



Planning Commission Executive Summary

Issue Title: Proposed Amendments to Regulate High-Risk Secured Facilities
Meeting Date: May 21, 2019
Time Required: N/A
Department: Department of Community Development
Attendees: Dave Ward and Liz Williams

Action Requested At This Meeting:

1) Deliberations and recommendation for proposed amendments to regulate High-Risk Secured Facilities

Background

- The Planning Commission held a public hearing on May 14, 2019 regarding proposed amendments to interim regulations for High-Risk Secured Facilities.
- The Department of Community Development summarized public comment received between April 2, 2019 and May 15, 2019 (Attachment 1) for the Planning Commission's deliberations on this topic.
- Additional public comment received prior to April 2, 2019 was provided to the Planning Commission on April 16, 2019 and can be accessed online: <https://www.kitsapgov.com/dcd/PEP%20Documents/SHR%20Staff%20Responses%20and%20Public%20Comment%20Matrix.pdf>.

Attachments

1. Staff Responses by Topic to Public Comment – Part 2

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Kitsap County Department of Community Development

High-Risk Secured Facilities Staff Responses by Topic to Public Comment – Part 2

Between April 2, 2019 and May 15, 2019, the Kitsap County Department of Community Development received 12 additional public comments regarding the proposed amendments to interim zoning regulations for High-Risk Secured Facilities. Staff responses and a summary of public comment received prior to April 2, 2019 can be accessed online:

<https://www.kitsapgov.com/dcd/PEP%20Documents/SHR%20Staff%20Responses%20and%20Public%20Comment%20Matrix.pdf>. The additional public comments are attached in the public comment matrix and exhibits that follow. Staff responses to the concerns raised are summarized by topic below:

Response #	Topic and Staff Response
1	<p>Ban these facilities from being built in Kitsap County</p> <p>We understand concerns with the impact these facilities may have in Kitsap County. Local communities are not able to ban these facilities from being built because state law requires counties and cities to allow these facilities. However, the County can adopt regulations that ensure neighborhood compatibility and safety by:</p> <ul style="list-style-type: none">• restricting these facilities to certain zones;• limiting their proximity to risk potential facilities, such as schools, to the extent allowed under state law;• requiring landowners within a half mile of a proposed facility to receive notification so they are aware of the applicant’s request and can participate in the permit review process;• Holding a neighborhood meeting prior to processing a permit application; and• Requiring a public hearing before the County’s hearing examiner
2	<p>Status of the existing facility on Viking Way</p> <p>Several public comments discuss concerns regarding the existing facility on Viking Way and question whether it is a permitted use in a residential zone. The Department of Community Development sent a notice of violation to the landowner and property manager on March 5, 2019 that determined the existing facility was in violation of Title 17, Kitsap County Zoning Code, for maintaining an unpermitted use. The landowner and property manager have appealed the Department’s determination. The appeal will be considered by the County’s Hearing Examiner. The appeal hearing is scheduled for May 23, 2019.</p>



