

Public Works
Parks
Commissioner's Office
Navy
DSE
Kitsap Transit
South Kitsap Fire District
South Kitsap School District
Puget Sound Energy
City of Port Orchard Planning Director
Water Purveyor- West Sound Utility District
Sewer Purveyor- Kitsap
Point No Point Treaty Council
Suquamish Tribe
Port Gamble S'Klallam Tribe
Squaxin Island Tribe
Puyallup Tribe
WA Dept of Fish & Wildlife-SEPA
WA Dept of Health
WA Dept of Transportation/Aviation
WA State Dept of Ecology-SEPA
WA State Dept of Ecology-Wetland Review
WA State Dept of Transportation

Interested Parties:

Kristal Thomas - Express Employment Professionals, Kristal.Thomas@ExpressPros.com; Lisa Lechuga, Kitsap Housing Homelessness Coalition, admin@kitsaphrc.org; Margie Millard, margiemil@aol.com; KITSAP TRANSIT, EdwardC@KitsapTransit.com; Dave Grout, Mile Hill Public Safety Org, davejanice@wavecable.com; Ron Vietmeier, ron.8713@outlook.com; Sri & Duane Blowers, mhingsri@outlook.com; Lewauna Watson, lewauna65@yahoo.com; Sarah Benjamin, skmeyer80@yahoo.com; Randy Spitzer, randalspitzer@gmail.com; Eric Kvinsland, erickvinsland@hotmail.com; Jane Koler, Land Use & Property Law PLLC, jane@janekolerlaw.com; Charmaine Doherty, Kingston Affordable Housing Work Group, charmainedoherty1@gmail.com; Anton Preisinger, NW Hospitality, anton@nwhospitality.org; Erika Stockmoe, elsmoe@yahoo.com; Sara Marez-Fields, Agape Unlimited, smarez-fields@agapekitsap.org; Janet & Randall Stegemeyer, jans@oz.net; Dana Walters, Salvation Army, Dana.Walters@usw.salvationarmy.org; Carole Oesterhaus, coesterhaus@hotmail.com; David & Susan Gillingham Trustees, dave@coronado-realty.com; Andy Gillingham, andygillingham@icloud.com; Jeffrey Green, jeefray@gmail.com; Jonathan & Dee Fitzgerald, jonfzc@yahoo.com; Michelle Orand, orandfamilyof6@gmail.com; Kelly McCartney, trtkd.portorchard@gmail.com; Tina Marie, pogo-tarsi0z@icloud.com; Jessica & Doug Lenz, angel_101902@yahoo.com; Alicia Peerson, peerson4@msn.com; Lancer & Julea Fitzhugh,

lancerandjulea@aol.com; Cale (Sam) McCartney, sam.mccartney@ricoh-usa.com; Carla Olson (Owner, Academy of Dance), academyofdance5678@gmail.com; Eugene Whitworth, gewhit88@yahoo.com; Nikki Candelaria, nikkircandelaria@gmail.com; Jessica Cain, cain.jessnoel@gmail.com; Chadd Peachey, chaddpeachey@gmail.com; peachey.chadd@gmail.com; Abbie Murphy, abreitsprecher@hotmail.com; Ian Keiter, ijkeiter@yahoo.com; Connor Murphy, comurphy84@yahoo.com; Erik & Jessica Hansen, thehansenberry@gmail.com; Elizabeth Bartlett, elizabeth.bartlett@wavecable.com; Melinda Peckham, melindapecckham@gmail.com; James Peerson, jepeerson@gmail.com; Julia Gibbons, gibbons.julia@gmail.com; Victoria Shomo, rvshomo@gmail.com; Alson Randy Williams, alsonwilliams1@gmail.com; Faith Dobbelaere, faith.dobbelaere@kitsaphoc.org; Chuck Svac, csvac3000@gmail.com; Rochelle Karlsen, sailorrochelle@gmail.com; Stacey A.S. Smith, s_smith@wavecable.com; Roland Arper, jarper@wavecable.com; Sarah Benjamin, skmeyer80@yahoo.com; Zachary Baughman, zsb_240@hotmail.com; Sharon Bacon, retiredbacon@gmail.com; Meredith Essex, meredithkessex@gmail.com; Margie Millard, margiemil@aol.com; Keith Grellner - KPHD Board, Keith.Grellner@kitsappublichealth.org; Ruth Westergaard, westeruth@gmail.com; Mary Gleysteen, marygleysteen@gmail.com; Michael Achey, michael.achey@gmail.com; Bruce Williams, bruwilli@gmail.com; Andrea Paine, andrea.paine@yahoo.com; Johanna Baxter, hannie@joesdiner.com; Janice Record, davejanice@wavecable.com; Tim Blair, tblairkairos@hotmail.com; Logan Hope, Logan8468hope@icloud.com; Tom Slyter, tomslyter2@gmail.com; Robin Lund, rlund@kitsaprescue.org; KITSAP RESCUE MISSION, PO BOX 1497 BREMERTON, WA 98337-0527; Susan Griggs, 18689 1ST AVE NE SUQUAMISH, WA 98392; Anita Rose, 1020 MORTON ST PORT ORCHARD, WA 98366; Michael & Leslie Boyer, 9178 UTAH ST NE BREMERTON, WA 98311; Bill Budd, 1867 MIRACLE MILE DR E PORT ORCHARD, WA 98366; KITSAP MENTAL HEALTH SERVICES, 5455 ALMIRA DR NE BREMERTON, WA 98311-8331; Commissioner Charlotte Garrido, 619 Division Street MS-4 PORT ORCHARD, WA 98367; Carollynn Zimmers, DVM, 21258 FEATHER RIDGE LN POULSBO WA 98370; Peninsula Community Health Services, PO BOX 960 BREMERTON, WA 98337-0212; Anthony Ives, Kitsap Community Resources, 845 8TH ST BREMERTON, WA 98337; NO CONTACT INFORMATION PROVIDED FOR: Brooke Andersen, Sharon Heim, Ashley Condon, Patricia Hanzlik

**BEFORE THE HEARING EXAMINER
FOR KITSAP COUNTY**

In the Matter of the Application of)	No. 22-03886
)	
Kitsap County Department of)	Pacific Building Conversion – Mile Hill
Human Services)	Shelter CUP
)	
)	FINDINGS, CONCLUSIONS,
<u>For Approval of a Conditional Use Permit</u>)	AND DECISION

SUMMARY OF DECISION

The request for a conditional use permit to convert an existing 20,040 square foot structure into a temporary housing facility to shelter up to 75 individuals, on two properties totaling 4.17 acres located at 4459 SE Mile Hill Drive, is **APPROVED**. Conditions are necessary to address specific impacts of the proposal.

SUMMARY OF RECORD

Hearing Date:

The Hearing Examiner held an open record hearing on the request on May 25, 2023. The record was left open until June 2, 2023, to allow any member of the public having difficulty participating at the hearing through remote access to provide written comments in lieu of live testimony. Several additional comments from members of the public were submitted and the record closed on June 2, 2023.

Testimony:

The following individual presented testimony under oath at the open record hearing:

- Kathlene Barnhart, County Senior Planner
- Doug Washburn, Kitsap County Human Services Department, Applicant Representative
- Robin O’Grady, Kitsap Rescue Mission, Applicant Representative
- Andrea Paine
- Macy Paine
- Alicia Peerson
- Alson Williams
- Duane Blowers
- Sri Blowers
- Michelle Orand
- David Grout
- Carollynn Zimmers
- Tom Slyter
- Ron Vietmeier

Findings, Conclusions, and Decision
Kitsap County Hearing Examiner
Pacific Building Conversion – Mile Hill Shelter CUP
No. 22-03886

Anton Preisinger
Leiyomi Preciado
Michael Achey
Dianne Canafax
Inga Oberst
Norm Olson, Project Engineer
Amanda Walston, County Clerk

Exhibits:

The following exhibits were admitted into the record:

1. Staff Report, dated May 18, 2023
2. Application Submission Form, dated August 11, 2022
3. Authorization Form, dated July 14, 2022
4. Binding Water and Sewer Availability, dated July 8, 2022
5. Concurrency Test, received September 6, 2022
6. Non-Wetland Determination Report, Ecological Land Services, Inc., dated July 12, 2022
7. Pre-Application Meeting Notes, dated June 15, 2022
8. Preliminary Storm Drainage Analysis, N.L. Olson and Associates, Inc., dated July 2022
9. Preliminary Civil Plans, dated July 14, 2022
10. Project Narrative, dated July 20, 2022
11. SEPA Environmental Checklist, dated July 20, 2022
12. Site Assessment and Planning Packet, dated May 10, 2022
13. Site Plan, dated July 14, 2022
14. Stormwater Worksheet, received September 6, 2022
15. Traffic Impact Analysis, Heath and Associates, Inc., dated July 15, 2022
16. Revised Notice of Application, dated October 18, 2022
17. Stormwater Conditions Memorandum, dated October 25, 2022
18. Community Open House Documents, dated October 24, 2022
19. Community Open House Report, dated October 26, 2022
20. Kitsap County Sheriff's Office Fairgrounds Emergency Shelter Report, dated October 27, 2022
21. Environmental Assessment for HUD Assisted Projects, dated November 29, 2022
22. Public Comments from September 20, 2021, to December 29, 2022:
 - a. Comment from UFCW Local 21, Kitsap Movement Builders, dated September 20, 2021
 - b. Comment from Kitsap County Central Labor Council, AFL-CIO, dated November 18, 2021
 - c. Comment from Dave Gillingham, dated October 4, 2022
 - d. Comment from Sri Blowers, dated October 13, 2022
 - e. Comment from the Suquamish Tribe, dated October 27, 2022
 - f. Comment from Kitsap Transit, dated October 28, 2022

