

Kitsap County Planning Commission Minutes – April 16, 2019

**KITSAP COUNTY PLANNING COMMISSION
Administration Building – Commissioner’s Chambers
April 16, 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, Tom Nevins, Joe Phillips, Richard Shattuck
Jim Svensson

Members absent Aaron Murphy, Gina Buskirk, Mike Eliason

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

05:30:07

A. Introductions

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

B. Adoption of Agenda

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

C. Approval of Minutes

- **02/19/19**
- **Motion: Joe Phillips moves to approve the minutes of 02/19/19**
 - **Second: Shelley Kneip seconds**
 - **Vote: 6 in Favor; 0 Opposed – Motion carries**
- **03/19/19 Postponed to next regular meeting.**

5:31:52

D. 2018 Planning Commission Annual Report – Dave Ward, DCD Manager, Planning & Environmental Programs (PEP)

- Mr. Ward provides a brief overview of the 2018 Draft Planning Commission Annual Report, which will be presented to the Board of County Commissioners (BoCC). Format and intro are same as last year, slate of commissioners, slate of activity in chronological order.
- **Motion: Joe Phillips moves to approve the 2018 Planning Commission Annual Report as presented**
 - **Second: Richard Shattuck seconds**

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5:46:30

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F. Work Study: Interim Ordinance 366-2019 - Group Residential Facilities, Secured High Risk – Liz Williams, DCD Planner

- Ms. Williams provides a brief overview, referencing presentation slides, regarding High-Risk Secured Facilities (HRSF) and the related Interim Ordinance adopted on 02/26/19 by the BoCC. Ms. Williams also outlines the process for moving forward, noting the BoCC must act to adopt the final ordinance by 08/06/19.
- Proposal for HRSF will house 2 or more civilly committed sexually violent predators or individuals who pose likelihood of harm to others, whose sentences have been completed, to a less restrictive alternative (LRA) as defined by state law. These do not include secure community transition facilities or nursing homes, assisted living facilities or adult family homes with enhanced services, as defined by law.
- Ms. Williams provides proposed definitions, and requirements, including:
 - Location/zones allowed
 - Neighborhood compatibility and safety requirements
 - Notification to surrounding/neighboring properties
 - Community meeting
 - Public Hearing during the permit review process
- Ms. Williams encourages and outline the process for providing public comment, in writing, in person at one of scheduled public hearings or online comment can be submitted at <https://tinyurl.com/KitsapCodeProjects>.
- Ms. Williams notes state law limits what the County has authority to regulate, which includes the proposed items. The County cannot regulate operation of the facility, staffing levels, training or security requirements, outings in the community or separation distance from certain facilities beyond what is allowed by state law.
- **QUESTION/ANSWER:** Chair Allen asks, and Ms. Williams confirms, County Legal Counsel has specifically reviewed and confirm the County’s authority limits regarding separation distances.
- **QUESTION/ANSWER:** Mr. Nevins asks, and Ms. Williams confirms, the Viking Way house is the only one established in the County, though there may be some within city limits.
 - Mr. Bolger notes other individuals have been released to other LRA settings, but not in a group setting.
 - Chair Allen asks, and Ms. Williams confirms a code violation has been issued to the Viking Way property, which has been appealed and will be heard before the Hearing Examiner.
- **QUESTION:** Mr. Phillips asks what use the County views the property to be currently operating under.

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- 1 • **ANSWER:** Mr. Bolger notes individuals are released by Superior Court’s
2 order with any number and spectrum of conditions they are required to
3 abide by. At this point, DCD views it as an enhanced care/secured facility.
- 4 • **QUESTION/ANSWER:** Mr. Phillips asks, and Mr. Bolger confirms, this only applies to
5 individuals who have completed their sentence, but the court has imposed some
6 restriction on their housing less than that of prison, but not a general release.
- 7 • Mr. Ward notes most individuals are placed in these settings due to some
8 level of disability, requiring additional services and enhanced care as they
9 would not be able to function alone in society. An example is an individual
10 in the Viking Way facility has an IQ of 68.
- 11 • **QUESTION/ANSWER:** Chair Allen asks, and Mr. Ward confirms, residents are not
12 allowed off the grounds unescorted. This includes all trips including grocery, to sheriff
13 for reporting, counseling, or anything else.
- 14 • **QUESTION:** Mr. Nevins asks if the decision to limit placement to certain zones meets
15 the state legal requirements for the term ‘less restrictive’ alternative.
- 16 • **ANSWER:** Mr. Bolger notes the state has exempted local control over where
17 projects can be placed when a use is permitted within a zone. Adult family
18 homes are an example of a use that is permitted outright. The intent is
19 relative consistency and equitable placement in different areas.
- 20 • Ms. Williams notes specific zones initially proposed to BoCC were based on
21 other jurisdictions’ practices, typical allowances of urban & industrial zones.
- 22 • **QUESTION:** Mr. Nevins notes this process was prompted by the State’s actions on
23 placement without informing the county, which caused lack of communication and
24 information and incited fear and other problems. Asks if the County has plans for
25 education, sharing information.
- 26 • **ANSWER:** Mr. Bolger notes the neighborhood meeting requirements are, in
27 part, intended to provide an opportunity to educate and have conversations
28 about this sensitive topic.
- 29 • A strong feeling, coming from BoCC hearings especially, is if the state
30 intends to return these individuals to the communities they came from, it
31 has to be a partnership with the county in order to plan for and address the
32 concerns and fears and how to deal with them.
- 33 • **QUESTION:** Mr. Phillips and Chair Allen ask, if this type of secured facility may pose
34 more or less risk than those individuals released directly into the community without
35 restriction, and if there are any studies or data on that.
- 36 • **ANSWER:** Mr. Bolger notes it is a hard message to communicate, as people
37 tend to fear based on instinct as opposed to education.
- 38 • Ms. Williams does not have any data on those questions currently, despite
39 having reached out repeatedly to Department of Corrections (DOC) and
40 Department of Social & Health Services (DSHS), which resulted in a carefully
41 worded, general statement.

