

Kitsap County Planning Commission Minutes – November 20th, 2018

KITSAP COUNTY PLANNING COMMISSION

Administration Building – Commissioner’s Chambers

November 20th, 2018 @ 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 (Acting Chair), Aaron Murphy, Tom Nevins, Joe Phillips, Richard Shattuck, Jim Svensson

Members absent: Gina Buskirk (Chair), Karanne Gonzalez-Harless (Vice Chair)

Staff present: Anna Bausher, Jim Bolger, Tarrah Dofelmier, Darren Gurnee, Katharine Shaffer, Robyn Readwin (Clerk)

5:30:30

Call Meeting to Order, Introductions

- **Motion:** Jim Svensson moves to excuse absent Planning Commissioners.
- **Second:** Joe Phillips seconds.
- **Vote:** 6 in favor; 0 opposed – motion carries.

Adoption of Agenda

- A request to re-order the proposed agenda, Item G to immediately follow Item C.
- **Motion:** Joe Phillips moves to adopt the re-ordered agenda, with Item G following C.
- **Second:** Aaron Murphy seconds.
- **Vote:** 6 in favor; 0 opposed – motion carries.

Approval of Minutes

- **Motion:** Richard Shattuck moves to adopt the minutes of the 09/18/18 meeting as presented.
- **Second:** Jim Svensson seconds.
- Planning Commission notes this was a very complex and detailed set of minutes and appreciates the Clerk’s good work.
- **Vote:** 6 in favor; 0 opposed – motion carries.

5:33:00

G. Briefing: Wireless Code Update – Darren Gurnee, Department of Community Development (DCD) Planning & Environmental Programs (PEP)

- Ms. Allen discloses that she is a consultant for the Wireless Community and has

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1 appeared before Planning Commissions, Hearing Examiners and various Boards in
2 multiple jurisdictions. Ms. Allen believes she can serve as a fair and impartial member
3 of this Planning Commission, and is open to discussion, regarding whether she should
4 not participate, if anyone wishes to do so.

5 • Mr. Gurnee provides a briefing on the upcoming Wireless Code Update process, which
6 has been in progress for many years and which has included work by multiple County
7 departments and third-party consultants.

8 • A very technical draft has been produced, stemming from new Federal requirements
9 passed by the Federal Communications Commission (FCC).

10 • Due to the nature and intensity of material presented, DCD will conduct multiple work
11 studies and organized outreach efforts during the public process to make information
12 easy to understand and accessible both to stakeholders and the Planning Commission.

13 • An updated workplan for the Planning Commission and preliminary draft for
14 stakeholders' review are expected in the next weeks. Work Studies scheduled for
15 December & January Planning Commission meetings, with Public Hearing,
16 Deliberations & Recommendation to follow, with a March timeline for BoCC
17 Consideration.

18 **5:36:30**

19 • **D. Work Study, Public Hearing, Deliberations, Recommendation & Findings of Fact: 18-**
20 **01374 Wozleck Open Space Application** – Katharine Shaffer, DCD Planner

21 • Ms. Shaffer notes this will be the first of three Open Space Applications heard
22 tonight and provides a brief overview of the Open Space program in Kitsap
23 County. Essentially, property owners with critical areas on their land agree to
24 restrict development and preserve the natural state for future generations and in
25 exchange they are granted a decreased property tax rate.

26 • Ms. Shaffer provides a brief overview of the Wozleck application, which seeks to
27 transfer 8.08 acres of undeveloped land to current use open space, referencing
28 the Critical Areas and multiple sensitive characteristics. This transfer will result in
29 a decrease of \$753 in annual taxes.

30 • **Question:** Mr. Shattuck asks why the condition states trail access will be provided
31 for educational use, but the applicant expresses desire to provide public access.

32 • **Answer:** Ms. Shaffer states language referencing trail access for
33 educational use is part of a standard condition, required for the
34 program, but does not limit the owner from allowing wider public
35 access or use.

36 • **Question/Answer:** Mr. Murphy asks, and Ms. Shaffer believes the liability
37 regarding the slopes would be a civil liability issue for the property owner.

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5:45:50

PUBLIC HEARING OPENED

- **SPEAKER: Kevin Killbridge, neighbor of the Wozleck**
 - Mr. Killbridge submitted a letter in support of the project, but also wonders about the access driveway, which serves both the subject property and the neighbor to the South. Was there any objection by that neighbor? It will likely generate more cars.
- Ms. Shaffer notes that letters of support were included in the application, and one of those was from the neighbor to the south.