Findings, Conclusions, and Decision
Kitsap County Hearing Examiner
Pacific Building Conversion – Mile Hill Shelter CUP
No. 22-03886

- g. Comment from Margie Millard, dated October 27, 2022
- h. Comment from Mile Hill Public Safety Organization, dated December 27, 2022
- 23. Email Thread re: Waste Management, dated March 1, 2023
- 24. Applicant Response to Information Request, dated February 17, 2023
- 25. Architectural Plans, dated February 17, 2023
- 26. Engineer Response to Information Request, N.L. Olson and Associates, Inc., dated February 24, 2023
- 27. Example Guest Agreement, received March 2, 2023
- 28. Revised Preliminary Landscape Plans, dated February 17, 2023
- 29. Site Photographs, dated February 17, 2023
- 30. Standard Operating Procedures Manual, dated February 16, 2023
- 31. Public Comments from March 30, 2023, to April 18, 2023:
 - a. Comment from Ron Vietmeier, dated March 25, 2023
 - b. Comment from Brooke Andersen, dated April 10, 2023
 - c. Comment from Kitsap Mental Health Services, dated April 5, 2023
 - d. Comment from Michael and Leslie Boyer, dated March 20, 2023
 - e. Comment from Bill Budd, dated March 17, 2023
 - f. Comment from Ashley Condon, dated April 10, 2023
 - g. Comment from Kingston Affordable Housing Working Group, dated April 10, 2023
 - h. Comment from Kitsap Rescue Mission, dated March 31, 2023
 - i. Comment from Susan Griggs, dated March 29, 2023
 - j. Comment from Patricia Hanzlik, dated March 27, 2023
 - k. Comment from Sharon Helm, dated March 30, 2023
 - l. Comment from Kitsap Community Resources, dated April 6, 2023
 - m. Comment from Peninsula Community Health Services, dated March 31, 2023
 - n. Comment from Kitsap Housing and Homelessness Coalition, dated April 12, 2023
 - o. Comment from Agape Unlimited, dated April 18, 2023
 - p. Comment from Carole Oesterhaus, dated March 10, 2023
 - q. Comment from Northwest Hospitality, undated
 - r. Comment from Anita S. Rose, dated March 20, 2023
 - s. Comment from Tom Slyter, dated April 4, 2023
 - t. Comment from Randy Spitzer, dated March 20, 2023
 - u. Comment from Janet Stegemeyer, dated March 31, 2023
 - v. Comment from Erika Stockmoe, dated March 28, 2023
 - w. Comment from Kristal Thomas, undated
 - x. Comment from Carollynn Zimmers, undated
- 32. Mitigated Determination of Nonsignificance, dated April 18, 2023
- 33. Public Comments from April 23, 2023, to May 17, 2023:
 - a. Comment from Salvation Army of Bremerton, dated April 24, 2023
 - b. Comment from Kitsap County Sheriff John Gese, dated May 5, 2023
 - c. Comment from Wendy Wojtanowicz, dated May 5, 2023

- d. Comment from Kitsap Transit, dated May 12, 2023
- e. Comment from Jon and Dee Fitzgerald, dated May 15, 2023
- f. Comment from Jeffrey S. Green, dated May 13, 2023
- g. Comment from the City of Port Orchard Mayor and City Council, dated May 9, 2023
- h. Comment from Alson Randy Williams, dated May 17, 2023
- i. Comment from Carla Olson, dated May 17, 2023
- j. Comment from Nikki Candelaria, dated May 17, 2023
- k. Comment from Faith Dobbelaere, dated May 17, 2023
- l. Comment from Jessica Cain, dated May 17, 2023
- m. Comment from Julia, Nick, Greta, Jack, Agatha, and Louis Gibbons, dated May 17, 2023
- n. Comment from James Peerson, dated May 17, 2023
- o. Comment from Michelle M. Orand, dated May 16, 2023
- p. Comment from Sri Blowers, dated May 17, 2023
- q. Comment from Tina Marie, dated May 17, 2023
- r. Comment from Victoria Shomo, dated May 17, 2023
- s. Comment from Abbie Murphy, dated May 17, 2023
- t. Comment from Alicia Peerson, dated May 17, 2023
- u. Comment from Cale McCartney, dated May 17, 2023
- v. Comment from Connor Murphy, dated May 17, 2023
- w. Comment from Chadd Peachey, dated May 17, 2023
- x. Comment from Elizabeth and Daryn Bartlett, dated May 17, 2023
- y. Comment from Lancer and Julea Fitzhugh, dated May 17, 2023
- z. Comment from Ian Keiter, dated May 17, 2023
- aa. Comment from Kelly McCartney, dated May 17, 2023
- bb. Comment from Jessica and Doug Lenz, dated May 17, 2023
- cc. Comment from Melinda Peckham, dated May 17, 2023
- dd. Comment from Eugene Whitworth, dated May 17, 2023
- 34. Notice of Public Hearing, dated May 10, 2023
- 35. Certification of Public Notice, dated May 15, 2023
- 36. Outreach Communications Sheet, dated May 17, 2023, with Presentation
- 37. Staff Presentation, dated May 25, 2023
- 38. Hearing Sign-in Sheet, dated May 25, 2023
- 39. Public Comments from May 17, 2023, to June 1, 2023:
 - a. Comment from David Grout, Mile Hill Public Safety Organization, dated May 14, 2023
 - b. Comment from “Erik,” dated May 18, 2023
 - c. Comment from Roland Arper, South Kitsap Severe Weather Shelter Manager, dated May 17, 2023
 - d. Comment from Rochelle Karlsen, dated May 16, 2023
 - e. Comment from Stacey A.S. Smith, dated May 17, 2023

- f. Comment from Chuck Svac, dated May 17, 2023
- g. Comment from Sarah Benjamin, dated May 18, 2023
- h. Comment from Zachary Baughman, dated May 18, 2023
- i. Comment from Kitsap Public Health District, dated May 19, 2023
- j. Comment from Meredith Essex, dated May 21, 2023
- k. Comment from Margie Millard, dated May 22, 2023
Comment from Ruth Westergaard, dated May 22, 2023
- l. Comment from Sharon Bacon, dated May 20, 2023
- m. Comment from Michael Achey, dated May 23, 2023
- n. Comment from Mary Gleysteen, dated May 23, 2023
- o. Comment from Andrea Paine, dated May 24, 2023
- p. Comment from Bruce Williams, dated May 23, 2023
- 40. Applicant Public Hearing Written Submission, dated May 25, 2023
- 41. South Kitsap Emergency Housing Program FAQs, dated May 24, 2023
- 42. Revised Staff Report, dated May 24, 2023
- 43. Applicant Architect Slides, dated May 25, 2023
- 44. Comments from David Grout, dated May 25, 2023

The Hearing Examiner enters the following findings and conclusions based upon the admitted testimony and exhibits following the open record public hearing:

FINDINGS

Application and Notice

1. Kitsap County Department of Human Services (Applicant) requests a conditional use permit (CUP) to allow conversion of a 20,040 square foot building into a temporary housing facility to shelter a maximum of 75 unhoused individuals on two parcels totaling 4.17 acres. The proposed facility would be owned by Kitsap County and operated by Kitsap Rescue Mission (KRM). The properties were previously used as a fitness center and contain associated parking, utilities, and landscaping. The proposed development would preserve existing office space, educational/training space, storage areas, and laundry facilities. Indoor improvements to the property would include updates to the mechanical, electrical, plumbing, and fire prevention systems. The Applicant would also replace the roof, remodel to the bathroom facilities to included ADA accessible amenities, replace and repair flooring, and update lighting. The proposed facility would also include an indoor pet care area.

Outdoor improvements would include landscaping, fencing, frontage improvements, security lighting, four new bicycle stalls, updated signage, the construction of two small storage sheds, installation of an accessible sidewalk, and an addition to the existing driveway to create a fire turnaround and access to the dumpster enclosure.