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- 1 • Mr. Ward notes this program is a result of a constitutional challenge that
2 individual rights were being restricted. Combined with the Americans with
3 Disabilities Act (ADA) these issues are very sensitive.
- 4 • **QUESTION/ANSWER:** Ms. Kneip asks, and Ms. Williams confirms, zones were chosen
5 based on comparative reviews of surrounding jurisdictions.
- 6 • Ms. Williams reviews the draft ordinance, including definitions, proposed allowed
7 zoning/use and special provisions for the use.

8 **6:14:02**

- 9 • Ms. Williams notes Section 4, page 8 lists county requirements for neighborhood
10 meeting and mailed notification within half mile radius, restricts from locations near
11 community protection zones and within line of sight of other sites. Also lists
12 requirements for health, water & sewage for staff and residents; right-of-way (ROW),
13 easements, emergency and traffic impacts; sprinkler systems, a mechanism that auto
14 releases locks to allow egress in case of emergency; power & and back-up generation
15 to ensure continued operation in outages or interruptions.
- 16 • **QUESTION/ANSWER:** Chair Allen asks, and Ms. Williams confirms, public and private
17 school establishments are defined in the use table, noting that licensed daycares are
18 not included in this definition, per state law.
- 19 • **QUESTION/ANSWER:** Mr. Nevins asks, and Ms. Williams confirms, the line of sight
20 requirement covers such school establishments.
- 21 • **QUESTION:** Ms. Kneip asks if the sprinkler and lock language is standard for other
22 facilities or uses in these zones.
- 23 • **ANSWER:** Ms. Williams notes when liberties are restricted, it falls into a
24 different classification of institutional building code, and must meet those
25 requirements, where a typical single-family residence (SFR) would not.

26 **6:20:55**

- 27 • **QUESTION/ANSWER:** Chair Allen asks, and Ms. Williams confirms, under Section 5
28 neighborhood meetings were optional, proposed section makes them required.
- 29 • **QUESTION:** Mr. Nevins commends staff on cataloging and addressing comments
30 received and asks about additional communication or more acceptance from local
31 cities, mayors, etc.
- 32 • **ANSWER:** Mr. Bolger notes communication and collaboration is happening
33 and meetings are planned between counties, cities, staff and counsel. Port
34 Orchard passed a resolution similar to the County's proposal and Bremerton
35 is moving forward with a proposal including some additional requirements.
36 Poulsbo is scheduled to take action soon as well.
- 37 • Chair Allen asks about a previous request to repeal the interim and move
38 forward with a moratorium. Mr. Bolger notes some discussion and
39 reconsideration has happened with other jurisdictions.
- 40 • **QUESTION:** Mrs. Kneip asks if the State or Department of Commerce have provided
41 any comment.

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- 1 • **QUESTION:** Chair Allen asks for clarification regarding changes to terms of conditions
2 the facility made after review of current or placement of new individuals.
- 3 • **ANSWER:** Mr. Bolger confirms the facility would be required to make
4 necessary changes; the individual would not be required to leave unless
5 they chose to. Changes in conditions might allow for a different setting, such
6 as maybe a family member could meet the requirements.
- 7 • **Mr. Ward** also notes that the likelihood of conditions being released for the
8 individuals to roam freely is highly unlikely, due to many factors but mental
9 disabilities probably most relevant.
- 10 • Ms. Williams asks the Planning Commission to send any other questions to the Clerk,
11 and staff will respond.

12 **6:40:10**

13 **G. Administrative Update**

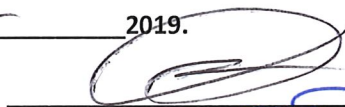

- 14 • **Jim Bolger, DCD Interim Director**, provides a brief update, noting that the BoCC has
15 selected Jeff Rimack as the new DCD Director.

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17 **H. Good of the Order**

- 18 • None.

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20 **Time of Adjournment: 6:40:35**

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22 Minutes approved this 30th day of July 2019.

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26 **Kim Allen, Planning Commission Chair**
27 
28 **Amanda Walston, Planning Commission Clerk**