5:46:35

PUBLIC HEARING CLOSED

- **Motion: Tom Nevins moves to recommend approval of the 18-01374 Wozleck Open Space application.**
 - **Second: Jim Svensson seconds.**
 - **Vote: 6 in favor in favor; 0 opposed – motion carries.**

5:47:00

- **E. Work Study, Public Hearing, Deliberations, Recommendation & Findings of Fact: 18-02890 Burke Open Space Application – Katharine Shaffer, DCD Planner**

- Ms. Shaffer provides a brief overview of the Burke application, which seeks to transfer .10 acres of undeveloped land to current use open space, referencing the Critical Areas and multiple sensitive characteristics. This transfer will result in a decrease of \$739 in annual taxes.

5:49:15

PUBLIC HEARING OPEN

- **NO SPEAKERS**

5:50:10

PUBLIC HEARING CLOSED

- **Motion: Tom Nevins moves to recommend approval of the 18-02890 Burke Open Space application.**
 - **Second: Jim Svensson seconds.**
 - **Vote: 6 in favor; 0 opposed – motion carries.**

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1 • **F. Work Study, Public Hearing, Deliberations & Recommendation & Findings of Fact: 18-**
2 **03458 Aistrope Open Space Application – Katharine Shaffer, DCD Planner**

3 • Ms. Shaffer provides a brief overview of the Aistrope application, which seeks to
4 transfer 16 of 17.74 acres of undeveloped land to current use open space,
5 referencing the Critical Areas and multiple sensitive characteristics. This transfer
6 will result in a decrease of \$138 in annual taxes.

7 • **Question:** Mr. Phillips asks why 1.74 of 17.74 acres was held out

8 • **Answer:** Ms. Shaffer notes the owner intends to build a home on 1.74 acres at a
9 later date. The location is not specified as geological studies and a geotechnical
10 report have not been performed. When ready to begin developing those studies
11 will guide where they can build, so until that time, the 1.74 acres is not identified
12 and is essentially held floating.

13 **5:56:15**

14 **PUBLIC HEARING OPEN**

15 • **NO SPEAKERS**

16 **5:56:23**

17 **PUBLIC HEARING CLOSED**

18 • **Motion: Tom Nevins moves to recommend approval of the 18-03458 Aistrope Open**
19 **Space application.**

20 • **Second: Richard Shattuck seconds.**

21 • **Vote: 6 in favor; 0 opposed – motion carries.**

22 • Findings of Fact for Open Space Applications 18-01374 Wozleck; 18-02890 Burke; and
23 18-03458 Aistrope have been approved and signed by acting Chair.

24 **5:58:20**

25 • **H. Administrative Update – Jim Bolger, DCD Assistant Director**

26 • Mr. Bolger addresses liability associated with granting public access to lands through
27 the Open Space program. The State grants the property owner immunity, in the RCW,
28 for damages incurred on land providing educational use or scientific study, as long as
29 no fee is charged for that use.

30 • Mr. Bolger also provides clarification that if property is designated as Open Space, and
31 then the owner removes a portion later, for development, they would be required to
32 pay back taxes on the portion removed.

33 • Director Garbo resigned on 10/05/19, her last day will be the end of 2018, with much
34 of her time spent on special assignments and internal tasks. Department leadership
35 has been shared between Mr. Bolger, Assistant Director Jeff Rimack and Admin &
36 Permit Services Manager Tina Rice. The Board has asked to look at other Economic/

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1 Community Development models, especially in rural areas, such as Whatcom,
2 Thurston, Snohomish and Pierce, although there are discrepancies in size, volume,
3 and other structural and organizational metrics. Early December we will go back to the
4 Board, and Human Resources will continue to gather input from stakeholders,
5 community members and other regarding desired qualities in leadership of DCD.

6 • **Question/Answer:** Mr. Phillips asks about the Planning Commission's role in this
7 effort, and Mr. Bolger confirms HR/BoCC intends to ask for the Planning Commission's
8 input, with communications will flow directly through those departments.

9 • Mr. Bolger notes that as part of the Electronic Plan Review process, DCD will be
10 transitioning at the end of January to a different software platform called Bluebeam
11 Revu. The old system, called EPC, did not integrate with our other systems.

12 **6:07:45**

13 • **I. After-Action Exercise: 2018 Comprehensive Plan Amendment (CPA) Update Process – Jim**
14 **Bolger, DCD Assistant Director**

15 • With the 2019 process opening next week, this exercise aims to reflect on and make
16 the process easier for everyone.