Access to the property would be provided by SE Mile Hill Drive via an existing 20-foot-wide access easement along the east property line. The parcels are located at 4459 SE Mile Hill Drive.¹ *Exhibit 2; Exhibit 3; Exhibit 9; Exhibit 10; Exhibit 12; Exhibit 13; Exhibit 24; Exhibit 25; Exhibit 42, Staff Report, pages 1, 2, and 6; Exhibit 43.*

2. Kitsap County Department of Community Development (DCD) determined that the application was complete on September 7, 2022. Prior to providing formal notice of the application, DCD held two virtual informational neighborhood meetings on the proposal on April 26, 2021, and May 25, 2021, and two virtual listening sessions on November 30, 2021, and December 2, 2021, consistent with requirements under Kitsap County Code (KCC) 21.04.130. The Applicant also held three meetings with a group of concerned citizens, collectively the “Mile Hill Public Safety Organization” (MHPSO), on June 7, 2022, June 24, 2022, and August 23, 2022.

On October 18, 2022, DCD provided revised notice of the application² consistent with the requirements of KCC 21.04.210 by publishing notice in the publishing newspaper of record and by mailing or emailing notice to property owners within 800 feet of the site and to reviewing departments and agencies. DCD’s notice materials stated that written comments on the proposal could be submitted up until seven days before the date of the open record hearing associated with the application. On October 26, 2022, the Applicant and DCD held a community open house on the properties. On May 10, 2023, DCD mailed notice of the open record hearing associated with the application to interested parties and property owners within 800 feet of the site, published notice in the publishing newspaper of record, and posted notice on the property. DCD received numerous comments on the proposal in response to its notice materials, which are discussed in further detail below. *Exhibit 16; Exhibit 18; Exhibit 19; Exhibits 34 through 36; Exhibit 42, Staff Report, pages 9 and 10.*

State Environmental Policy Act

3. DCD acted as lead agency and analyzed the environmental impacts of the project as required by the State Environmental Policy Act (SEPA), Chapter 43.21C Revised Code of Washington (RCW). DCD consolidated notice of the SEPA review and application comment periods under the optional process provided for by Washington Administrative Code (WAC) 197-11-355. DCD reviewed the Applicant’s environmental checklist and other information on file and determined that the proposal would not have a probable significant adverse impact on the environment. Accordingly, DCD issued a Mitigated

¹ The properties are identified by Kitsap County Assessor’s Tax Account Nos. 302402-4-144-2009 and 302402-4-214-2004. *Exhibit 1, Staff Report, page 1.*

² The Revised Notice of Application states that the notice was previously posted as a Type 2 application and had been revised to reflect the DCD Director’s decision to refer the proposal to the Hearing Examiner as a Type 3 application under KCC 17.540.020.D. *Exhibit 16.*

Determination of Nonsignificance (MDNS) with on April 18, 2023, with an appeal deadline of May 2, 2023. The MDNS was not appealed. *Exhibit 11; Exhibit 32; Exhibit 42, Staff Report, pages 2 and 3.*

4. The MDNS requires the following mitigation measures:
- This project will be conditioned to meet the requirements of Kitsap County Code Title 12, Stormwater Drainage; Title 17 Zoning, and Title 19, Critical Areas Ordinance.
 - This project will be conditioned to include frontage improvements of a 12-foot travel lane, five-foot bike lane, and six-foot sidewalk.
 - While this project meets the definition of Group Living per KCC Title 17 zoning and could be permitted through the Administrative Conditional Use Permit (Type II) process, the Director has elected to utilize the Type III process and defer decision to the Kitsap County Hearing Examiner as authorized under KCC 17.540.020.D.
 - This project will be conditioned to follow a Standard Operating Procedures Manual and Guest Code of Conduct. This includes, but is not limited to, the formation of a Community Relations Group. Members of the Community Relations Group will include representatives of the local business community, neighbors of the facility, the KRM Shelter Program Manager, and a representative from the Kitsap County Department of Human Services.

Exhibit 32.

Comprehensive Plan and Zoning

5. The properties are designated “Urban High Intensity Commercial” by the County Comprehensive Plan. The properties are also located within the Port Orchard Urban Growth Area (UGA). County staff identified the following Comprehensive Plan policies as relevant to the proposal:
- Review spatial requirements and proximity as considerations when requiring new development to provide connectivity to existing trails, paths and sidewalks and seek locations and means to expand existing trail systems. [Land Use Policy 12]
 - Examine health and equity impacts of land use decisions to all populations. [Land Use Policy 13]
 - Promote housing preservation and development in areas that are already well-served by schools, public transportation and commercial facilities, and have adequate infrastructure to support alternative modes of transportation. [Land Use Policy 16]
 - Expand and commit public resources to create a mix of housing alternatives and services for people experiencing homelessness. [Housing, Human Services Policy 1]

- Create additional. Permanent supportive housing units and expand service options for Kitsap residents who have significant barriers to independent, stable housing. [Housing, Human Services Policy 3]
- Promote fair housing to ensure that all residents of Kitsap County have an equal and fair opportunity to obtain safe and sanitary housing suitable to their needs and financial resource, regardless of race, religion, gender, sexual orientation, age, national origin, family status, income, disability, or other protected class. [Housing, Human Services Policy 11]
- Ensure that all residents have equal and fair opportunity to access human services, regardless of race, religion, gender, sexual orientation, age, national origin, family status, income, disability, or other protected class and ensure services are accessible via public transportation. [Housing, Human Services Policy 16]
- Promote housing preservation and development in areas that are already well-served by schools, public transportation, commercial facilities, and have adequate infrastructure to support alternative modes of transportation. [Housing, Human Services Policy 23]
- Approve site design that is supportive of transit services and its patrons. [Transportation Policy 2]
- Continue to require sidewalks on roads when development occurs within Urban Growth Areas. [Transportation Policy 3]

Exhibit 42, Staff Report, pages 4, 7, and 16.

6. The subject property is zoned “Commercial” (C). Properties to the south and east are also zoned Commercial. Properties to the north and west are zoned Urban Low Residential (UL). The purpose of the Commercial zoning district is to “provide for those commercial establishments which serve the shopping and service needs for large sections of the county and provides visitor services and accommodations for both destination and en route travelers.” *KCC 17.240.010*. Group living facilities³ are permitted in the Commercial zoning district with an administrative conditional use permit (ACUP). *KCC 17.410.044*. Administrative conditional uses are “land uses which may be permitted within a zoning designation following review by the director to establish conditions mitigating impacts of the use and to ensure compatibility with other uses in the designation.” *KCC 17.410.010.B*. The DCD Director has opted to utilize the optional hearing process and to elevate the proposal from an ACUP, which is a Type 2

³ *Group living* means the residential occupancy of a structure that does not meet the definition of family living. Generally, group living facilities have a common eating area for residents, and residents may receive care or training. Group living includes assisted living facilities, boarding houses, congregate care facilities, dormitories, hospices, a monastery or convent, independent living facilities, shelter non-transitory accommodations, and skilled nursing care facilities. *KCC 17.110.318*.

application, to a Type 3 application requiring approval of the Hearing Examiner under KCC 17.540.020.D.

The County determined that the proposed development would comply with development standards for the Commercial zoning district including maximum height, maximum impervious surface coverage, and setback requirements. Group living uses are required to meet the density requirements of the zoning district, with each bedroom equaling a dwelling unit. *KCC 17.415.255.B*. Given the open, dorm-style housing proposed for the facility, density was calculated using each bed as a dwelling unit. The minimum and maximum densities in the Commercial zoning district are ten dwelling units per acre and 30 dwelling units per acre, respectively. The proposed 75 beds would meet the minimum and maximum density requirements for a 4.17-acre project site. *Exhibit 42, Staff Report, pages 4 and 19.*

Existing Property, Critical Areas, and Proposed Development

7. As noted above, the project area is composed of two properties. The southwestern property is currently developed with a 20,040 square foot commercial building and parking lot. The northeast property contains a detention pond, outlet, and gravel road, which is located along the eastern boundary. The eastern portion of the northern property is forested with a dense shrub layer and the western portion of the northern property contains an abundant herbaceous layer. The properties are relatively level in the southwest portion and slopes down from the existing building and the former drain field to the south and east towards the forested area and neighboring parking lot. Surrounding properties to the west, north, and south are developed with single-family residences. Properties to the south and east are developed with businesses. Ecological Land Services, Inc., provided a non-wetland determination on behalf of the Applicant on July 12, 2022. The report determined that there are no critical areas on the properties or within 300 feet of the project site. *Exhibit 6; Exhibit 10; Exhibit 42, Staff Report, page 4.*
8. The proposed facility would utilize existing office space, storage areas, and laundry facilities. The Applicant would update mechanical, electrical, plumbing, and fire prevention systems. The Applicant would also upgrade a hot water plant, replace the roof, install a digital fire alarm and sprinkler system, remodel the restrooms and showers to include ADA accessible amenities, repair and replace flooring, and upgrade lighting. The proposed facility would also have an indoor pet care area with co-housing for up to ten dogs, six cats and a few small animals. Outdoor improvements would include landscaping, 1,100 cubic yards of grading, fencing, frontage improvements, installation of an accessible walkway to the facility from the sidewalk, an addition to the existing driveway to create a fire turn around and provide access to the dumpster enclosure, security lighting, and installation of two small storage sheds. The area at the front of the building would be designated a loading zone for deliveries, service providers, and emergency vehicles. *Exhibit 9; Exhibit 10; Exhibit 42, Staff Report, page 2.*