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Response #	Topic and Staff Response
<p>3</p>	<p>Outings in the community & supervision We understand concerns related to court-approved community outings. Unfortunately, local communities are not able to regulate the operations of these facilities, staff training, or limit outings in the community. These provisions are put in place by superior court and Kitsap County has no authority in court proceedings. We encourage you to reach out to your state representatives to address your concerns with facility operations and outings.</p>
<p>4</p>	<p>Proximity to schools, residential neighborhoods, and other risk potential facilities and the economic impact of a proposed facility We understand concerns with siting these facilities close to schools, residential neighborhoods and other risk potential facilities. State law only allows local communities to restrict these facilities from being located within 880-feet from a school. In addition, the ordinance restricts facilities from being located adjacent to, across the street from, or within the line of sight of the following facilities: Public and private schools, school bus stops, licensed day care and licensed preschool facilities, domestic violence shelters, public parks, publicly dedicated trails, sports fields, playgrounds, recreational and community centers, churches, synagogues, temples, mosques, public libraries, public and private youth camps, and others identified during a public hearing.</p> <p>We also understand concerns with the economic and neighborhood impacts these facilities may have on the surrounding area. This is one of the reasons Kitsap County is requiring a Conditional Use Permit (CUP) for these facilities. The CUP process is when a proposed facility is evaluated to ensure that it is compatible with the surrounding neighborhood. The CUP process also requires a public hearing and is reviewed by the County’s Hearing Examiner. If the Hearing Examiner determines during the CUP review process that the proposed facility will have a detrimental impact and will not be compatible with the surrounding neighborhood, the applicant’s request may be denied.</p>
<p>5</p>	<p>Siting these facilities in or near Bremerton The interim ordinance only applies to unincorporated Kitsap County and not the City of Bremerton. The City of Bremerton has its own zoning requirements that allow these facilities in the City’s industrial and freeway corridor zones.</p> <p>Like the City of Bremerton, Kitsap County requires a Conditional Use Permit (CUP) for these facilities. The CUP process is when a proposed facility is evaluated to ensure that it is compatible with the surrounding neighborhood. The CUP process for Kitsap County requires a public hearing before the County’s Hearing Examiner. If the Hearing Examiner determines during the CUP review process that the proposed facility will have a detrimental impact and will not be</p>



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Response #	Topic and Staff Response
	<p>compatible with the surrounding neighborhood, the applicant’s request may be denied.</p> <p>Unlike the City of Bremerton, Kitsap County also:</p> <ul style="list-style-type: none"> • Requires notification to all landowners within a half mile when a facility is proposed to ensure they have an opportunity to participate in the permit review process; • Requires a neighborhood meeting prior to processing a permit application; and • Restricts placement of these facilities within 880 feet of public and private schools. In addition, a proposed facility cannot be located adjacent to, across the street from, or within the line of sight of the following facilities: Public and private schools, school bus stops, licensed day care and licensed preschool facilities, domestic violence shelters, public parks, publicly dedicated trails, sports fields, playgrounds, recreational and community centers, churches, synagogues, temples, mosques, public libraries, public and private youth camps, and others identified during a public hearing.
6	<p>Community notification when a facility is proposed</p> <p>The interim ordinance requires Kitsap County to mail notification to all landowners within a half mile when the Department of Community Development receives a permit application for a proposed facility. Kitsap County also requires the applicant to hold a neighborhood meeting and have their project proposal reviewed at a public hearing before the County’s Hearing Examiner. A half mile radius was selected because it is consistent with the Sheriff’s Office community notification standards. There was a suggestion to mail notification to the school district even if there is not a school located within the half mile notification radius to ensure they have an opportunity to participate in the permit review process. The Department can propose in the final ordinance that the school district receive notification regardless of a school’s proximity to a proposed facility.</p>

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PUBLIC COMMENT MATRIX – PART 2: AMENDMENTS TO INTERIM REGULATIONS FOR HIGH-RISK SECURED FACILITIES				
Comment #	Name	Comment Type	Comment	Staff Response
71	Steve Meyers	4/5/2019 Online	This proposal to house high risk sexual predators in the area behind Wilco is unacceptable. There are MULTIPLE daycare facilities within WALKING DISTANCE of this proposed housing area, one of which my toddler goes to. I would like to know how the people who have made this decision plan on keeping high risk sexual predators away from children and others who they could hurt or worse. What’s going to stop one of these predators from doing some heinous act of violence against an innocent person? Why is this even being allowed? I would like the names of the people who thought this would be an acceptable thing to do without contacting the people who live in that area to inform them that they may be at risk due to a horrible decision made by someone who probably won’t be affected by this move. I assure you that they will all be losing many votes in the next election period and if this goes through, there is going to be hell to pay should one of these criminals commit an act of violence on an innocent community member or child. I cannot understate how disgusted I am that this would be considered acceptable.	Thank you for your comment. The area behind Wilco is within the city of Bremerton. The interim ordinance only applies to unincorporated Kitsap County. The City of Bremerton has its own zoning requirements that allow these facilities in the City’s industrial and freeway corridor zones. Please see staff response #1 which discusses why Kitsap County cannot ban these facilities.
72	Cassandra Lopez	4/5/2019 Online	Thank you for taking time to read my comment. It's hard for me to understand why this location was chosen to house this particular type of abominable criminal. Aside from being in a residential area, there are no less than six school within a mile radius. I have children who attend two of them. Was there no better location? Were the local homeowners and residents given an opportunity for input and opinion on this matter? Do our tax dollars and levies mean nothing? If this goes through, have you any idea what that will do to property values and school reputations? Central Kitsap School District has award winning schools, but parents will happily drive their children to out of boundary or district schools to avoid any risk. Please	Thank you for your comment. The Department has not received an application for a proposed facility within one of the approved zones. Please see staff response #1 and #4 which discuss your concerns with these facilities and siting them close to schools, residential neighborhoods and other risk potential