17 • Mr. Bolger provides a brief update on the 2018 CPA Update process. The 10/29/18
18 BoCC hearing was comparable to the Planning Commission hearings. Two sessions of
19 deliberations concluded yesterday with a few adjustments made to Culbertson on the
20 Mineral Resource Overlay. The 12/10/18 meeting will be for decision only.

21 • One of the biggest internal and external frustrations voiced was the very complicated
22 process used in this year's update, which seemed to deviate from previous years. The
23 Planning & Environmental Programs (PEP) Staff did a great deal of research and
24 preparation to be sure our policies and procedures were compliant with County Code,
25 Title 21 and the Growth Management Act for this year's CPA Update process. We also
26 found that in past years, other guidelines and practices for the regular updates were
27 followed, but this was the first year we actually put Title 21 in practice.

28 **6:42:00**

29 • Mr. Bolger notes that Staff created review materials, including this table breaking out
30 some of the major categories we'd like to look at first, which are: Materials,
31 Presentations, Procedures, and Venue.

32 • **Materials**

33 • Materials includes things like the updated Staff Report Format, Materials Binder (hard
34 copy and electronic), and Supplemental Materials.

35 • Mr. Shattuck found it difficult to put together the main materials and the
36 supplemental materials, especially as revisions were made with Staff
37 Reports and Findings. Culbertson was a good example, the Staff Report was

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- 1 good, testimony was taken based on the Staff Report, but the Findings
2 didn't seem to match up with the materials provided to start. Specific
3 references were made to property values in the Findings, but not present in
4 the Staff Report or original materials. It is difficult to make findings when we
5 didn't have the property value factor to consider during the process.
- 6 • Mr. Bolger asks if other members felt that the Staff Report language which
7 laid out compatibility was too boilerplate and didn't have enough specifics.
- 8 • Mr. Nevins agrees that the difference on compatibility between the two was
9 addressed in discussion but feels it should be in written form for clarity.
10 Verbal is not enough in these matters.
-
- 11 **6:18:05**
- 12 • Chair Allen does not want the big, paper binder. Electronic format is best,
13 but it was difficult to keep up with updates when they came in single pages
14 to track and exchange. Especially when the electronic format is being used –
15 just send the latest document so it can be viewed as a whole.
- 16 • Mr. Bolger asks, and Chair Allen confirms her preference, instead of sending
17 change addendums as individual pages to insert into the original document,
18 just send a complete, revised version. Red-line changes are good, if needed.
- 19 • Mr. Phillips believes in an electronic format, changes are easy to see using
20 the mark-up or final copy functions. As software updates happen often,
21 education on how to do that would be beneficial.
- 22 • Mr. Bolger notes sometimes that level of control is not feasible, because the
23 record must reflect what version was viewed or presented at the time,
24 which is why the pdf is used, so edits cannot be made.
- 25 • Mr. Bolger asks if using the Dropbox format would be acceptable.
- 26 • Ms. Allen and Mr. Murphy agree that having a Dropbox for all the versions,
27 broken out by subject would be useful. Use of the Dropbox for today's
28 materials worked well, allowing for viewing and for printing if desired.
- 29 • Ms. Allen notes that it is very challenging to keep up with materials,
30 especially those as complex as the CPA Update, and the earlier Staff can
31 send it out the better. Time is needed to review and prepare.
- 32 • Mr. Murphy agrees some education on Dropbox would be great for all.
33 Initially he preferred hardcopy, but after multiple changes, liked electronic.
- 34 • Mr. Nevins and Mr. Svensson feel the hard copy is better suited for making
35 notes as you go, especially in major cases or more complex like CPA.
36 Dropbox is fine for items like today.

