

Kitsap County Planning Commission Minutes – May 21, 2019

KITSAP COUNTY PLANNING COMMISSION
Administration Building – Commissioner’s Chambers
May 21, 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.kitsap.gov/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, Joe Phillips, Richard Shattuck
Jim Svensson, Mike Eliason, Gina Buskirk

Members absent Aaron Murphy, Tom Nevins,

Staff present Dave Ward, Liz Williams, Amanda Walston (Clerk)

05:30:55

A. Introductions

- Mr. Murphy & Nevins absences are noted and excused.

B. Adoption of Agenda

- Staff has noted the Planning Commission may waive the requirement to approve Findings of Fact at a separate meeting following the Deliberations of a topic by a unanimous vote.
- **MOTION: Joe Phillips moves to waive the requirement for approving the Findings of Fact, at a meeting separate from Deliberations for the proposed High-Risk Secured Facilities ordinance.**
 - **SECOND: Jim Svensson seconds.**
 - **VOTE: Unanimous in Favor – Motion Carries**
- **MOTION: Joe Phillips moves to adopt the agenda, as revised, to insert Findings of Fact as Item ‘F’ and shift subsequent items accordingly.**
 - **SECOND: Jim Svensson seconds.**
 - **VOTE: Unanimous in Favor; 0 Opposed – Motion Carries**

C. Approval of Minutes

- 04/16/19 & 5/14 MINUTES are postponed to next regular meeting.

5:33:25

D. General Public Comment

- No Speakers present

E. Deliberations: High Risk Secured Facilities Ordinance – Liz Williams, DCD Planning and Environmental Programs (PEP) Planner

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- 1 • Ms. Williams presents briefly presents an overview on the High-Risk Secured Facilities
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 • DCD recommends an overarching (seriatim) motion to consider by paragraph, and
6 vote to approve, as amended.
- 7 • **MAIN MOTION: Mike Eliason moves to consider the proposal seriatim and approve**
8 **the proposal as amended.**
 - 9 • **SECOND: Shelley Kneip seconds.**
- 10 • **Gina Buskirk recuses herself from participation in deliberation and recommendation**
11 **of this proposed ordinance**, due to her employment as a Prosecuting Attorney for the
12 City of Bremerton, and the Mayor and City of Bremerton’s strong position regarding
13 the County’s proposal.
 - 14 • Ms. Williams reviews Staff’s proposed change #1: In Section 4, on page 19 of
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 • Ms. Williams reviews Staff’s proposed change #2: In Section 4, on page 20 of
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 • **DISCUSSION:** Mr. Shattuck asks if defining that these locks are in place as
21 part of the facility, as dictated by the court orders would be clearer.
 - 22 • Mr. Phillips notes including such language may also help clarify that these
23 are building or safety locks on the facilities, not any kind of individual
24 restraints or monitoring devices.
 - 25 • Staff has no objection to that additional clarification.
- 26 • **MOTION: Ms. Kneip moves to approve the staff recommended changes as amended**
27 **to include the addition of the word ‘facility’ after ‘release any’ and before ‘security**
28 **locks’**
 - 29 • **SECOND: Mr. Shattuck seconds.**
 - 30 • **VOTE: 6 in Favor; 0 Opposed; 1 Abstained – Motion Carries**
 - 31 • **QUESTION:** Mr. Eliason asks why the County defines this use as 2 or more
32 residents, where others have defined it as opposed to other jurisdictions
33 specifying 1 or more.
 - 34 • **ANSWER:** Ms. Williams notes the change was based on the
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 • **QUESTION:** Mr. Eliason asks why higher density commercial zones would be
39 selected over lower commercial zones.

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- **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.
 - Chair Allen notes in lower density commercial zones, some properties may be more isolated.
 - **QUESTION:** Mr. Eliason asks why, on page 21, paragraph B, states 'land use professionals *may* include any persons with sufficient knowledge,' as opposed to 'shall.'
 - **ANSWER:** Ms. Williams notes this paragraph tries to define what professionals could be included, but not required.
 - **QUESTION/ANSWER:** 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.
 - **QUESTION:** Mr. Eliason asks if the Department of Corrections (DOC) has provided any input or comment on the proposal.
 - **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 the development process.
 - **QUESTION/ANSWER:** Mr. Phillips asks, and Ms. Williams confirms, similar facilities are in operation in other jurisdictions in Washington State.
 - Ms. Williams notes coordination with other jurisdictions took place throughout the process to ensure compatibility.
 - Mr. Ward notes the City of Poulsbo and Port Orchard both adopted interim ordinances very similar to the County's proposal.
 - **QUESTION/ANSWER:** 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.
 - **DISCUSSION:** 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.
 - 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.
 - Mr. Eliason has some concern that restricting sites to almost only high commercial zones may not be equitable.
 - 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

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- 1 • DCD anticipates a high level of involvement with the Planning Commission to help
2 modernize, streamline, correct discrepancies and focus on changes to uses within
3 Urban Growth Areas (UGAs), Limited Areas of More Intensive Rural Development
4 (LAMIRDs) and the rural commercial, rural industrial and mineral resource overlay.
5 This update will not include a focus on rural residential zones, as an extensive review
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
10 standards across the County. Subsequent updates to various other sections, including
11 definitions, will also be needed to align with any changes made.
- 12 • This update will not look at site design, setbacks, density, parking, height requirement
13 as this is the first step in adjusting the table, and DCD will look to address those issues
14 in later stages or phases.
- 15 • Ms. Williams refers to page 5 in the materials, showing a project/process timeline. The
16 schedule is ambitious, with work studies with the Planning Commission in July, a final
17 draft in September/October and final presentation for BoCC adoption in March 2020.
- 18 • Mr. Ward notes this process includes a more substantial engagement with the
19 Planning Commission prior to the more traditional process.