			reconsider, for the non-criminal residents who pay their taxes and cast their ballots. These criminals are not welcome, and should not be allowed housing at this location.	facilities. Please also see staff response #6 which discusses community notification when a facility is proposed.
73	Miriam Walter	4/6/2019 Online	I do not want high risk sexual predators housed within Bremerton city limits. Especially in neighborhoods where there are children. If these offenders refuse to seek rehabilitation why are we putting them somewhere with easy prey. Bremerton already has enormous problems. I live at the Summit at Bay Vista and am raising an 11 year old granddaughter due to her mom being a drug addict. Living here I constantly have to keep an eye on her as we are surrounded by mentally ill, drug addicts and homeless. Adding sexual predators to the city would be detrimental and I will start looking to move out of this county. I cannot raise a child in an that kind of environmentit's already hard enough. Thank you for listening.	Thank you for your comment. Please see staff response #5 which discusses your concerns with siting these facilities within the Bremerton city limits.
74	Linae D Tabor	4/6/2019 Online	I understand that the County has recently rezoned the commercial area right across the street from the 20-acre lot at the corner of Riddell Road and Almira Drive in East Bremerton, which is also adjacent to other residential neighborhoods. I understand the County has determined this area as suitable for the placement of group residential facilities for high risk sexual predators. There are many Bremerton residents like me who live nearby, either in the City or County, and are affected by the County ordinance but were not informed or included in the decision making process. I'm not objecting to this housing, by any means. I think it's great that we're developing more housing in Bremerton. We need more housing and this is a good addition, but we have to ensure that it's safe for the families who will live there. What I object to is the County ordinance that allows high-risk violent sexual predators to be placed in Bremerton (or any other) residential neighborhoods. BECAUSE they are high-risk, placing them anywhere near residential neighborhoods	Thank you for your comment. Please see staff response #4 and #5 which discuss your concerns with siting these facilities within close proximity to residential neighborhoods in or near the city of Bremerton.



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			is not a good idea because you are putting them in a place that is ripe with temptation. Why would you do that? I do not want to be anywhere near a high-risk violent sexual predator and I don't want my children and grand child near them either. Please reconsider this action you are considering.....for the well-being of our communities.	
75	Alex Paul-Hayter	4/7/2019 Online	I do not agree with having SVP in the East Bremerton lot above Wilco.	Thank you for your comment. The Department has not received an application for a proposed facility within one of the approved zones. The area behind Wilco is within the city of Bremerton. The interim ordinance only applies to unincorporated Kitsap County. The City of Bremerton has its own zoning requirements that allow these facilities in the City's industrial and freeway corridor zones.
76	Bryce	4/9/2019 Online	My wife and I escaped Seattle last year and are currently renting a home in Manette. We made the move so that we could live a quieter, safer, family-friendly life in Bremerton. Despite the daily cost of commuting on the ferry to work, we happily agreed it was worth the sacrifice. As a prospective home buyer, this ordinance gives us serious hesitation about our future residence here. This is downright terrifying and I have zero intention of raising a family in the proximity of high-risk, sexually-violent predators. The irresponsibility of this decision by county leaders is mind-boggling, frankly. I wholeheartedly object to this ordinance and sincerely fear the long-term	Thank you for your comment. Please see staff response #4 which discusses your concerns with siting proposed facilities near residential neighborhoods and potential economic impacts.