Conditional Use Permit

Operations

9. As noted above, the proposed facility would be operated by KRM. The proposed shelter facility would house up to 75 individuals. Guests would be admitted by KRM referral only, undergo background checks, and must sign a guest agreement. KRM provided an example guest agreement, which includes provisions for a code of conduct, a good neighbor policy, guest responsibilities, area care standards, length of stay, termination of guest agreement, reasons for termination, reinstatement of guest status, and guest confidentiality. KRM provided an example Standard Operating Procedure Manual for the proposed facility, dated February 16, 2023. The facility would have eight to 12 employees over three rotating shifts and would be open 24/7, 365 days a year. The facility would be closed to the public and doors would be locked at a 10:00 PM curfew. The manual also provides provisions for an operations reporting structure; a no visitor policy; establishment of a community relations group; a system to address neighborhood complaints; criteria for admission; an intake process; health screening procedures; security protocols; guest services; discharge procedures; responding to difficult behaviors; community donations and public support; staff duties and responsibilities; guest grievance procedures; facilities and maintenance; grounds and landscaping; child abuse and neglect policy reporting procedures; and, waste management procedures. *Exhibit 27; Exhibit 30; Exhibit 42, Staff Report, page 2.*

Services and Utilities

10. Water and sewer services would be provided by West Sound Utility District. West Sound Utility District provided a letter stating that water and sewer services would be available to the property on July 8, 2022. The District determined that a two-inch water meter with a three-inch line would be needed and the existing irrigation meter would remain. Puget Sound Energy would provide electricity and Cascade Natural Gas would provide natural gas to the facility. Waste Management would provide garbage services for the properties. On March 1, 2023, Waste Management stated that it approved the plans for the garbage enclosure. The proposed development would be served by South Kitsap Fire and Rescue and the Kitsap County Sheriff. The Kitsap County Sheriff's Office provided a report detailing crime statistics for the Fairgrounds Emergency Shelter on October 27, 2022. The report found that calls for service (CFS) at the shelter only increased by 49 CFS over 16 months, which is an average of 3 CFS per month, and that CFS would have likely been greater without the emergency shelter facility. *Exhibit 4; Exhibit 10; Exhibit 20; Exhibit 23; Exhibit 42, Staff Report, pages 2, 5, and 19.*

Traffic, Access, and Parking

11. Heath and Associates, Inc., provided a traffic impact analysis (TIA) on behalf of the Applicant on July 15, 2022. The TIA notes that the nearest bus stop is located within 400 feet of the subject site at the intersection of SE Mile Hill Drive and Village Lane SE and that additional bus routes are located approximately 0.9 miles from the proposed facility.

The TIA determined that the proposed facility would result in 30 AM peak hour trips and 33 PM peak hour trips. The TIA also indicated that all studied intersections would continue to operate at acceptable level of service (LOS). The TIA states that the average peak parking demand would be 36 stalls. The existing 40 paved parking stalls and 20 overflow gravel parking spaces would be retained. The Applicant would also provide four bicycle parking stalls. The existing parking area would be restriped, and the Applicant would add ADA parking spots and an entry ramp to the facility. The parking lot would only be open to permitted vehicles operated by guests, staff, volunteers, and service providers. All vehicles would be required to display a valid parking permit issued by KRM. The parking area would be monitored 24/7 by security cameras. KRM would contract with a local tow company to post “No Parking” signage and remove illegally parked vehicles. Vehicles with an RV or camper/trailer on a hitch would be required to remain hitched. Access to the property would be provided by an existing 20-foot-wide access and utility easement along the east property line. No changes to the access are proposed. A pedestrian access trail would be installed within the south property line setback to provide safe access to the front sidewalk and transit. The Applicant would construct frontage improvements along the entire property frontage on SE Mile Hill Drive, including a 12-foot travel lane, a five-foot bike lane, six-foot sidewalks, and street trees. *Exhibit 9; Exhibit 15; Exhibit 42, Staff Report, pages 6, and 15 through 18.*

Stormwater

12. N.L. Olson and Associates, Inc., provided a preliminary storm drainage analysis on behalf of the Applicant in July 2022. The drainage analysis states that proposed stormwater improvements include adjusting existing catch basins and that, because most of the project involves conversion of the building interior, few stormwater revisions are proposed. The Applicant would add catch basins and a Filterra treatment facility to the existing conveyance system. Runoff from the properties would enter a conveyance system and discharge to an existing regional flow control pond on the northeast property. Discharge from the pond would then flow into a ditch that proceeds north through a residential area for approximately 300 feet before joining a pipe system that conveys runoff west and north under a local road. Runoff would then enter the local conveyance system for SE Horstman Road, enter a ditch, and then discharge into Sacco Creek, which eventually discharges into Port Orchard Bay. The drainage analysis recommends mitigation measures to reduce potential erosion and sedimentation impacts during construction, including transporting and depositing sediments off-site, installing perimeter silt fences, providing temporary diversion for existing drainage if required, installing temporary sediment traps and ponds, and utilizing hydro-mulching grass seeding technique for permanent seeding and planting of all unpaved or landscaped areas. County Development Services and Engineering provided a memorandum on October 25, 2022. The memorandum states that the department reviewed the preliminary drainage report and preliminary engineering plans and determined that the proposal is supportable in its approach to civil site development. The department provided conditions, which

have been incorporated into the recommended conditions of approval for the proposal. *Exhibit 8; Exhibit 17; Exhibit 42, Staff Report, page 18.*

Landscaping and Screening

13. As noted above, the property is located within the Port Orchard UGA. Accordingly, the proposed development is required to comply with urban development landscape requirements under Chapter 17.500 KCC. Existing vegetation, including healthy mature cedar, fir, alder, and madrona trees, would be retained along the front property line to the south. The Applicant would also install street trees, shrubs, and groundcover along the southern property line consistent with the requirements in KCC 17.500.030. The Applicant would maintain existing mature vegetation along the western property line and would install three additional trees and six-foot wood fencing to provide screening between the proposed development and adjacent single-family residential development. Existing chain link fence would be retained along the northern property line. The Applicant would install a chain link fence along the northern portion of the east property line and shrubs and groundcover along the central portion of the east property line. The remainder of the eastern property line would contain existing parking and a paved access easement that is shared with a neighboring commercial use. Existing chain link fencing on the eastern end of the easement would be retained. The trash receptacle would be fully enclosed. Additional parking landscaping is not required under KCC 17.500.050 because no parking row consists of 15 or more stalls. Existing mature vegetation around and between the parking isles would remain. *Exhibit 42, Staff Report, pages 6, 16, and 17.*

Signage

14. The Applicant would utilize and update the existing free-standing, internally illuminated sign that is located on-site, pending structural analysis. *Exhibit 42, Staff Report, page 16.*

Written Comments

15. As noted above, DCD received numerous comments on the proposal, which expressed both concerns about and support for the proposed project. Comments from members of the public expressed concerns about the following topics:
- **Safety and Crime:** Comments on this topic generally expressed concerns that the proposed development would increase crime, including drug use, in the surrounding area and pose safety issues for individuals living in or visiting the area. For example, Mile Hill Public Safety Organization (MHPSO), Carla Olson, Abbie Murphy, Alicia Peerson, Cale McCartney, Connor Murphy, Chadd Peachey, Elizabeth and Daryn Bartlett, Lancer and Julea Fitzhugh, Ian Keiter, Kelly McCartney, Jessica and Doug Lenz, and Eugene Whitworth raised concerns that DCD had not performed an adequate risk assessment for safety and crime impacts associated with the proposed development. Jon and Dee Fitzgerald and Victoria Shomo expressed concerns about crime and safety impacts to local

businesses. Commenters also expressed concerns about the policies and procedures regarding drug use and security at the facility and in the surrounding area.

- **Location:** Comments on this topic generally expressed concerns about the location of the proposed development. Specifically, MHPSO, Carla Olson, Jessica Cain, the Gibbons Family, James Peerson, Michelle M. Orand, Sri Blowers, Tina Marie, Victoria Shomo, Abbie Murphy, Alicia Peerson, Cale McCartney, Connor Murphy, Chadd Peachey, Elizabeth and Daryn Bartlett, Lancer and Julea Fitzhugh, Ian Keiter, Kelly McCartney, Jessica and Doug Lenz, Melinda Peckham, Eugene Whitworth, and Andrea Paine raised concerns about the proposed facility's proximity to schools and activities frequented by children.
- **Operations:** Comments on this topic generally expressed concerns about that the County had not provided sufficient operating procedures, including for guest selection. Several commenters stressed that the County needs to address impacts to the surrounding community, not just on-site impacts.
- **Garbage:** Nikki Candelaria and Michelle M. Orand expressed concerns about increased garbage and debris in the area.

Exhibit 22; Exhibit 31; Exhibit 33; Exhibit 39.