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6:26:35

- **Presentations**
- Mr. Bolger asks about speakers.
 - The general response is that speakers were well-versed and knowledgeable. Multiple speakers are preferable, for change of pace and especially for lengthy presentations, but also allowed for the best suited speaker for each subject.
- Mr. Bolger asks about the PowerPoint presentations.
 - Chair Allen prefers the best 5 slides, 2 of which are maps and doesn't want to read text.
 - Mr. Phillips feels if someone is going to just read the slide to the audience, it's not needed, but a combination of a good visual presentation and the right presenter makes a difference and can be very effective.
 - Mr. Murphy agrees, noting sometimes material is complex enough that it requires visual explanation or sometimes a chart is needed. The balance of what is being presented and what needs to be shown is key. This year felt like overall, a good job was done with the technical presentations, and they weren't overly long because someone read or presented too much too long.
- Mr. Bolger asks if there is value in Staff taking some time to prepare the public, so they can articulate their concerns in their 2 – 5 minutes of time, maybe a brief tutorial.
 - Mr. Shattuck cautions the perception could be the Planning Commission or Staff is trying to direct public testimony. Part of the beauty of a public forum is people come and get a chance to say what they feel to people that need to hear it. Even if they don't agree, at least they got to speak openly.
 - Mr. Phillips agrees, and believes the Planning Commission is flexible enough to understand the public may not be well-versed in the process and asking clarifying questions can help get their point across.
 - Chair Allen believes it is good for the Chair to set ground rules, reminders of how the process works and time limits allotted to keep things on track. It has worked well.
 - Mr. Shattuck believes often professionals take up more time and go off track than the public in testimony.

06:35:42

- **Procedures**

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- 1 • Mr. Bolger reviews the Planning Commission’s desire for more time to digest content
2 and materials, decision criteria tied to specifics proposal elements as opposed to a
3 general statement of compliance with code and GMA.
- 4 • Mr. Bolger notes that motions have always been difficult, and recently Staff has been
5 providing some scripted options for the wording of motions for the BoCC to consider,
6 especially in some of the more complex situations, and how the procedures would go
7 and steps involved, according to Robert’s Rules. Would this be of help or interest to
8 the Planning Commission?
- 9 • Mr. Phillips asks, and Mr. Bolger clarifies that it would be a combination of
10 procedural options as well as a template on how a motion could be worded,
11 based on different paths or direction of discussion. So instead of making all
12 their motions and recommendations, they are deliberating through their
13 options and then we are providing different scripted options that they can
14 choose or modify as needed when ready to make motions.
- 15 • Chair Allen feels this would be very helpful, especially in extended
16 proceedings like the CPA. In past positions, staff has provided some scripted
17 options, and you can use that or change on the fly, but it’s sometimes easier
18 to use something as a base point.
- 19 • Mr. Murphy agrees and feels it would help to show a sequence of steps the
20 motions would follow depending on which way it was voted. He also sees
21 that scripting might seem like influence but doesn’t see that as the intent.
- 22 • Chair Allen asks if there are examples, Mr. Bolger notes it happened this
23 year for some processes, and during the Critical Areas update. The examples
24 provided to the BoCC have allowed for more granular detail after full
25 deliberation to quickly identify the language they want to capture.
- 26 • Mr. Phillips would like a one-page guide outlining how to move through
27 Robert’s Rules of Order. Poulsbo has one posted in their Chambers.
- 28 • Chair Allen mentions a speaker named Ann (McFarland?) who makes a
29 presentation called Jurassic Parliament that is pretty good.
- 30 • Mr. Bolger asks about the number of meetings, content and length.
- 31 • Mr. Phillips notes that it’s not necessarily about the number of meetings,
32 but the time that passes with deadlines and issues still pending.
- 33 • Mr. Bolger notes it is often a balancing act with the calendar to allow Staff
34 time to work and prepare and to make full and best use of the Planning
35 Commission’s time.

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6:38:00

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- 1 • Mr. Bolger asks about the effectiveness of the venue and setting for meetings.
- 2 • Chair Allen and Mr. Phillips note that it can be difficult during deliberation
- 3 and during discussion to be on the dais, believe a round table or different
- 4 configuration could help foster conversation.
- 5 • Mr. Bolger notes that smaller sessions can be held next door in the Port
- 6 Blakely Conference Room, or even here with tables arranged differently.

7 **6:47:43**

- 8 • Mr. Murphy asks about logistics of holding meetings in other locations, such
- 9 as Poulsbo.
- 10 • Mr. Bolger will look into the requirements, as the BoCC has been able to
- 11 hold meetings offsite and make decisions from alternate locations as well.
- 12 The number may have limits, but we can explore that option.

13 • **J. For the Good of the Order**

- 14 • Mr. Svensson asks whether the December 4th meeting will be held.
- 15 • Mr. Bolger will ask the Clerk to send confirmation.

16 **Time of Adjournment: 6:49:50**

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18 Minutes approved this 8th day of January 2018.

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Kim Allen, Acting Planning Commission Chair



Amanda Walston, Planning Commission Clerk

