

**Kitsap County Planning Commission Minutes – January 22, 2019**

**KITSAP COUNTY PLANNING COMMISSION  
Administration Building – Commissioner’s Chambers  
January 22, 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: Gina Buskirk (Chair), Kim Allen, Aaron Murphy, Tom Nevins, Joe Phillips, Richard Shattuck

Members absent: Mike Eliason, Shelley Kneip, Jim Svensson

Staff present: Jim Bolger, Darren Gurnee, Dave Ward, Amanda Walston (Clerk)

**05:39:11**

Delayed start – due to excessive traffic

**A. Introductions**

**B. 2019 Elections**

- **Chair Buskirk opens the floor to nominations for Chair for 2019 term.**
- Tom Nevins thanks the outgoing Chair and recognizes Kim Allen, Aaron Murphy & Richard Shattuck as intended nominations.
  - Mr. Murphy and Mr. Shattuck decline, Ms. Allen accepts.
- **Motion/Nomination:** Tom Nevins nominates Kim Allen as Chair for 2019.
  - Second: Richard Shattuck seconds.
- **Hearing no other nominations, nominations are closed.**
  - **Votes in favor: 6 unanimous – Motion carries**
- **Kim Allen is elected Chair for 2019**

**5:44:35**

- **Chair Buskirk opens the floor to nominations for Vice Chair for 2019 term.**
- Tom Nevins recognizes Aaron Murphy & Richard Shattuck as intended nominations.
  - Mr. Shattuck declines, Mt. Murphy accepts.
- **Motion/Nomination:** Tom Nevins nominates Aaron Murphy as Vice Chair.
  - Second: Richard Shattuck seconds.
- **Hearing no other nominations, nominations are closed.**
  - **Votes in favor: 6 unanimous – Motion carries**
- **Aaron Murphy is elected Vice Chair for 2019.**

**Kitsap County Planning Commission Minutes – January 22, 2019**

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36

**C. Adoption of Agenda.**

- **Motion: Joe Phillips motions to adopt the agenda as presented**
  - **Second: Aaron Murphy seconds**
  - **Vote: 6 unanimous – Motion carries**

**05:47:30**

**D. Approval of Minutes**

- 12/18/18 & 01/08/19 draft minutes have not been received or reviewed due to continued technical difficulties.
- **Motion:** Gina Buskirk moves to postpone the approval of the minutes of 12/18/18 & 01/08/19 to the next regular meeting.
  - **Second:** Richard Shattuck seconds.
  - **Vote: 6 unanimous – Motion carries**

**5:48:00**

**E. Work Study: Wireless Code Update – Darren Gurnee, DCD Planner**

- Mr. Gurnee provides a brief overview, timeline and summary of proposed Wireless Code Updates, referencing the Staff Report and attachments provided, and noting the heart of this update centers around the Permissibility Table (Table 1), changes and criteria based on recent rulings by the Federal Communications Commission (FCC).

**5:50:53**

- **QUESTION:** Mr. Nevins asks how a Letter of Exemption differs from a Permit.
  - **ANSWER:** Mr. Gurnee A Letter of Exemption includes prescribed criteria and exempts the Applicant from Land Use permitting. Other applicable permitting, such as Building and Right-of-Way (ROW), is still required.
- Mr. Gurnee shows examples of related equipment and screening requirements for small wireless facilities, references previous presentations showing other options.
- **QUESTION/ANSWER:** Chair Allen asks, and Mr. Gurnee confirms, shrouding for an equipment box is typically painting the box to match the pole it is mounted on AND that strand mounting is not addressed in the current code

**5:55:45**

- Mr. Gurnee notes a proposed change would allow new tower-based facility with an Administrative Conditional Use Permit (ACUP), if within 500 feet of an existing tower, as opposed to a Conditional Use Permit (CUP).
- **QUESTION:** Mr. Murphy asks if the new facility must be on the same property.
  - **ANSWER:** Mr. Gurnee clarifies it is a measured distance, no requirement for same property or parcel.





## Kitsap County Planning Commission Minutes – January 22, 2019

- 1 • **CLARIFICATION:** References to ‘dark’ fiber, indicates the same provider owns both  
2 ‘ends’ of the fiber.

3 **6:11:40**

- 4 • **QUESTION:** Mr. Nevins notes early code prohibits small wireless systems in Single  
5 Family Residences (SFR) and accessory structures; and asks what standard distances  
6 from the installations are considered safe from emissions.
- 7 • **ANSWER:** Mr. Gurnee notes these distances are specified for aesthetic  
8 purposes, not EMF requirements.
  - 9 • Mr. Nevins notes some advantages may be found in locations where power  
10 already exists, such as streetlights, poles as opposed to rural.
  - 11 • Chair Allen notes industry reps may be able to respond to specific public  
12 concerns during the public hearing process.