16. County staff provided the following responses to concerns raised by members of the public:

- The proposal is conditioned for frontage improvements, including sidewalks and on-site pedestrian improvements to facilitate safe connection to the existing Kitsap Transit stop approximately 400 to 500 feet west of the project location. In addition, to the extent possible, KRM would provide daily and weekly transportation on scheduled routes. This would include transportation to medical appointments, laundromat, pharmacy, grocery store and dog park. A Kitsap Transit Access bus may also be requested to the facility as needed. Kitsap Transit agrees with and supports the proposed plans.
- The Applicant has submitted a Standard Operating Procedures Manual and Guest Agreement to help outline how risk will be mitigated for both guests and the surrounding community. The Kitsap County Homeless Crisis Response and Housing Plan, updated in 2019, has reported a dramatic increase in the numbers of men, women, and children in Kitsap County experiencing homelessness. One action step within the plan is to increase the number of residential shelter beds available throughout Kitsap County, including south Kitsap. The property and the Pacific Building were selected for the following reasons that include, but are not limited to:
 - The geographic location in the unincorporated south Kitsap County;
 - The Commercial zoning designation;
 - The expansive square footage of the existing structure;
 - Abundant parking for residents, staff, and service providers;

- Access to Kitsap Transit public transportation;
- Access (within walking distance) to schools, banks, recreational areas, public laundry facilities, health services, and veterinarians;
- Proximity to the South Kitsap food bank and a wide range of food options such as restaurants, farmers markets, and shopping centers, and;
- Access to a wide range of employment opportunities.
- There are no general plans for increased patrols, as those are based on either a trespass request from the property owner or requested due to an increase in break-ins or other specific crime. Crime rates are generally increasing at all geographic scales, so increased patrols would be based on a specific need and available resources. Kitsap County Sheriff's Office (KCSO) also provided crime statistics (Calls for Service, or CFS) within one-half mile of a similar shelter facility formerly operating out of the Kitsap County Fairgrounds. They concluded that CFS in the surrounding community around the shelter did not increase because of the presence of the shelter. While the CFS did increase at the shelter (by 3 per month), the residents at the shelter would likely have created more CFS if living unhoused in the community.
- The Applicant has demonstrated that the shelter location was thoughtfully selected to provide the shelter guests with the best chances for success, and best use of the existing facility. The proposal is located in a zone most compatible for the use. The Group Living use would require the same level of permitting (ACUP) if placed in the Urban Low zone, which is the zone for most of the surrounding residential parcels. The use is not permitted in rural zones due to lack of necessary resources and transportation, nor is it permitted in Industrial or LAMIRD zones (which has been suggested in some comments). The only zones where the use is permitted outright are in Urban Medium and Urban High, however the size of available parcels and/or facilities would likely negate the possibility for a facility of this size in those zones.
- Kitsap County, through Kitsap County Human Services, Housing and Homelessness Division, would be the property owner. Kitsap Rescue Mission (KRM) would be the tenant. As documented in the Standard Operating Procedures Manual, Kitsap County Human Services, Housing and Homelessness Division Director would monitor KRM executive management staff, operations, services, and review routine statistical reports as set forth in the Kitsap County Professional Service Agreement. The KRM Executive Director is responsible for the overall management of the KRM and the development of operational procedures, staffing, staff training, food service, transportation, and schedules the delivery and coordination of health care and human services at the Pacific Building shelter facility. A representative from the Kitsap County Department of Human Services and KCSO would also be a member of the Community Relations Group that would be formed to enhance communications about shelter operations, address property issues, or respond to grievances about staff, service providers, or

registered guests in the shelter community and the surrounding neighborhood. Members of the public and neighbors of the facility would be able to contact the shelter to register complaints, discuss concerns, or request information. A designated telephone number and/or email address would be set-up and provided to the public. KRM staff would make every effort to respond to public complaints and concerns quickly and work towards resolution in a timely way.

- Though not required for review of the Group Living use, DCD staff requested additional information from the Applicant to address public comment concerns regarding risk assessment and safety concerns for the surrounding neighborhood. In response, a Standard Operating Procedures Manual and Guest Agreement were provided by the Applicant, along with other supporting clarification documents. The Manual addresses concerns such as intake procedures and criteria, community relations, security protocols, guest services and responding to difficult behaviors.
- The Housing Solutions Center (HSC) is the entry point for all housing applications in Kitsap County. Their staff assist with the completion of a basic housing application. The completed application is processed by HSC with a vulnerability assessment tool (VAT) for frontline workers at agencies that work with homeless clients to prioritize which clients should receive assistance first and determine which clients are most vulnerable. The scores on the VAT would determine the placement in a shelter or housing facility that would provide the support and assistance required. Applicants that qualify for placement in the Pacific Building group shelter would score the highest in need and most vulnerable. KRM would be the housing provider at Pacific Building. KRM has an addendum to the HSC application that requires an additional drug and alcohol screening, as well as a medical screening that is sensitive to behavioral health issues that may not be suitable for group living. KRM also does not currently accept applicants with a history of arson, meth manufacturing, Types I, II, and III assault, or that otherwise have a violent criminal history. Only HSC applicants, accepted by KRM, would be provided with shelter and services at the Pacific Building facility. There is no process to accept walk-ins, former guests, or emergency placements.
- The Group Living use is allowed in the Commercial zone through approval of this CUP. The Applicant has provided documentation to support that safety for guests and the community are addressed to the greatest reasonable extent. They have provided documentation for addressing problematic guests and/or situations, and a plan for community involvement to address concerns as they arise. Guests at the proposed facility are already present in the Port Orchard community, but rather in an unhoused or at-risk situation. The facility provides temporary housing and services to these same individuals and families. Youth would be present at the facility itself, with amenities such as family housing areas and playground incorporated by design. Part of the site selection included this proximity to

schools so that children living in the shelter would be within walking distance or direct access to public transportation.

Exhibit 42, Staff Report, pages 11 through 15.

17. DCD also received numerous comments on the proposal from members of the public and organizations voicing support for the proposed development. Comments in support of the proposed development generally expressed that necessity for the proposed facility. For example, Kitsap Mental Health Services, UFCW Local 21, Carole Oesterhaus, Randy Spitzer, Janet Stegemeyer, Kristal Thomas, and Stacey A.S. Smith stressed that the proposed facility would provide access to necessary services. Several of these commenters noted that the proposed development would be unique in offering many services in one location. Carolynn Zimmers stressed that the importance of the facility offering co-housing for pets. Bill Budd, Susan Griggs, Patricia Hanzlik, Kitsap Community Resources, Wendy Wojtanowicz, and Anita S. Rode stated that the subject project site is well suited for the proposed development. Several of these commenters noted the proximity of the project site to transit. Brooke Anderson, Ashley Condon, Agape Unlimited, and Chuck Svac commented that the proposed facility was necessary because of the lack of affordable housing in the area. Northwest Hospitality, Ruth Westergaard, and Mary Gleysteen stressed that Kitsap County lacks available permanent shelter space. Peninsula Community Health Services, Kitsap Mental Health Services, Kitsap Housing and Homeless Coalition emphasized the interplay between housing security and physical and mental health. *Exhibit 22; Exhibit 31; Exhibit 33; Exhibit 39.*
18. DCD also received the following comments from reviewing departments and agencies in response to its notice materials:
 - The Suquamish Tribe stated that it had no comments on the proposed development.
 - Kitsap Transit stated that the transit bus stop located approximately 500 feet to the west of the project location is not currently accessed by a sidewalk but instead is accessed via a shoulder along Mile Hill Drive. Kitsap Transit requested that an improvement be made to connect the project site to the current transit stop on Mile Hill Drive at Village Lane or another agreed upon stop location. Kitsap Transit also commented that the walking area in the planned frontage improvements west to the stop light at Mile Hill Drive and Village Lane SE be wide enough for safe passage. Kitsap Transit did not request or recommend any additional conditions for frontage improvements than those provided in the permit application.
 - Kitsap County Sheriff John Gese expressed support for the proposed development, stressing that there is a growing need for stable housing. Sheriff Gese also stated that he expected the shelter would employ proper measures to ensure safety and crime prevention in the facility and would work with local law enforcement to mitigate impacts to the surrounding community.