20 6:19:55

- 21 • **COMMENT:** Mr. Shattuck notes citizens often express frustration that decisions and
22 plans are already set by the time they even get to the Planning Commission, so this
23 approach seems to allow more involvement on all sides from the beginning.
- 24 • **QUESTION/ANSWER:** Mr. Shattuck asks, and Ms. Williams confirms this is not just the
25 footnotes, and the update will include review of forestry, farm industries and what
26 should be permitted in those zones, and how the approval process should be applied
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.
- 30 • Mr. Phillips believes examples of what is used in other places would be very
31 helpful, especially when educating and engaging the public.
 - 32 • Mr. Ward acknowledges that outreach in plain talk is needed. Not many are
33 familiar with all the terms and applications or even how to follow the table
34 through code. Ms. Williams has already been researching other areas as
35 trends and changes are taking place. We are seeking a balance, without
36 opening it up entirely, but still allow creativity and flexibility within the
37 boundaries of requirements.

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1 invites them to share any questions or concerns they may have. If there is anything he
2 or DCD can do to help their work, just let us know.

3 • **QUESTION:** Mr. Eliason asks about the process for meeting minutes, how the time
4 spent on preparation affects the Clerk and Staff, as well as what is required as to how
5 much or little must be captured.

6 • **ANSWER:** Ms. Kneip notes there is no statute or law, and that Roberts Rules
7 of Order requires action items. Custom levels on details have varied
8 throughout the years and run from minimal action only all the way to
9 verbatim transcript style.

10 • The Planning Commission invites the Clerk, Amanda Walston, to join them
11 for continued discussion

12 • Ms. Walston notes that the level of detail and overall ‘feel and function’ of
13 minutes do vary based on what the BoCC and Planning Commission would
14 like to see. When Ms. Walston came on last August, format and preparation
15 was essentially action only, but a request was made that the minutes
16 provide a summary level detail with attention to specific questions and
17 answers as well as any public testimony or comment.

18 • Ms. Walston also notes that the level of complexity for the past several
19 projects that have come through the Planning Commission process have
20 involved very technical information and specific details, which can also
21 contribute to the length of minutes as well as time spent preparing and
22 editing them.

23 • Chair Allen notes that the minutes provided feel ‘right-sized’ in order to
24 provide a comfortable level of what transpired at each meeting and
25 concerns raised, in addition to specific action items.

26 **6:44:40**

27 • **QUESTION:** Mr. Eliason asks about the County’s interaction between DCD and Public
28 Works (PW), particularly transportation, and how communication and funds are
29 shared.

30 • **ANSWER:** Mr. Rimack notes many crossovers for DCD, traffic impact fees
31 and studies, environmental impact statements, Comp Plan, and with those
32 things many are driven by PW. Changes in methodology such as traffic/trip
33 generation affected us as well, where some went up, a few dropped lower.
34 Really finding the tie in how the changes affect Land Use and our projects as
35 they move forward.

36 • Mr. Phillips notes there has been a feeling in the past that the two don’t
37 always agree.

38 • Mr. Rimack notes that it really depends on what you are looking for. Even if
39 with construction of a road, why is it happening and what are the impacts?
40 There is also a difference between what they want to see and do and what
41 the code requires. Developers might note want to make the frontage

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- 1 improvements required by the County, but DCD and PW have been a united
2 front and resolute in the requirements.
- 3 • Mr. Rimack also notes for questions about road standards, who regulates
4 those, who takes the lead, we work pretty well with PW Right-of-Way
5 (ROW) too. DCD’s DSE department is partly funded by PW, including
6 Stormwater mitigation, ROW openings and other aspects that have been
7 way more efficient to house under DCD. Not that the review didn’t happen
8 before in PW, but now it can happen in the same house with Land Use,
9 allowing for grater communication and efficiency.
 - 10 • Chair Allen asks if input was solicited from the Planning Commission on
11 traffic impacts, noting some jurisdictions do.
 - 12 • Mr. Rimack notes the last draft looked to align Land Use and associated
13 traffic impacts eliminated some of the uses and now we are trying to
14 balance and align the traffic trip generation use table with ours. It will be
15 difficult, but we would definitely try to involve the Planning Commission
16 along with others.
 - 17 • Mr. Ward notes the way the traffic impact problem is solved, along with
18 need to pay for roads and schools, is approached differently everywhere. In
19 the Midwest, if you are developing, the assumption is that the roads will
20 refer to a certain jurisdiction, and there are differences in how school lovies
21 are handled. In terms of a silo between DCD and PW, it might be there but it
22 is pretty thin and we work closely. It is a better relationship here than in
23 many places.
 - 24 • Mr. Svensson agrees that any wall that may be between the two is far less
25 significant than it was in years past.



26 **6:51:10**

27 **I. Good of the Order**

- 28 • No meeting on 06/04/19, with nothing on the agenda currently until July. Updates will
29 come as we go.
- 30 • Ms. Kneip notes that her resignation, due to moving out of County, will be in effect at
31 the end of June, so this will likely be her last meeting. Planning Commissioners and
32 Staff all express gratitude for her work, and though sorry she is leaving wish her well.

33 **Time of Adjournment: 6:55:11**

34 Minutes approved this 30th day of July 2019.

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39 **Kim Allen, Planning Commission Chair**
40 
41 **Amanda Walston, Planning Commission Clerk**