13 **6:13:35**

- 14 • Mr. Gurnee calls for additional questions.
- 15 • **QUESTION:** Chair Allen asks about incorporation of appeals time for small wireless.  
16 The Hearing Examiner process can be lengthy, and if you add an appeal to the  
17 timeline, with required schedules and noticing, the process may not be possible to  
18 meet the timeframes while the shot clock is ticking.
- 19 • **ANSWER:** Mr. Gurnee states they are looking at whether any part of the  
20 appeal timeline process can be waived and will flag this issue on the matrix.
- 21 • **QUESTION:** Mr. Nevins also asks how the department plans for capacity in short  
22 timing; if 600 applications come through at one time, how will DCD respond?
- 23 • **ANSWER:** Mr. Gurnee notes no specific numbers for capacity, but the ability  
24 to hire assistance to process applications is available. Multiple, or batched,  
25 applications would be for one category, so would likely include similarities.
  - 26 • Mr. Nevins notes the time limit specified by FCC is 60 days; and interpreted  
27 that each site could include different features and is concerned it could be  
28 more than the County can handle.
  - 29 • Mr. Shattuck notes that if, for example, Silverdale was deemed a good  
30 location, providers wouldn’t submit a few applications at a time, they would  
31 look to get the area set at one time, so it’s important to plan for capacity.
  - 32 • Mr. Gurnee notes other jurisdictions are interpreting this as receiving a  
33 batch in one of, not multiple categories.
- 34 • **QUESTION:** Ms. Buskirk asks about the height requirements, which specify ‘not to  
35 exceed current height, and 40 feet beyond’ and the effect for taller structures, such as  
36 the guy wire towers.
- 37 • **ANSWER:** Mr. Gurnee confirms limit of 200 feet, the 40 feet beyond  
38 because 75% of the tower must be screened.
  - 39 • Ms. Buskirk references a flagpole top, off Waaga Way in Silverdale.

**Kitsap County Planning Commission Minutes – January 22, 2019**

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38

**6:20:35**

- **QUESTION:** Mr. Phillips asks if most of the towers needed for 5G will be lower, such as the macro or micro sites.
  - **ANSWER:** Mr. Gurnee responds that more large towers will definitely be needed, to create the base structure for the 5G network.
  - Batching is only allowed for small cell wireless facilities, not provided for with larger towers.
- **QUESTION:** Mr. Murphy asks how many additional towers are needed in Kitsap County to meet 5G technology requirements? That may affect that 500-foot change.
  - **ANSWER:** Mr. Gurnee will check for data.
  - Mr. Shattuck notes the example of storage facilities and some could be a good fit, but if they are near neighborhoods, those neighbors wouldn't even get a hearing to share their concerns. They receive notice of the application, but don't get to come speak before the decision is made.
  - Mr. Murphy notes the code language reads once one is in place, others can go in every 500 feet from there, and by following an easier process; he disagrees with this and can think of 3 current instances where storage facilities are within 800 feet of 80-plot short plat housing.
  - Chair Allen also disagrees with the process being easier if within 500 feet.
- Chair Allen notes that the article submitted, written by Rusty Monroe, contains many inaccuracies and was also written prior to FCC regulatory updates.
  - Mr. Nevins notes the article is worth reading.
  - Chair Allen agrees, and believes the FCC changes have made significant impacts and changes on some pieces that article is based on.
- Mr. Gurnee notes an Open House will be held prior to the upcoming public hearing.

**6:28:45**

**F. Administrative Update**

- Mr. Ward provides a brief update on the Code Prioritization committee convened last year, thanking Mr. Nevins and Mr. Phillips for their active participation.
- The Committee has developed a set of criteria to evaluate and review. Next steps will be running code ideas through the criteria to prioritize.
  - An update of the use table and long list of footnotes, including some which are clarifications or implementation of code directives, will be one of the first items coming forward. This resolution will also address approximately 40% of the other items on the list.
  - Mr. Phillips notes the original list has been greatly reduced through the committee's work. Mr. Ward notes this was a community-driven effort.

**Kitsap County Planning Commission Minutes – January 22, 2019**

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27

**6:33:15**

- Mr. Nevins asks about a rumored state land use decision, possibly under Bandix or Baxter, that used a Boundary Line Adjustment (BLA) to form a subdivision up in the hills west of Highway 3 involving 100 1-acre lots with lots of common space; and if this could happen without the County’s involvement.
  - Mr. Ward is not aware of those names but does know of a few instance where BLAs were bound by state code because the County does not have any code regarding BLAs.
  - This is challenging because DCD isn’t notified when a BLA is made, only when action takes place as a permit submitted; substantial numbers of sub-standard lots can or have been created.
- Mr. Ward notes a draft 2018 Planning Commission report to the BoCC is being prepared.

**G. Good of the Order**

- None heard.

**Time of Adjournment: 6:37:38**

Minutes approved this 19<sup>th</sup> day of February 2019.

  
\_\_\_\_\_  
Kim Allen, Planning Commission Chair

  
\_\_\_\_\_  
Amanda Walston, Planning Commission Clerk