- The City of Port Orchard Mayor and City Council expressed support for the proposal, stressing that the City of Port Orchard has been seen an increase in the number of individuals experiencing homelessness and that the proposed development would provide a unique benefit by providing many services to individuals in one location.
 - Kitsap Public Health District expressed support for the proposal, emphasizing that access to affordable housing is a growing concern in the community and that homelessness has profoundly negative impacts on mental and physical health.
- Exhibit 22.e; Exhibit 22.f; Exhibit 33.b; Exhibit 33.d; Exhibit 33.g; Exhibit 39.i.*

Testimony

19. County Senior Planner Kathlene Barnhart testified generally about the proposal and how, with conditions, it would comply with the Comprehensive plan, applicable zoning provisions, and the criteria for a conditional use permit. She explained that the proposed shelter facility requires an administrative conditional use permit in the Commercial zoning district but that the DCD Director had exercised authority to require the optional hearing process and elevate the application to a Type 3 permit application requiring review of the Hearing Examiner (including an open record public hearing). She stated that the proposed development meets minimum and maximum density requirements for the Commercial zoning district, and explained that zoning standards require impervious surfaces to be limited to 85 percent and that the proposed development would be limited to 34 percent impervious surfaces. She stated that the Applicant would install a pedestrian access trail to provide safe access to the sidewalk and landscaping and fencing to provide screening around the perimeter of the property. Ms. Barnhart explained that the proposed development would have five bed areas. She stressed that the Applicant has completed extensive community outreach prior to the public hearing, providing ample opportunity for community engagement. She also emphasized that the Applicant provided a standard operating procedure manual and guest agreement that outline how risk would be mitigated for both guests and the surrounding community. She stated that increasing the number of residential shelter beds is one action step in the Kitsap County homeless crisis response. Ms. Barnhart commented that the Applicant has demonstrated that the location of the proposed facility had been thoughtfully selected. She stated that a community relations group would be established to enhance communications about shelter operations and issues with the surrounding area. She commented that the proposed development would not be materially detrimental to existing or future uses in the immediate vicinity. She also clarified that the stormwater system is already connected to County facilities. *Testimony of Ms. Barnhart.*
20. Applicant Representative Doug Washburn of the County Human Services Department explained that the proposed development would serve a need identified in the County Homelessness Crisis Response Plan, noting that the population of individuals experiencing homelessness has increased significantly in the County. He testified that

studies of a nearby temporary shelter showed that there was no increase in calls for service (CFS) within a half mile of the radius and that the CFS increased by only three per month at the facility. Mr. Washburn clarified that all minors would need to be accompanied by adults to stay at the facility. He also stated that County did not have the intention of selling either parcel. He commented that the proposed facility was developed after several community conversations about what type of facility was needed. He also stressed that many alternative locations were considered for the proposed development. *Testimony of Mr. Washburn.*

21. Applicant Representative Robin O’Grady of Kitsap Rescue Mission (KRM) explained that KRM is currently providing emergency shelter to 93 adults at the Quality Inn, including 13 families and 19 children. She stated that the proposed facility would have restricted access with no visitors to the shelter except for service providers. She explained that guests would be provided services at the facility including substance abuse and mental health services. Ms. O’Grady explained that the proposed facility would have three full time case managers that would provide community resources support and assist with locating permanent housing opportunities. She stated that guests would receive housing for a 90-day period with the option to extend their stay by 30-day increments. She commented that participation in services and housing stability planning are normative expectations. Ms. O’Grady explained that if guests violated the guest agreement, every effort would be made to find alternative housing. She stated that neighboring property owners would be able to contact the proposed facility to register complaints and discuss concerns. *Testimony of Ms. O’Grady*
22. Andrea Paine expressed concerns about drug use, safety, and impacts to local businesses and children who frequent activities in the surrounding area. She raised concerns that DCD had not thoroughly reviewed alternative locations for the proposed facility. She stated that DCD was not addressing concerns raised by members of the public. *Testimony of Ms. Andrea Paine.*
23. Macy Paine stated that she attends dance classes near the proposed development and that the proposed facility would be safer if it was located in a different area. *Testimony of Ms. Macy Paine.*
24. Alicia Peerson echoed concerns about the proximity of the proposed facility to activities frequented by children and impacts to local business. She expressed concerns that DCD had not conducted a thorough risk assessment of how the proposal would impact the surrounding area. She also raised concerns about procedures for monitoring activity outside of the proposed facility. *Testimony of Ms. Peerson.*
25. Alson Williams expressed concerns that the proposed development would not adequately address the needs of individuals experiencing homelessness. He stressed that community

- members should have a say in where the proposed facility would be located. *Testimony of Mr. Williams.*
26. Duane Blowers expressed concerns about safety and the activities of facility guests during the day. He echoed concerns about the proposed facility's proximity to schools and activities frequented by children. *Testimony of Mr. Blowers.*
 27. Sri Blowers echoed concerns about safety, crime, and the proposed facility's proximity to schools and activities frequented by children. *Testimony of Ms. Blowers.*
 28. Michelle Orand expressed concerns about the County Sheriff's report on the temporary housing shelter. She echoed concerns about increased safety and impacts to safety in the surrounding area. *Testimony of Ms. Orand.*
 29. David Grout expressed concerns that DCD had not adequately assessed the safety risks associated with the proposed development. He raised concerns about violent crimes and echoed concerns about the County Sheriff's report on the temporary housing shelter. He also stated the members of County staff did not feel as though they were able to speak out against the proposal. *Testimony of Mr. Grout.*
 30. Carollynn Zimmers expressed support for the proposal, noting that the proposed development would provide the unique benefit of allowing co-housing of pets. She noted that some individuals do not enter shelter facilities because co-housing is not provided for pets. She also stressed that the County lacks affordable housing. *Testimony of Ms. Zimmers.*
 31. Tom Slyter expressed support for the proposed development and stated that members of the public had received ample opportunities to voice concerns. He stressed the need for the facility, stating that the proposed development would reduce the number of homeless individuals and provide necessary services. *Testimony of Colonel Dr. Slyter.*
 32. Ron Vietmeier expressed concerns that the County had not done it due diligence for the proposed development. He stated that the community should try to make it work if the proposal was approved. *Testimony of Mr. Vietmeier.*
 33. Anton Preisinger commented the proposed development would reduce the number of unhoused individuals and provide necessary services. He voiced support for the location of the proposed development, noting that children staying at the proposed facility would be in close proximity to school. *Testimony of Mr. Preisinger.*
 34. Leiyomi Preciado stated that there is evidence to support the efficacy of a housing-first model for individuals to address mental health issues, substance abuse issues, and other

concerns. She echoed the need for the proposed facility to meet the needs of the community. *Testimony of Ms. Preciado.*

35. Michael Achey echoed support for the proposal, noting that the proposed development would provide necessary services and housing to members of the community. *Testimony of Mr. Achey.*
36. Dianne Canafax echoed support for the proposal, noting that the proposed development would provide necessary housing and that many individuals experiencing homelessness are employed. *Testimony of Ms. Canafax.*
37. Inga Oberst expressed concerns about the impacts to safety, drug use, impacts to small businesses, and the proximity of the project site to activities frequented by children. She also raised concerns that the proposed development would result in the growth of the homeless population in Port Orchard. *Testimony of Ms. Oberst.*
38. Project Engineer Norm Olson clarified that utilities are located west of the access point alongside the frontage improvements and that a rock wall or retaining wall was needed to accommodate the utilities. He also explained that the other rock wall on the property would be related to minor grading associated with creating ADA accessible parking spaces. He also noted that the proposed development would only add a minor amount of impervious surface to the property. *Testimony of Mr. Olson.*
39. County Clerk Amanda Walston provided clarifications about exhibit contents and numbering. She also provided information about how to access the Hearing Examiner's decision once it was issued. *Testimony of Ms. Walston.*

Staff Recommendation

40. Ms. Barnhart testified that County staff recommends approval of the conditional use permit application, with conditions. Mr. Washburn testified that the Applicant understands and would comply with County staff's recommended conditions. *Exhibit 42, Staff Report, pages 20 through 24; Testimony of Ms. Barnhart; Testimony of Mr. Washburn.*

CONCLUSIONS

Jurisdiction

The Hearing Examiner has jurisdiction to hear and decide requests for a conditional use permit. *KCC 2.10.070; 17.550.020.*

Criteria for Review

The Hearing Examiner may approve, approve with conditions, or deny a conditional use permit. Approval or approval with conditions may be granted by the Hearing Examiner only when all the following criteria are met:

1. The proposal is consistent with the Comprehensive Plan;
2. The proposal complies with applicable requirements of [the zoning code];
3. The proposal will not be materially detrimental to existing or future uses or property in the immediate vicinity; and
4. The proposal is compatible with and incorporates specific features, conditions, or revisions that ensure it responds appropriately to the existing character, appearance, quality or development, and physical characteristics of the subject property and the immediate vicinity.

KCC 17.550.030.A.

As a condition of CUP approval, the Hearing Examiner may:

1. Increase requirements in the standards, criteria, or policies established by [the zoning code];
2. Stipulate the exact location as a means of minimizing hazards to life, limb, property damage, erosion, landslides, or traffic;
3. Require structural features or equipment essential to serve the same purpose set forth in Chapter 17.420;
4. Include requirements to improve compatibility with other uses permitted in the same zone, protecting them from nuisance generating features in matters of noise, odors, air pollution, wastes, vibration, traffic, physical hazards, and similar matters. The hearing examiner may not, in connection with action on a conditional use permit, reduce the requirements specified by [the zoning code] as pertaining to any use nor otherwise reduce the requirements of [the zoning code] in matters for which a variance is the remedy provided;
5. Assure that the degree of compatibility with the purpose of [the zoning code] shall be maintained with respect to the particular use on the particular site and in consideration of other existing and potential uses, within the general area in which the use is proposed to be located;
6. Recognize and compensate for variations and degree of technological processes and equipment as related to the factors of noise, smoke, dust, fumes, vibration, odors, and hazard or public need;
7. Require the posting of construction and maintenance bonds or other security sufficient to secure to the county the estimated cost of construction and/or installation and maintenance of required improvements; and

*Findings, Conclusions, and Decision
Kitsap County Hearing Examiner
Pacific Building Conversion – Mile Hill Shelter CUP
No. 22-03886*

8. Impose any requirement that will protect the public health, safety, and welfare.

KCC 17.550.030.B.