			ramifications this will have on the safety and economic health of our town.	
77	Peace Lutheran Church and School	4/22/2019 Letter	Please see Exhibit 18.	Thank you for your comment. Please see staff response #4 which discusses your concerns with siting a proposed facility near churches and schools.
78	Amber Burns	4/26/2019 Online	<p>Sexually violent predators should never be housed in ANY neighborhood. Not mine. Not yours. This is not acceptable, needs immediate revision and cannot move forward as it, undeniably, risks the safety of children and other vulnerable populations. Additionally, it is disgusting and wrong that anyone would ever decide this is a reasonable idea in the first place.</p> <p>Who can explain to me why SVP have access to common areas, public areas and populations that they have sexually and violently preyed on previously? These offenders are likely to reoffend, am I right?</p> <p>Do you want your new neighbor watching, stalking and premeditating a sexually violent attack on you? Your children? Your elderly parent? I don't.</p>	Thank you for your comment. Please see staff response #3 and #4 which discuss your concerns with outings in the community and proximity to schools, residential neighborhoods, and other risk potential facilities.
79	Joe Roszak	5/10/2019 Online	Please know that Kitsap Mental Health Services (KMHS) owns Lot 1 SP 4397 record under auditor number 861220085 and Lot 2 SP 4397 record under auditor number 8612290085. KMHS is operating child and family services on this property. We provide intensive outpatient services to children with serious emotional disorders and their families at this site. I believe the siting of a SVP house next to our service building (formerly the Doctors Clinic Urgent Care) would not in the best of those we serve and the community seeking our services	Thank you for your comment. Please see staff response #4 which discusses your concerns with siting proposed facilities adjacent to other risk potential facilities. Additional risk potential facilities not listed currently



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			for their children. Thank you for taking our concerns under advisement.	would be identified during the permit review process.
80	Fran Powel	5/13/2019 Email	Hi to my county commissioners. I live on Viking Way, 1/2 mile from the current LRA on Viking Way. I am appalled that this house was allowed to be occupied by Sexually Violent Predators, near school bus stops, a church only 1/2 mile away, near a home with a day care center and near homes where minor children visit and live. I want to vote in favor of you siting LRA's in commercially and industrially zoned areas, not residential areas. https://www.codepublishing.com/WA/KitsapCounty/ords/Ord566-2019.pdf	Thank you for your comment. Please see staff response #2 which discusses the status of the existing facility of Viking Way.
81	Judith Friedberg-Nerf	5/14/2019 Email	I have lived in Bremerton, and Kitsap County District 3, for 20 years, and I know our elected officials - both City and County - often have daunting challenges to face and resolve on behalf of all of us living within your respective jurisdictions. I am writing to express a citizen opinion regarding the decision to assign zoning and permitting requirements for secured facilities for sexually violent predators. I have spoken to Mayor Wheeler, whose generosity in offering time for discussion I appreciate. I have requested zoning specific information from City DCD, and have consulted color-coded maps and zoning details posted to Bremerton and County websites. I have also spoken to a League of Women Voters colleague whose home in NK is located near a controversial residential site that currently houses individuals classified as sexually violent predators. I appreciate that this topic is highly emotionally charged, and I also appreciate that it is the responsibility of our governments to provide zoning citing recommendations in order to accommodate housing for the individuals who require such. I also accept that as citizens we have responsibility to learn what we can about important issues in our communities and to understand that municipalities must accommodate zoning for a variety of legally sanctioned purposes -	Thank you for your comment. Please see staff response #4 which discusses your concerns with siting these facilities near residential neighborhoods.



