed; legal considerations were applied; this is not viewed as an
34 essential public service.
- 35 • **QUESTION/ANSWER:** Chair Allen asks, and Ms. Williams confirms, a Conditional Use
36 Permit (CUP) is required, and placement/siting will be prompted by a CUP application.

37 **5:53:45**

38 **F. Deliberations: Wireless Communications Facilities Code Update – Darren Gurnee, DCD**

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- Mr. Gurnee provides a brief description of the process and proposed items so far, including hearing, comment, feedback, changes, works study, and clarification on the versions before the Planning Commission.
 - **Motion: Ms. Kneip moves to recommend approval of the proposed draft.**
 - **Second: Mr. Eliason seconds, for purpose of discussion**
 - **QUESTION:** Mr. Nevins and Mr. Svensson ask about the absence of an appeal avenue for the Administrative Conditional Use Permit (ACUP).
 - **ANSWER:** Mr. Gurnee responds that Title 21 provides the County an option to allow an appeal to the Hearing Examiner. Noticing and scheduling requirements for the appeal would push beyond the Federal Communications Commission (FCC) shot clock limit, preventing a full review process, so the County chose not to allow the appeal process here.
 - **QUESTION:** Mr. Eliason appreciates staff's work on the comment matrix addressing provider and public questions; asks if any stakeholder meetings were held.
 - **ANSWER:** Mr. Gurnee notes no specific stakeholder meetings, but extensive efforts made to include stakeholders led to this volume of comments, changes, revisions.
 - **QUESTION/ANSWER:** Mr. Eliason asks, and Mr. Gurnee confirms 6 month expiration dates for these permits was chosen after review of typical CUP, which has a 4 year expiration, as well as building permits and other certain wireless facility permits which carry 6 month expirations.
 - **COMMENT:** Mr. Eliason questions whether the industry's suggestion of a letter in lieu of a project timeline is adequate.
 - **QUESTION:** Chair Allen asks why proof of a commercial lease is required for this permit but not any others.
 - **ANSWER:** Mr. Gurnee notes a primary difference in consideration is a commercial facility being placed in a rural setting; key is designating a specific use for a specific site or part of the site. Defers to Jeff Smith, DCD Land Use Planner.
 - Mr. Smith notes DCD requires authorization and proof the property owner knows what is happening and what activities the commercial partner will be performing on their site. Not limited to wireless, also currently required for offsite parking, other landscape agreements, with the key being
 - **Mr. Eliason asks, and Mr. Smith confirms,** providing a limited power of attorney and proof of easement could possibly satisfy the code.
 - **Chair Allen asks, and Mr. Smith confirms,** an exhibit submitted delineating the lease, note of authorization could also possibly satisfy code.

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- 1 of County Commissioners (BoCC) hearing. Procedurally, the Planning
2 Commission makes a recommendation to DCD, and the Department then
3 makes a presentation to the BoCC, which includes the Planning
4 Commission’s Findings of Fact and Recommendation.
- 5 • **Mr. Eliason asks, and MR. Gurnee confirms,** that if there are different
6 recommendations from the Planning Commission and DCD, both are
7 submitted to the BoCC.
 - 8 • **Mr. Bolger notes** if a recommendation is made based on what is heard
9 tonight, and DCD creates a draft version substantially different, the Board
10 could remand it back; the record can’t be reopened now, at this level of
11 process, but a new record can certainly be established before the board.
 - 12 • **Chair Allen asks** if comments and changes are made by DCD, would the
13 Planning Commission see them.
 - 14 • **Mr. Bolger agrees** that DCD will send a copy of the updated draft to the
15 Planning Commission as it goes to the BoCC, if desired. Also noting that if
16 this item is moved out of deliberations, and into the BoCC agenda process, a
17 new record can be established, and can include any new comment coming
18 out of a stakeholder meeting.
 - 19 • **Mr. Eliason asks** about the impact of the Planning Commission reopening
20 the public comment period, for the purpose of a stakeholder meeting.
 - 21 • **Mr. Bolger responds** that legal noticing requirements would have to be met,
22 and meetings would have to be held around the County, incurring
23 significant delays to the matter.
 - 24 • **Mr. Phillips asks, and Chair Allen confirms,** that stakeholders have
25 identified very specific concerns that she does not feel have been
26 adequately addressed in the comment matrix.
 - 27 • **Mr. Bolger also notes** there is an opportunity to create and submit a
28 minority report with this decision, which would also be sent forward with
29 the recommendations.
 - 30 • **Mr. Phillips also notes** the Planning Commission’s role is to recommend to
31 the Board, not render final decision on the matter.
 - 32 • **Ms. Kneip has concerns** about opening the matter back up, especially when
33 opportunity already exists in the BoCC process of consideration.
 - 34 • **MOTION WITHDRAWN: Chair Allen withdraws the motion to delay to a certain date.**
 - 35 • **Mr. Svensson asks, and Mr. Gurnee confirms,** language can be included in
36 the Findings encouraging more input collected from stakeholder prior to
37 presentation to BoCC.
 - 38 • **Mr. Nevins notes** most discussion on this matter assumes stakeholders
39 means providers; should it be expanded to include utility or pole owners?
 - 40 • **MOTION: Mr. Svensson moves to include a recommendation in the Findings that**
41 **DCD Conduct a stakeholder meeting and report back to the Planning Commission.**

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- Second: Ms. Kneip seconds
- Vote: 6 in favor; 0 opposed – motion carries
- VOTE ON THE MAIN MOTION: 6 in favor, 0 opposed – motion carries.

7:48:42

G. 2018 Annual Planning Commission Annual Report – Dave Ward, DCD Manager, Planning and Environmental Services

- Mr. Ward briefly describes the annual report process
- Not all Planning Commissioners received the draft report, this item will be deferred to the next meeting.

H. Administrative Update

- Jim Bolger, DCD Interim Director, provides a brief update, noting the recent Affordable Housing Update was a well attended meeting. Staff will forward a link to the BKAT recording of the event.

I. Good of the Order

- Thanks expressed to Planning Commission and staff for working through this technical, complex process.

Time of Adjournment: 7:52:10

Minutes approved this 14th day of May 2019.



Kim Allen, Planning Commission Chair



Amanda Walston, Planning Commission Clerk