“If the approval criteria are not met or conditions cannot be imposed to ensure compliance with the approval criteria, the conditional use permit shall be denied.” *KCC 17.550.030.C.*

The criteria for review adopted by the Kitsap County Board of Commissioners are designed to implement the requirement of Chapter 36.70B RCW to enact the Growth Management Act. In particular, RCW 36.70B.040 mandates that local jurisdictions review proposed development to ensure consistency with County development regulations, considering the type of land use, the level of development, infrastructure, and the characteristics of development. *RCW 36.70B.040.*

Conclusion Based on Findings

1. **The proposal would be consistent with the Comprehensive Plan.** The properties are designated “Urban High Intensity Commercial” by the County Comprehensive Plan and located within the Port Orchard Urban Growth Area (UGA). County staff determined that the proposed development would be consistent with several goals and policies of the City Comprehensive Plan, including: providing connectivity to existing trails, paths, and sidewalks; examining health and equity impacts of land use decisions on all populations; promoting housing preservation and development in areas that are well-served by schools, public transportation, and commercial facilities; expanding and committing public resources to create housing alternatives and services for people experiencing homelessness; creating additional permanent supportive housing; promoting fair housing to ensure that all residents have equal and fair opportunity to obtain safe and sanitary housing; ensuring all residents have equal and fair opportunity to access human services; approving site design that is supportive of transit service patrons; and continuing to require sidewalks on roads developed in the UGA. The Hearing Examiner concurs with this assessment. *Finding 5.*
2. **With conditions, the proposal would comply with all applicable requirements of the zoning code.** The project site is located in the Commercial zoning district. Group living facilities are permitted in the Commercial zoning district with approval of an administrative conditional use permit. The DCD Director opted to elevate the proposal to a Type 3 permit application requiring an open record public hearing and approval of the Hearing Examiner. The proposed development would comply with development standards for the Commercial zoning district including maximum height, maximum impervious surface coverage, and setback requirements. The proposed 75-bed facility would also comply within minimum and maximum density requirements for a 4.17-acre project site located within the Commercial zoning district. As discussed in further detail in Conclusion 3, the proposed development would comply with urban development

landscape requirements under Chapter 17.500 KCC. Conditions are necessary, as detailed below, to ensure the proposal complies with all zoning requirements. *Finding 6.*

3. **With conditions, the proposal would not be materially detrimental to existing or future uses in the immediate vicinity.** DCD provided reasonable notice and opportunity to comment on the proposal. DCD received numerous comments from members of the public and local organizations, which expressed both opposition and support of the proposed development. Comments in support of the proposal stressed that the proposed facility would provide stable housing for a growing population of individuals experiencing homelessness, would connect these individuals with necessary services, and would be appropriately located near transit and schools. Comments in opposition to the proposal expressed concerns about increased crime, safety impacts, the proximity of the proposed development to schools and activities frequented by children and impacts to local businesses.

The proposed facility would be operated by KRM and would always be staffed. The facility would be closed to the public and doors would be locked at a 10:00 PM curfew. KRM provided a standard operating procedure manual that provides provisions for an operations reporting structure; a no visitor policy; establishment of a community relations group; a system to address neighborhood complaints; criteria for admission; an intake process; health screening procedures; security protocols; guest services; discharge procedures; responding to difficult behaviors; community donations and public support; staff duties and responsibilities; guest grievance procedures; facilities and maintenance; grounds and landscaping; child abuse and neglect policy reporting procedures; and waste management procedures. All guests would be admitted by KRM referral only and would have to undergo background checks and sign a guest agreement. Violation of the guest agreement would result in termination of guest status, at which point KRM would make every effort to find alternative housing. Guests would be provided access to mental health services, substance abuse services, and assistance in securing permanent housing opportunities. Close proximity to schools would allow children residing at the proposed facility to access them. A report from the Kitsap County Sheriff's office about a nearby temporary emergency shelter facility found that CFS at the shelter only increased by 49 CFS over 16 months, which is an average of 3 CFS per month, and that CFS would have likely been greater without operation of the facility.

Heath and Associates, Inc., provided a traffic impact analysis (TIA) on behalf of the Applicant. The TIA determined that the proposed facility would result in 30 AM peak hour trips and 33 PM peak hour trips and that all studied intersections would continue to operate at acceptable level of service (LOS). The Applicant would construct frontage improvements along the property frontage on SE Mile Hill Drive, including a 12-foot travel lane, a five-foot bike lane, six-foot sidewalks, and street trees. A pedestrian access

trail would be installed within the south property line setback to provide safe access to the sidewalk on SE Mile Hill Drive and transit.

N.L. Olson and Associates, Inc., provided a preliminary storm drainage analysis on behalf of the Applicant in July 2022. The drainage analysis determined that few storm revisions are required because most of the changes are interior to the existing structure and the proposed development would result in only a minor increase in impervious surface. The Applicant would add catch basins and a Filterra treatment facility to the existing conveyance system. The proposed development would provide sufficient screening to shield the proposed use from adjacent properties. The proposed development would comply with urban development landscape requirements under Chapter 17.500 KCC. Existing vegetation would be maintained along the southern and western property lines, with additional trees planted in several locations. Existing chain link fence would be retained along the northern property line. The Applicant would install chain link fence along the northern portion of the east property line and shrubs and groundcover along the central portion of the east property line. Existing chain link fence on the eastern end of the easement would be retained.

DCD analyzed the environmental impacts of the proposal and determined, with mitigation, the proposed use would not have a probable significant adverse impact on the environment and issued a Mitigated Determination of Nonsignificance (MDNS) on April 18, 2023. The MDNS was not appealed.

While the Hearing Examiner understands that several area residents remain concerned about a facility of this type being located in the community, the record reflects that the Applicant and County worked diligently to address the concerns raised by community members through the iterative review process and that the final proposal has been designed to mitigate any potential detrimental impacts on the area. Moreover, the need for a facility of this type is well-documented and many members of the community and various organizations expressed support for the proposal.

Conditions, as detailed below, are necessary to mitigate project impacts and to ensure compliance with relevant federal, state, and local statutes, ordinances, and regulations.
Findings 1 – 40.

- 4. With conditions, the proposal would be compatible with and incorporates specific features, conditions, or revisions that ensure it responds appropriately to the existing character, appearance, quality or development, and physical characteristics of the subject property and the immediate vicinity.** The proposed development would utilize an existing 20,040 square foot structure. The Applicant would make upgrades to the existing structure, including improvements to the mechanical, electrical, plumbing, and fire prevention systems, roof, bathroom facilities, lighting, and flooring. Outdoor

improvements would include landscaping, fencing, frontage improvements along Mile Hill Drive, security lighting, four new bicycle stalls, updated signage, the construction of two small storage sheds, installation of an accessible sidewalk, and an addition to the existing driveway to create a fire turnaround and access to the dumpster enclosure. Access to the property would be provided by SE Mile Hill Drive via an existing 20-foot-wide access easement along the east property line. As noted in Conclusion 3, the drainage analysis provided by the Applicant determined that few storm revisions are required. As further detailed in Conclusion 3, existing vegetative screening and fencing would be maintained and the Applicant would add vegetation and fencing in some areas. The TIA provided by the Applicant determined that the average peak parking demand for the proposed facility would be 36 stalls. The project site is currently developed with 40 paved parking stalls and 20 overflow gravel parking spaces. These parking spaces would be retained and would provide sufficient spaces to meet the parking demands of the proposal. Conditions, as detailed below, are necessary to mitigate project impacts and to ensure compliance with relevant federal, state, and local statutes, ordinances, and regulations. *Findings 1, 5 – 40.*

DECISION

Based on the preceding findings and conclusions, the request for a conditional use permit to convert an existing 20,040 square foot structure into a temporary housing facility to shelter up to 75 individuals experiencing homelessness, on two properties totaling 4.17 acres at 4459 SE Mile Hill Drive, is **APPROVED**, subject to the following conditions:

1. All required permits shall be obtained prior to commencement of land clearing, construction and/or occupancy.
2. A final Landscaping plan shall be submitted with SDAP application. Landscaping shall be installed and maintained in conformance with the requirements of Kitsap County Code (KCC) 17.500. Landscaping shall be installed and inspected prior to requesting a final inspection, or guaranteed by means of an assignment of funds or bonded in the amount of 150 percent of the cost of installation.
3. Any and all signage design and location (including exempt signs) shall comply with Kitsap County Code (KCC) 17.510, and be reviewed and approved by the Department of Community Development prior to installation. Signage may require a separate permit.
4. The recipient of any administrative conditional use permit shall file a Notice of Land Use Binder with the county auditor prior to any of the following: initiation of any further site work, issuance of any development/construction permits by the county, or occupancy/use of the subject property or buildings thereon for the use or activity authorized. The Notice of Land Use Binder shall serve both as an acknowledgment of and agreement to abide by the terms and conditions of the administrative conditional use permit and as a notice to

Findings, Conclusions, and Decision
Kitsap County Hearing Examiner
Pacific Building Conversion – Mile Hill Shelter CUP
No. 22-03886

prospective purchasers of the existence of the permit. The Binder shall be prepared and recorded by the Department at the applicant's expense.