			<p>whether we “like” one or another of those purposes, or not. It is my hope that elected officials can collaborate and arrive at mutually acceptable zoning designation recommendations for placement of such sensitive housing when citing them falls along shared jurisdictional boundary lines, and/or within urban growth areas. Extraordinary care and attention to this particular type of housing must be given to avoid placement in or near existing homes, schools, facilities providing services to vulnerable populations. On the ground site visits should be considered to rule out placement of such facilities in existing, established residential or mixed use neighborhoods that actually lie within zones that are not designated “residential”. Kitsap geography often defines where major road arteries are located, and consequently influence where residential developments cluster. Particular attention should be given so that designated zoning on a map does not actually intrude into, or abut nearby pockets of existing residential dwellings. I know spot zoning is discouraged, but if ever there were a reason to support such, citing of housing for sexually violent predators would certainly be a candidate. Thank you for the opportunity to comment.</p>	
82	David Grellier	5/14/2019 Planning Commission Public Hearing	<p>Summary of Public Testimony</p> <ul style="list-style-type: none"> • Lives near a piece of property that is zoned commercial. • Concerned that the regulations are limited by state law and encourages the County to identify creative solutions, such as an overlay that would indicate where this use is appropriate instead of allowing them throughout a certain zone. • Siting facilities adjacent to residential properties is concerning and feels that the City of Bremerton’s approach is the right one but knows that it may not be consistent with state law. • Economic impacts must be considered and does not feel it has been addressed. What will this do to the value of my house? • The Wheton Way corridor was historically zoned multi-family residential and rezoned to high-intensity commercially. 	<p>Thank you for your comment. Please see staff response #4 which discusses your concerns with locating facilities near residential neighborhoods and the associated economic impacts.</p>



			<ul style="list-style-type: none">• Does not feel a high-risk secured facility is compatible with a commercial zone.• The new application process should require the applicant to demonstrate how the proposed site is compatible with the surrounding land uses and why it is not going to impose negative impacts.	
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RECEIVED

APR 22 2019

KITSAP COUNTY
COMMUNITY DEVELOPMENT

Department of Community Development
Planning and Environmental Programs
614 Division Street – MS36
Port Orchard, WA. 98366-4682

17 April, 2019

Dear Kitsap County Board of County Commissioners,

This letter is to make you aware of our opposition to the proposed new county interim regulations concerning the housing of Level III sex offenders close to our neighborhoods and schools. Our position is that these interim regulations, if approved, would seriously impact Peace Lutheran Church and School, our local community, and neighborhood.

Peace Lutheran School is composed of Pre-School through Eighth grade, and a Day Care Facility, with a combined enrollment of 200 students. We routinely have our students participate in supervised outdoor activities during school hours, as well as after school hours for sports activities and after school care. The Day care facility is also open until well into the afternoon/evening hours. We also have a small number of students who walk to the school from the local neighborhoods.

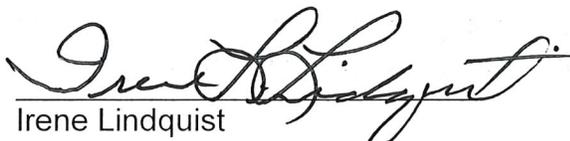
Peace Lutheran Church and School additionally has a youth group, several community youth programs, and young adult sports clubs that use our facilities during after school hours and weekends. Many sporting events, church functions and meetings are also scheduled during the late afternoon and evening hours.

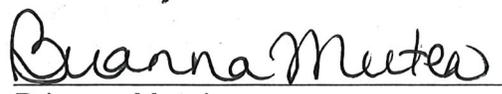
As you can see, our facilities are well used by all age groups during a large portion of the weekday and weekends. Exposing our children and young adults to this type of risk is unacceptable. We realize and applaud your efforts to see that these sex offenders get the help they need, but also protect and create a safe environment for the community, our neighborhoods, schools and churches. The congregation, staff, faculty and parents of Peace Lutheran Church and School, in the strongest manner possible, urge you to create regulations that would keep Level III sex offenders away from our neighborhoods, churches and schools. Thank you for your consideration in this matter.

Sincerely,


Darrell Davis
Congregational President


Sheri Juszczak
Principal


Irene Lindquist
Chair, Board of Christian Education


Brianna Mutek
President, Parent Teacher League