5. The uses of the subject property are limited to the uses proposed by the Applicant and any other uses will be subject to further review pursuant to the requirements of the Kitsap County Code (KCC). Unless in conflict with the conditions stated and/or any regulations, all terms and specifications of the application shall be binding conditions of approval. Approval of this project shall not, and is not, to be construed as approval for more extensive or other utilization of the subject property.
6. The decision set forth herein is based upon representations made and exhibits contained in the project application (22-03886). Any change(s) or deviation(s) in such plans, proposals, or conditions of approval imposed shall be subject to further review and approval of the County and potentially the Hearing Examiner.
7. The authorization granted herein is subject to all applicable federal, state, and local laws, regulations, and ordinances. Compliance with such laws, regulations, and ordinances is a condition to the approvals granted and is a continuing requirement of such approvals. By accepting this/these approvals, the applicant represents that the development and activities allowed will comply with such laws, regulations, and ordinances. If, during the term of the approval granted, the development and activities permitted do not comply with such laws, regulations, or ordinances, the Applicant agrees to promptly bring such development or activities into compliance.
8. This Administrative Conditional Use Permit approval shall automatically become void if no development permit application is accepted as complete by the Department of Community Development within four years of the Notice of Decision date or the resolution of any appeals.
9. Any violation of the conditions of approval shall be grounds to initiate revocation of this Administrative Conditional Use Permit.
10. Final availability letters for adequate water and sewer from West Sound Utility shall be provided with SDAP application.
11. This project is conditioned to follow a Standard Operating Procedures Manual and Guest Code of Conduct. This includes, but is not limited to, the formation of a Community Relations Group. Members of the Community Relations Group will include representatives of the local business community, neighbors of the facility, the KRM Shelter Program Manager, and are presentative from the Kitsap County Department of Human Services.

12. Construction plans and profiles for all roads, storm drainage facilities and appurtenances prepared by the developer's engineer shall be submitted to Kitsap County for review and acceptance. No construction shall be started prior to said plan acceptance.
13. The information provided demonstrates this proposal is a Large Project as defined in Kitsap County Code Title 12, and as such will require a Full Drainage Site Development Activity Permit (SDAP) from Development Services and Engineering.
14. Stormwater quantity control, quality treatment, and erosion and sedimentation control shall be designed in accordance with Kitsap County Code Title 12 effective at the time this permit application was deemed fully complete. The submittal documents shall be prepared by a civil engineer licensed in the State of Washington. The fees and submittal requirements shall be in accordance with Kitsap County Code in effect at the time of SDAP application, or Building Permit if an SDAP is not required.
15. Any project that includes off-site improvements that create additional impervious surface such as lane widening, sidewalk or shoulder installation or intersection channelization shall provide stormwater mitigation in accordance with Kitsap County Code Title 12 effective at the time this permit application was deemed complete.
16. All publicly maintained drainage systems outside public dedicated right of way shall be located either in a tract dedicated to Kitsap County or in an easement, granted to Kitsap County, for ingress, egress, operations and maintenance of the stormwater facilities contained therein.
17. Upon completion of the storm drainage facilities, the developer will be required to post a two-year maintenance bond for the facility. The developer will be responsible for providing regular and adequate maintenance during this two-year period and supportive maintenance records. At the end of this time, the County will inspect the system and the County will take over maintenance and operation of the system. Wording to this effect must appear on the plat and in the covenants before final recording. Areas proposed to be maintained by the County that are not in the right-of-way must be shown as a separate tract/s or drainage easement/s with Kitsap County being designated as the grantee.
18. If the project proposal is modified from that shown on the site plan approved for this permit application, Development Services and Engineering will require additional review and potentially new conditions.
19. This project includes the construction of rock walls or other retaining facilities that either exceed four feet in height or sustain a surcharge. A separate building permit with an engineered design is required for such walls. This note shall be placed on the face of the final construction drawings.

20. Rock and retaining walls shall meet all applicable setback requirements of Vol. II, Chapter 9 of the Kitsap County Stormwater Drainage Manual.
21. At building permit application, submit Kitsap County Public Works Form 1601 for issuance of a concurrency certificate, as required by Kitsap County Code 20.04.030, Transportation Concurrency.
22. The hammerhead shall be designed to accommodate a SU design vehicle. The dumpster enclosure shall not be considered as part of the hammerhead. The wheel path of the design vehicle shall remain within the paved area for all required movements.
23. Sidewalk ramps shall conform to the current requirements of the Americans with Disabilities Act per WSDOT standard plans at the time of construction.
24. Any required sidewalk shall be constructed prior to roadway paving. This note shall appear on the face of the final construction drawings.
25. For safety and access, frontage improvements are required along the entire property frontage on SE Mile Hill Dr to bring the frontage up to current standards. For an Urban Minor Arterial that shall consist of 12-foot wide travel lane, 5-foot designated bike lane and 6-foot sidewalks.
26. Site access shall be designed per KCRS Figure 4-4.
27. The Site Development Activity Permit shall include plans for construction of the road approach between the edge of existing pavement and the right-of-way line at all intersections with county or state rights-of-way. Approaches to county rights of way shall be designed in accordance with the Kitsap County Road Standards as established in Chapter 11.22 of the Kitsap County Code. Approaches to state rights of way shall be designed in accordance with current WSDOT standards. Existing approaches may need to be improved to meet current standards.
28. The developer's engineer shall certify that there is adequate entering sight distance at all project intersections with County rights of way or State rights of way. Such certification shall note the minimum required sight distance, the actual sight distance provided, and a sight distance diagram showing the intersection geometry drawn to scale, topographic and landscaping features, and the sight triangle. The sight distance shall meet the requirements of the Kitsap County Road Standards for County rights of way and shall meet WSDOT standards for state rights of way. The certification shall also note necessary measures to correct and maintain the minimum sight triangle. The required information shall be submitted with the SDAP, or with the commercial building permit

application if a SDAP is not required. Use for any Land Use permit where a new road or road approach is proposed to intersect an existing road.

29. Any work within the County right-of-way shall require a Public Works permit and possibly a maintenance or performance bond. This application to perform work in the right-of-way shall be submitted as part of the SDAP process, or Building Permit process, if a SDAP is not required. The need for and scope of bonding will be determined at that time.
30. An automatic fire sprinkler system and monitored fire alarm will be required. The fire department connection (FDC) provided for the fire sprinkler system shall not be installed on the building. FDC's shall be installed remotely in an approved location.
31. A fire flow availability letter shall be provided. With the installation of an automatic fire sprinkler system, a minimum of 1,000 gpm is required for a full NFPA 13 designed system. *18,870 square feet of VB construction = 3,750 gpm for 2 hours, 20 psi residual. Reduction of 75% (of 3,750) allowed, but no less than 1000 gpm required.
32. Site fire hydrants shall be provided. Existing hydrants will be considered, if within approved locations. Minimum spacing for site hydrants shall not exceed 400 feet. One hydrant shall be located within 50 feet of the FDC.
33. Fire access shall be provided for all on site structures and shall be provided in approved locations. Fire access roads shall be a minimum of 20 feet in width, 13 foot 6 inches clear height and shall be constructed of an all-weather surface designed to tolerate the load of a 60,000-pound apparatus. Any fire access road that dead-ends and exceeds 150 feet in length, shall be provided with a turnaround. The intended fire access routes shall be clearly indicated on civil plans. Approved marking of fire access roads will be required.
34. Separate structures constructed on site shall meet the requirements of Chapter 6 of the IBC for separation distance, unless specifically exempted.
35. ADA compliant access shall be provided throughout. This will include ADA parking stalls to the structure and its amenities, to public transportation stops to the public way or street, per chapter 11 of the IBC. Intended ADA compliance through the site shall be clearly shown on proposed civil plans.
36. Prior to SDAP approval, Applicant shall provide documentation from the solid waste/recycling service provider that their requirements for this project have been met. Waste Management Northwest can be reached at pnwcmsservices@wm.com or 1-800-592-9995; their website is <http://wmnorthwest.com/kitsap/index.html>

37. The SDAP submittal shall show solid waste dumpster location, method for securing the enclosure gates in an open position and pad sizes on the civil plans submitted for approval. Details of the enclosure, including interior dimensions, building materials and lighting must be included with the civil plans prior to final approval. These details may be architectural drawings attached to the civil plans. Provided area must accommodate a minimum 6-yard dumpster.
38. This permit shall comply with all Kitsap Public Health District regulations and conditions of approval. For changes of use within the building, work with West Sound Utility District to ensure current water/sewer connections are adequate.

DECIDED this 10th day of July 2023.



ANDREW M. REEVES
Hearing Examiner
Kitsap County